

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 26th October, 2006

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1998/99.

The Report of the Public Accounts Committee on the Government of Kenya Accounts for the year ended 1999/2000.

*(By Mr. Omingo)*

### NOTICES OF MOTIONS

#### ADOPTION OF THE 1998/99 PAC REPORT

**Mr. Omingo:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1998/99 laid on the Table of the House on 26th October, 2006.

#### ADOPTION OF THE 1999/2000 PAC REPORT

**Mr. Omingo:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1999/2000 laid on the Table of the House on 26th October, 2006.

### ORAL ANSWERS TO QUESTIONS

*Question No.571*

#### NUMBER OF IFAD-FUNDED PROJECTS IN NDHIWA CONSTITUENCY

**Mr. Ojode** asked the Minister for Planning and National Development whether he

could give a detailed breakdown on expenditure on projects funded by IFAD in Ndhiwa Constituency, giving their names and location.

**The Assistant Minister for Planning and National Development** (Mr. Serut): Mr. Speaker, Sir, I beg to reply.

The Southern Nyanza Community Development Project sponsored by the Government of Kenya, IFAD and the local communities has funded the following projects in Ndhiwa Constituency in Homa Bay District. The project has invested Kshs13,891,021 in Kobama Division. The breakdown of the project implementation is for detailed as follows: Divisional office at Kobama Divisional Headquarters, Kshs1,250,000; it is completed. Community empowerment in Kasirime, Kshs1,495,939. Various projects under agriculture and livestock in Kasirime Location total Kshs1,666,653.50.

Some of these projects are at various stages of completion. There are also three other projects under the component of health in the same location of Kasirime which are complete, and which have cost IFAD Kshs893,000. The last ones are domestic water component projects in the same Kasirime Location which are incomplete and are under use, totalling Kshs3,829,500. These include 10 motorcycles and 13 bicycles. Mobilisation took Kshs2,954,407.50.

**Mr. Ojode:** Mr. Speaker, Sir, it is quite sad to get such an answer from the Assistant Minister. The truth is that only two projects were done and completed. IFAD has only sank two boreholes in my constituency; that is, in Nyakoyo and Nyandemra. The projects that the Assistant Minister is alleging to have been done are not in my constituency. Maybe they were done in Mt. Elgon. It is also very sad that 90 per cent of the money which was supposed to be community-driven is used on seminars which are held in Webuye, which is in Western Province. Why should we have---

**Mr. Speaker:** Order! It is very good to be agitated, but within the rules. Just ask your question. You are making a speech.

**Mr. Ojode:** Mr. Speaker, Sir, IFAD has only completed two projects in my constituency. These are two boreholes which have been sunk. No other projects have been done. Are these other projects which the Assistant Minister has just read in Mt. Elgon or Ndhiwa Constituency?

**Mr. Serut:** Mr. Speaker, Sir, first and foremost, I want to disagree with the hon. Member when he says that most of the money has been spent in boardrooms for purposes of capacity building. What has been spent on capacity building is about 10.7 per cent. That is Kshs1,495,939 out of a total---

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Ojode! When you ask a question, you must be patient enough to hear the answer. You may not like the answer, but you cannot dictate to the Assistant Minister what to say.

**Mr. Ojode:** What if it is a misleading answer?

**Mr. Speaker:** Even if it is misleading, you know what to do. If you are not satisfied with it, proceed under Standing Order No.18.

Proceed!

**Mr. Serut:** Thank you, Speaker, Sir, for saving me from the Questioner. Several projects have been completed. Under the health component, purchase of essential drug kits for Kasirime Location is complete, and it took IFAD Kshs210,000. Outreach services for Kasirime Location cost Kshs483,000 to complete. Sanitation, moulds and construction of slab yards---

**Mr. Speaker:** How long is your list?

**Mr. Serut:** It is not very long, Mr. Speaker, Sir.

**Mr. Speaker:** If it is long, you had better table it because we have other Questions.

**Mr. Ojode:** *Haki ya Mungu*, Mr. Speaker, Sir, there has never been any project undertaken in my constituency!

**Mr. Speaker:** Order! Mr. Ojode, you are at liberty to swear but not in the House; not unless I am the one administering that oath. I have not allowed you to swear. It is a false oath.

**Mr. Ojode:** Mr. Speaker, Sir, I would like to seek the indulgence of the Chair to help me. It is true that there is no single project which has been started and completed in Ndhiwa Constituency. There are only two projects which are complete, which are Nyakoyo Water Borehole and Nyandemra Water Borehole. They have put the rest of the money in seminars in Webuye. Webuye is in Western Province; it is not even in Nyanza Province.

**Mr. Speaker:** Mr. Serut, are those projects actually on site in Ndhiwa?

**Mr. Serut:** Mr. Speaker, Sir, according to records in my Ministry, these projects are there. Since I can see that the hon. Member is agitated with the answer, I beg the indulgence of the House so that we can visit Ndhiwa and confirm whether these projects really exist.

**Mr. Speaker:** That is very wise. I will grant that and I defer the Question.

*(Question deferred)*

**Mr. Mwandawiro:** Jambo la nidhamu, Bw. Spika. Imekuwa kawaida kwa Mawaziri kuja hapa na kusoma majibu ambayo yameandikwa na maofisa wa Serikali bila ya kuhakikisha kama ni ya kweli. Hata pesa nyingi za umma zimepotelea Wundanyi. Wakati Wabunge wanapowaeleza Mawaziri kuwa miradi hii haipo, wanabishana, ni kama wameiona. Bunge hili litasaidiaje kulinda hela za umma ambazo zinapotea namna hiyo?

**Mr. Speaker:** Ninavyoona, umechelewa kwa sababu Waziri Msaidizi ameomba niahirishe Swali hili ili aende ahakikishe ya kwamba lile jibu aliloandikiwa ni la kweli. Nimeshampatia ruhusa kufanya hivyo. Wewe ungesimama kumpongeza Waziri Msaidizi.

**Capt. Nakitare:** On a point of order, Mr. Speaker, Sir. The Assistant Minister has given a cosmetic answer to this House! When will he bring the evidence?

*(Applause)*

**Mr. Speaker:** Order, hon. Members! I have deferred the Question. Hon. Members, you had better listen so that you do not fall into the same trap. What the Member of Parliament for Saboti wishes to do to Mr. Speaker is to reduce the functions of the Speaker to that of clerkship. It is the Clerk who will put the Question on the Order Paper. That is called "clerkship" and the function is called "clerical"!

*(Laughter)*

**Mr. Kombe:** On a point of order, Mr. Speaker, Sir. When did Mr. Balala become the Leader of Government Business?

**Mr. Speaker:** I have not listened to the radio today!

*(Laughter)*

*Question No.578*

**Mr. Speaker:** Is Mr. J.M. Mutiso not here? He is not here! His Question is dropped!

*(Question dropped)*

*Question No.200*

HARDSHIP ALLOWANCE FOR TEACHERS IN  
TIGANIA EAST CONSTITUENCY

**Mr. Speaker:** I understand that the Member of Parliament for Tigania East and the Minister have consented that I defer this Question! Mr. Munya, have you agreed with the Minister that I defer this Question?

**Mr. Munya:** We have, Mr. Speaker, Sir.

**Mr. Speaker:** To next week, the same time?

**Mr. Munya:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** It is all right! I defer the Question to Thursday next week!

*(Question deferred)*

Next Question by Mr. Masanya!

*Question No.267*

NUMBER OF SECONDARY SCHOOLS  
IN NYAMIRA DISTRICT

**Mr. Masanya** asked the Minister for Education:-

- (a) how many secondary schools by constituency there are in Nyamira District; and,
- (b) how many students from the area were admitted to public universities during the year 2003/2004.

**The Assistant Minister for Education (Dr. Mwiria):** Mr. Speaker, Sir, I beg to reply.

(a) The number of public secondary schools per constituency in Nyamira District are: West Mugirango - 45; North Mugirango - 51, and Kitutu Masaba - 52.

(b) A total of 284 students from Nyamira District were admitted to our public universities in the academic year 2003/2004.

**Mr. Masanya:** Thank you, Mr. Speaker, Sir. You have heard the figures the Assistant Minister has given this House. He has given the number of secondary schools in the district and the number of students who were admitted to public universities in the 2003/2004 academic year. An average of two students from every schools were admitted to public universities. Is the Assistant Minister satisfied with the performance of the 148 schools? What is the reason for the poor performance?

**Dr. Mwiria:** Mr. Speaker, Sir, obviously, this is one of the indications of the extent to which the admission to public universities is skewed in favour of the more established secondary schools. Many district schools suffer in terms of the number of students who make it to public universities. This is a national problem. They are lucky if many of those schools send any candidate to public universities. That is why we should have more institutions. We should also have a programme in place to ensure that students from smaller schools get an opportunity to join public

universities. Right now, those schools are terribly disadvantaged. We appreciate that there is a problem until we do much more in terms of expanding the opportunities.

**Mr. Speaker:** Yes, the Member of Parliament for Ndia!

**Mr. Karaba:** Mr. Speaker, Sir, I am not the Member of Parliament for Ndia but Kerugoya-Kutus. Ndia is different! However, you will note that the university cut-off point is very frustrating. Could the Assistant assure us that in future, we will have more students being admitted to public universities so that even teachers can be motivated to teach? This is because the current cut-off point of B+ and above is very frustrating.

**Dr. Mwiria:** Mr. Speaker, Sir, I have said that this is a very serious problem. We are doing whatever we can to expand university opportunities. We have already allowed some institutions to be constituent colleges. The solution to this problem is to build more institutions. We need resources to do a major master plan for higher education in this country, to ensure that students from disadvantaged social backgrounds do not lose out on university opportunities. There is a problem which we have to deal with as a country.

**Mr. Masanya:** Mr. Speaker, Sir, it is obvious that there is something wrong with that performance. Could the Assistant Minister tell us what is being done to improve the performance of the students?

**Dr. Mwiria:** Mr. Speaker, Sir, as a Ministry, we take certain measures with regard to specific inputs, especially the teachers. We have made every effort to ensure that all the schools that are supported by the Government have adequate teachers. Secondly, another cause of poor performance is the management of the institutions. We urge hon. Members to ensure that secondary schools are managed by qualified head teachers and not by those that are well-connected to politicians. In Kisii, they insist on religious affiliation. This is the case with the Catholics. They insist that a principal of a secondary school has to be a Catholic, [Dr. Mwiria] irrespective of whether he or she is qualified or not. Those religious connotations and political affiliations are matters that we ask leaders to bear with us so that we can have the best principals to run secondary schools, irrespective of other non-merit-related qualifications.

*Question No.584*

LICENSING OF SECOND PYRETHRUM  
PRODUCTS DEALER

**Mr. Mukiri** asked the Minister for Agriculture if he could inform the House whether the Government intends to license another entity, in addition to Pyrethrum Board of Kenya, to deal in pyrethrum products.

**The Minister for Agriculture** (Mr. Kirwa): Mr. Speaker, Sir, I beg to reply.

The Government will allow other entrants into the pyrethrum industry once the Pyrethrum Bill 2006 is enacted.

**Mr. Mukiri:** Mr. Speaker, Sir, that answer is very short. However, there is a company called "Midlands" whose directors have appeared both in the print and electronic media. They have said that the Minister has given them a licence to process pyrethrum products. Could the Minister confirm that his Ministry has no deals with this company?

**Mr. Kirwa:** Mr. Speaker, Sir, what is obtaining in the law is very clear. Under Section 16 of Cap.340, the Minister can only vary the position by giving a licence or a letter to a company for *bona fide*, experimental or research operations. So, if there is any company that deals outside the parameters of the law, I will be quick to withdraw the licence.

**Mr. Mukiri:** On a point of order, Mr. Speaker, Sir. The Minister has not answered my

question. I have asked him whether his office has dealt with the company called "Midlands" by issuing it with a licence? Has he allowed the company to process or deal with pyrethrum products?

**Mr. Kirwa:** Mr. Speaker, Sir, I gave a letter to that company to do the specific aspects as provided for in the law.

**Mr. Cheboi:** Mr. Speaker, Sir, could the Minister also confirm that the law notwithstanding, he will not issue any licence to any other company until all the amounts of over Kshs500 million owing to farmers are paid?

**Mr. Kirwa:** Mr. Speaker, Sir, there is no licence to be issued.

**Capt. Nakitare:** Thank you, Mr. Speaker, Sir. Could the Minister cancel the letter that he may have written to the company that is "mushrooming" to process pyrethrum since the Pyrethrum Board of Kenya is under financial problems?

**Mr. Kirwa:** Mr. Speaker, Sir, once the reasons are presented to me.

**Mr. Mukiri:** Mr. Speaker, Sir, you can see that the Minister is being very brief purposely because he knows that he has issued a licence to a company called "Midlands". Maybe, the Minister may not have been aware that once he issued the company the licence for research purposes, it wrote proposals to donors to start a processing factory in Nyandarua. The management of the company has held meetings and told the farmers that nobody else will deal with pyrethrum in Central Province except them, since they were given the letter. Will the Minister cancel that letter? The Government promised that it will invest about Kshs1.2 billion in the pyrethrum industry. Is that amount of money not the one that is being directed to that company?

**Mr. Kirwa:** Mr. Speaker, Sir, I am not aware of any money being allocated to that company. However, I will write a letter to that company to tell it to specifically deal with the issues as provided for in the law.

**Mr. Speaker:** The Question by the Member of Parliament for Ijara, by consent, is deferred!

*Question No.583*

DELAY IN ISSUANCE OF PASSPORTS

*(Question deferred)*

Next Question by Mr. Wamunyinyi!

**Mr. Wamunyinyi:** Thank you, Mr. Speaker, Sir. Although I have not received a copy of the written answer, I beg to ask Question No.598.

*Question No.598*

MISMANAGEMENT OF NZOIA  
WATER SERVICES COMPANY

**Mr. Wamunyinyi** asked the Minister for Water and Irrigation:-

(a) how much money has been spent on administrative functions at the Nzoia Water Services Company since its inception;

(b) how much loss has been incurred at the company during the financial year 2005/2006;

(c) whether he is aware that there is rampant corruption and mismanagement at the company, which has led to persistent water shortage; and,

(d) what the Ministry is doing to alleviate the water problem being

experienced by residents of Bungoma.

**The Assistant Minister for Water and Irrigation** (Maj. Sugow): Mr. Speaker, Sir, I beg to reply.

(a) Nzoia Water and Sanitation Company, which covers the cluster of four towns of Kitale, Bungoma, Webuye and Kimilili commenced operations in March, 2005. The company, like any other company in the water sector, has experienced high operations and administrative costs, mainly because it inherited a dilapidated water supply infrastructure. The company has spent Kshs28.7 million in the 2005/2006 Financial Year on administration and overheads, payroll, pension contribution and directors' fees.

(b) The Nzoia Water and Sanitation Company incurred a loss of Kshs14.5 million during the 2005/2006 Financial Year. This loss can be attributed to high operation costs of the dilapidated infrastructure and low water sales caused by low level of metering.

(c) I am not aware of any rampant corruption and mismanagement at the company. However, I am aware of one case of allegation of misappropriation of Kshs1.1 million by the former Managing Director and Commercial Manager who were dismissed by the Board of Directors. The duo have since been taken to court and the matter has not been determined. The current management of the company has since improved the service delivery.

(d) The Ministry, through Lake Victoria North Water Services Board, is implementing emergency rehabilitation measures, which include replacement of three kilometres of high plastic pipes with steel pipes, and installation of new pumping equipment and standby units at both the raw water and treated water pumping stations.

**Mr. Wamunyinyi:** Mr. Speaker, Sir, in his answer, the Assistant Minister has not stated exactly what the problem is and what they are doing to tackle it. Reforms initiated in the water sector were intended to improve the supply of clean water to the people. This has not been the case, because the pipes in Bungoma will hardly have water for five minutes in one day. When such a company fails to ensure that people get water, just as Nzoia Water Company has failed, what action does the Ministry take to ensure that the situation is reversed?

**Maj. Sugow:** Mr. Speaker, Sir, the company has not been in operation long enough for the Ministry to conclude that it has failed. It was launched in 2005, together with Lake Victoria South Water Services Board. The company is trying its best, considering the conditions of the infrastructure that was in place when it was started. However, the Ministry, through Lake Victoria Waters Services Board, is implementing emergency measures, which have since improved service delivery.

Currently, we are going to carry out the following measures: Replacement of three kilometres of Matisi-Mabanga UPVC main line with steel pipes of 280 millimetre diameter; installation of new pumping equipment at both raw and treated water pumping stations; installation of standby units, and rehabilitation of pumping equipment at Webuye and Kitale stations.

As I had earlier indicated, this project covers a large area. The company also covers a large area. The infrastructure was in very bad shape as at the time we launched this particular company. The company is trying its best, and the Ministry is satisfied with the progress being made so far.

**Capt. Nakitare:** Mr. Speaker, Sir, this Question involves Trans Nzoia District, which is the source of the water that flows into Lake Victoria. I would like to know from the Assistant Minister why water has to be pumped from downhill upwards, instead of tapping water from the source, by gravitation, to save the common man from spending money to buy fuel. What steps is he going to take to reverse the situation from use of fuel to natural flow?

**Maj. Sugow:** Mr. Speaker, Sir, that is a technical question. However, that suggestion by the hon. Member is good. We will look into it.

**Mr. Wamunyinyi:** Mr. Speaker, Sir, in his answer to part "b" of the Question, the Assistant Minister attributes the loss of Kshs14 million incurred to high operating costs arising from dilapidated infrastructure. I know that the management, led by the Board's Chairman, has

been involved in dubious activities. In fact, the Chairman is involved in a lot of other campaigns, other than ensuring that people get water. He is the one responsible for the losses incurred. Those costs must be attributed to the Board's Chairman. In view of the huge losses incurred by this Board, could the Assistant Minister consider dissolving it, so that a new Board can be put in place to ensure that people get water, and that no money is lost?

**Maj. Sugow:** Mr. Speaker, Sir, in the first place, the loss was incurred by the previous management. There had been mismanagement, and action has since been taken by the Board. However, some of the contributing factors for the loss include dilapidated infrastructure, leading to water losses in the water transmission system, and low level of metering of existing consumer connections, leading to high unaccounted for water, thus low water sales. Furthermore, the total number of active connections is 8,800, out of which 3,101 are metered and 5,699 are unmetered. They are, therefore, paying a standard amount of money. The Ministry is not aware of any mismanagement by the current Board or management. If there is anything the hon. Member is not very happy about, and he is aware of some malpractice by the Board, there are ways of reporting such matters.

**Mr. Speaker:** Next Question, Mr. Owino!

*Question No.500*

NUMBER OF KENYANS EMPLOYED  
IN ALL SECTORS

**Mr. Owino** asked the Minister for Labour and Human Resource Development:-

(a) whether he could table a list of the number of Kenyans employed in all the sectors from 1st July, 2004 to date; and,

(b) if the figures in part "a" above include civil servants, whether the Government has reneged on the requirement by development partners to reduce the size of the Civil Service.

**The Assistant Minister for Labour and Human Resource Development** (Ms. Mwau):  
Mr. Speaker, Sir, I beg to reply.

(a) During the period 2004-2006, a total of 933,330 persons have been employed in different sectors of the economy. The source of this information is the Economic Survey of 2006. Of those, a total of 80,900 were employed in the formal modern sector, while 852,400 were employed in the informal sector. Among the 80,900 persons employed in the formal modern sector are 13,172 civil servants employed between 1st July, 2004 and 30th June, 2006, in various Government Ministries.

(b) By recruiting 13,172 civil servants, the Government has not gone back on its commitment to undertake measures in the Civil Service aimed at attaining a lean, effective and well paid workforce, which has included voluntary and early retirement and abolition of certain jobs or offices. The recruitment has not increased the number of civil servants, but was being done to replace critical service positions and those who have left the service through retirement or natural attrition.

**Mr. Owino:** Mr. Speaker, Sir, I wanted the list of employed people tabled sector by sector, as per part "a" of the Question, which the Assistant Minister has not done. Be that as it may, almost 99 per cent of the employed are in the informal sector. My understanding is that these include shoe-shiners, *jua kali* artisans and others. Those in the informal sector, whenever you approach them, want you to give them better employment. Does the Assistant Minister know that those in the informal sector do not believe that they are employed?



*(Loud consultations)*

**Ms. Mwau:** Mr. Speaker, Sir, could the hon. Member repeat the question? May I request that hon. Members consult quietly so that I can hear the question?

**Mr. Speaker:** Order! Order! Hon. Members, the Assistant Minister is asking you to give her audience. She cannot hear what is being asked of her. Even mobile phones are ringing. What is going on? Could you, please, repeat the question, Mr. Owino?

**Mr. Owino:** Mr. Speaker, Sir, I had asked her a simple question. She was supposed to table a list of those employed, sector by sector. I hope she is going to do so. My question is: Whenever you meet those employed in the informal sector, when you go to repair your car or buy a *sufuria* from a *jua kali* artisan, they ask you if you can get them better employment. Does the Assistant Minister know that those employed in the informal sector believe that they are not employed?

**Ms. Mwau:** Mr. Speaker, Sir, it is not a question of believing that they are actually employed, but rather that of starting to change our attitude towards work. Since 74 per cent of the jobs that have been created in this country are in the informal sector, it is time we started educating our people to appreciate the fact that those working in the informal sector as artisans are, indeed, employed.

**Mr. Mwandawiro:** Bw. Spika, ningetaka kujua kama Serikali inazingatia masharti ya wafadhili ya kuwafuta wafanyakazi. Je, sera za Serikali juu ya wafanyakazi ni zile za wafadhili? Hii ndio maana Serikali inapunguza idadi ya wafanyakazi kila siku.

**Ms. Mwau:** Mr. Speaker, Sir, as I have mentioned, the Government is still committed to having a lean, well-paid and effective Civil Service. This does not mean that we are being pushed by the World Bank and the International Monetary Fund (IMF) to have a lean Civil Service. We need to do that, so that we can have well-paid civil servants.

**Mr. Owino:** Mr. Speaker, Sir, the Youth Development Survey indicates that only 25 per cent of the Kenyan youths can be employed per year. The Government promised to create 500,000 jobs per year and only 25 per cent of those jobs can be created. This means that the figures that the Assistant Minister has given us are not correct. Could she confirm or deny that?

*(Loud consultations)*

**Ms. Mwau:** Mr. Speaker, Sir, I again did not hear the question. I am trying to listen, but I cannot hear because there is a lot of noise in the House.

**Mr. Speaker:** Order, hon. Members! Do I suspend the sitting of the House to enable hon. Members to talk to one another, and for how long? Will you, please, give the House the chance to transact business?

Mr. Owino, please, repeat your question?

**Mr. Owino:** Mr. Speaker, Sir, according to the youth policy for development, only 25 per cent of about 500,000 youths can be employed per year. If, according to the survey, about 1 million Kenyan youths have been employed in the last three years, then it means that the figures that the Assistant Minister has given us here are "cooked". If you calculate this, it will not add up to that figure. Could she confirm or deny that?

**Ms. Mwau:** Mr. Speaker, Sir, the sources of my information are the Office of the President, the Directorate of Personnel Management and the Economic Survey. This is a very well-thought and documented piece information. The number of the people who have been employed are more than the youths.

It is a pity that we do not have aggregated figures in terms of age, gender and disability. Soon, we are going to put that in place, so that once the Presidential decree is implemented, we will be able to see how many youths, women and disabled people will be employed. That is yet to happen.

*Question No.188*COMPENSATION FOR FORMER OWNERS  
OF RAILWAYS LAND

**Mr. Speaker:** Mr. Mbau is absent.

**The Assistant Minister for Transport** (Mr. Githae): On a point of order, Mr. Speaker, Sir. Whenever Ministers are not in the House to answer Questions, they are normally castigated. Now we have a case where an hon. Member is not here to ask his Question. Can we also castigate him or what should we do to him?

**Mr. Speaker:** Would you like to invite me to do so?

**The Assistant Minister for Transport** (Mr. Githae): Yes, Mr. Speaker, Sir. We would also like him to be reported to his employer.

**Mr. Speaker:** Very well! I hereby do report that the hon. Member is absent and I am very unhappy about his absence.

*(Question dropped)*

**COMMUNICATION FROM THE CHAIR**NOMINATION OF MEMBERS TO THE EAST  
AFRICAN LEGISLATIVE ASSEMBLY

**Mr. Speaker:** Order, hon. Members! If I recall, there are hon. Members who are likely to raise queries. In fact, there are some hon. Members who want to seek Ministerial Statements. However, I want to bring to the attention of the House the fact that later on, today, at 5.00 o'clock, I will expect the Leader of Government Business to table before this House the names of nominees to the East African Legislative Assembly. We cannot do this now because there are certain technicalities that have to be verified by my officers to ensure that all the necessary qualifications are met. Therefore, at 5.00 o'clock, that must be done.

**POINTS OF ORDER**

## FLOODS IN MOYALE DISTRICT

**Mr. W. Galgalo:** Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Special Programmes.

Rain is a blessing, but it can be a disaster sometimes. For the last two weeks, it has been raining in Moyale District and this has caused a lot of suffering to the residents of Moyale District. As I speak, over 1,200 people have been left homeless because of the rains. The Moyale-Nairobi Road, which links the northern region to the rest of Kenya, is totally impassable. We have not got any assistance in regard to this problem. A lot of livestock, namely, camels, goats and cattle have been swept away by the floods. Several dams; for example, one in Yabalo Village and another one in Helu Location, have burst their banks and have swept away several homesteads.

The road leading to Dabel, Godoma and Sololo Town is totally impassable and the people are in a lot of problems. The other danger is in a village called Bori, where a river burst its banks and is about to sweep away the only available borehole in that village. I would like the Minister of State for Special Programmes to issue a Ministerial Statement to tell us what kind of emergency

plan and support he has to help the people of Moyale out of this suffering.

Thank you, Mr. Speaker, Sir.

*(Applause)*

#### INSECURITY IN KAHAWA WEST

**Mr. Omondi:** Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement---

*(Loud consultations)*

**Mr. Speaker:** Order! Order! Order! Order! Quite frankly, it is not necessary for me to call this House to order to listen to what is going on. I do not think I should do this. I plead with all of you, please, leave all the talking outside the House and give your colleague an ear!

Proceed, Mr. Omondi!

**Mr. Omondi:** Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Administration and National Security regarding the security situation prevailing in Kahawa West.

**Mr. Speaker:** In the House?

**Mr. Omondi:** No, in Kahawa West! On Monday, 23rd October, 2006, a group of people ambushed one man, shot him dead and they did not steal a single item from him. The following day, on Tuesday, 24th October, 2006, a gang which seems to be the same gang, ambushed another person, shot him dead and, once again, they did not steal a single item from him. Kiamumbi Police Station is less than 250 metres from that scene, while Kamuthi is situated hardly a kilometre from that scene of crime. Therefore, I assume that a process of elimination has probably started there. If that is the case, I want to seek a Ministerial Statement from the Minister of State for Administration and National Security.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Ojode, I think you are the last one seeking a Ministerial Statement.

Proceed!

#### SACKING OF STRIKING UNIVERSITY LECTURERS

**Mr. Ojode:** Thank you, Mr. Speaker, Sir. I also rise to seek a Ministerial Statement from the Minister for Education. Yesterday, the Assistant Minister---

*(Dr. Mwiria consulted loudly)*

**Mr. Speaker:** I hope Dr. Mwiria is listening to this!

**The Assistant Minister for Education (Dr. Mwiria):** I am listening to him, Mr. Speaker, Sir.

**Mr. Speaker:** You are not! So, please, listen to Mr. Ojode!

Proceed, Mr. Ojode!

**Mr. Ojode:** Mr. Speaker, Sir, yesterday, the Assistant Minister assured this House that they are aware of the striking lecturers and that they were taking steps to dialogue with them. He also confirmed to this House that the Ministry was actually encouraging dialogue and that they had

commenced on the dialogue. He also assured the House that nobody will be fired. Those were his own words. Could the Assistant Minister clarify why the Ministry has contradicted itself by allowing some of the lecturers to be fired? Could he also confirm that the lecturers will be reinstated immediately? Could he also confirm that the Ministry will genuinely engage in dialogue with a view to arriving at an amicable solution?

Mr. Speaker, Sir, it is a sad affair that as I was coming from Ndhiwa, I met several students from the University of Nairobi and they confirmed to me that they are not learning because of the strike. Could the Assistant Minister, together with the acting Minister tell this House why they are contradicting their statement? They should reinstate those people immediately! *Pumbavu!*

Thank you, Mr. Speaker, Sir.

**Mr. Nyagudi:** On a point of order, Mr. Speaker, Sir. Did you hear hon. Ojode say "*pumbavu*"?

**Mr. Speaker:** Order, Mr. Ojode! Did you say that?

**Mr. Ojode:** Mr. Speaker, Sir, if the Chair did not hear me, how could he hear? I did not say it!

*(Laughter)*

**Mr. Speaker:** Order! Every hon. Member here is the eyes and ears of the Chair. So, I have heard, through Mr. Nyagudi, who is seated next to you. Will you now withdraw and apologize?

**Mr. Ojode:** But, Mr. Speaker, Sir, it is a word which is even used by the highest office. So, there is nothing wrong with using it.

*(Laughter)*

**Mr. Speaker:** Order!

**Mr. Ojode:** I wish to withdraw and apologize.

**Capt. Nakitare:** Jambo la nidhamu, Bw. Spika. Inaonekana kuwa mtoto umleavyo ndivyo akuavyo, na hivyo ndivyo Bw. Ojode alivyo. Je, hiyo ni kweli au anafanya mzaha katika Nyumba hii?

**Mr. Speaker:** Ni nani aliyemlea Bw. Ojode?

**Hon. Members:** Mheshimiwa Raila ndiye aliyemlea!

*(Laughter)*

**Mr. Balala:** Jambo la nidhamu, Bw. Spika. Je, ni sawa kwa Capt. Nakitare kuzungumza Kiswahili na kusema kuwa Bunge hili ni "*chumba*"? Je, hicho ni Kiswahili? Je, hii lugha yake imetoka wapi?

**Mr. Speaker:** Order, hon. Members! Bw. Balala, unafahamu mahali ambapo Capt. Nakitare ametoka?

*(Laughter)*

Naomba uendelee!

**The Minister for Trade and Industry (Dr. Kituyi):** Jambo la nidhamu, Bw. Spika. Angalau umesema kwamba tunafahamu kule ambako Capt. Nakitare anatoka, ukifanya uchunguzi kikamilifu, utapata kuwa hata kule Capt. Nakitare anatoka, msamiati umeenea!

(Applause)

**Mr. Speaker:** Naomba tumalize mambo haya sasa. I did not even understand what you said! Je, wewe ulizungumza Kiswahili ama Kiarabu?

**The Minister for Trade and Industry** (Dr. Kituyi): Bw. Spika, nilikuwa nikijaribu kusema kwamba haiwezi ikanukuliwa kwamba kule ambako Capt. Nakitare anatoka, hawafahamu Kiswahili. Pengine yeye binafsi hafahamu Kiswahili, lakini sio kule anakotoka!

**Mr. Speaker:** Ndio, lakini nilisema kuwa anatoka mbali na Mkoa wa Pwani!

(Laughter)

**Capt. Nakitare:** Jambo la nidhamu, Bw. Spika.

**Mr. Speaker:** Naomba uketi chini! Ni nini Capt. Nakitare?

**Capt. Nakitare:** Bw. Spika, mimi nilisomea Ribe, halafu nikasomea Shimo la Tewa na ninajua Kiswahili sanifu hata kumshinda Bw. Balala!

(Applause)

(

**Mr. Speaker:** Order, hon. Members! Nampongeza Capt. Nakitare kwa sababu alisomea shule ambayo hata nami nilisomea. Bila shaka, ilikuwa shule maarufu sana.

(Applause)

**The Assistant Minister for Education** (Dr. Mwiria): Mr. Speaker, Sir, do you encourage me to respond to queries by hon. Members of that kind of irresponsible behaviour?

**Mr. Speaker:** Sasa nani alikufanya kuwa *prefect*?

**The Assistant Minister for Education** (Dr. Mwiria): *Pole sana!*

**Mr. Speaker:** Order! Who appointed you to be the general prefect of this House?

**The Assistant Minister for Education** (Dr. Mwiria): Mr. Speaker, Sir, I apologize since I have not been appointed prefect, but I was just very worried about the hon. Member, who is asking for a Ministerial Statement about discipline, and yet he does not exhibit that discipline himself. Nevertheless, we will give that Ministerial Statement on Tuesday next week.

**Mr. Speaker:** Order! Dr. Mwiria, are you, by any chance, suggesting that I am unable to discharge my responsibilities?

**The Assistant Minister for Education** (Dr. Mwiria): Actually not, Mr. Speaker, Sir, because you did it very well. The hon. Member did apologise and that is why I said I will give a Ministerial Statement next week because we need to consider various facts. For sure, we are encouraging dialogue. But let us remember that most of these lecturers are also employed by university councils. So, we need to consult a little bit, so that we can give an answer that does not appear contradictory in terms of what has been said.

**Mr. Speaker:** Very well! Let this matter not be lost in the clouds of all this. It is a matter in which we, as a House, are all very much interested, I believe. So, let us, as a House, keep that responsibility to the nation.

Dr. Mwiria, please, issue the Statement on Tuesday, next week! There are two other hon. Members who requested for Ministerial Statements. Is Mr. Kingi here?

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Speaker, Sir, I will respond to that!

**Mr. Speaker:** Ms. Karua, please, respond to the requests by the Member of Parliament for Moyale Constituency and the Member of Parliament for Kasarani Constituency.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Speaker, Sir, may I undertake, on behalf of the Office of the President, that we will respond to requests by hon. Members on Thursday, next week?

**Mr. Speaker:** Very well! Thank you! Your Excellency the Vice-President and Minister for Home Affairs, I had made a Communication earlier before you came in; that due to some technical issues involving the nomination of Members to the East African Legislative Assembly, I will expect that nomination to be done by 5.00 p.m.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Please, make it 5.30 p.m!

**Mr. Speaker:** Okay! Yes, Dr. Mwiria!

**The Assistant Minister for Education** (Dr. Mwiria): Mr. Speaker, Sir, I just realised that if I give the Ministerial Statement on Thursday, next week, it will be a good idea because tempers may already have cooled down and we may be talking in an environment that is much more conducive to the dialogue that we are talking about. Could I, therefore, be allowed to make the Statement on Thursday, next week?

**Mr. Speaker:** You know the Chair encourages the tempers to go down. It also encourages dialogue and conflict resolution in the most amicable way. So, I do concede!

Next Order!

## MOTION

### ADOPTION OF SESSIONAL PAPER NO.2 OF 2006 ON GENDER EQUALITY AND DEVELOPMENT

THAT, this House adopts Sessional Paper No.2 of 2006 on Gender Equality and Development laid on the Table of the House on Wednesday, 5th July, 2006.

*(The Assistant Minister for Gender,  
Sports, Culture and Social Services  
(Mrs. Chelaite) on 19.10.2006)*

*(Resumption of Debate interrupted  
on 19.10.2006)*

**Mr. Speaker:** There was nobody on the Floor? Is anybody interested to contribute? Yes, the Member of Parliament for Saboti Constituency!

**Capt. Nakitare:** Asante, Bw. Spika, kwa kuniruhusu kuchangia Hoja hii ambayo inahusu usawa wa jinsia na maendeleo. Wakati Serikali ilianza kuzingatia usawa wa jinsia, Wizara hii ilikuwa inawahudumia vijana na walemavu. Wakati huo, Wizara hii haikuzingatia mambo ya jinsia. Ilijihusisha sana na michezo na utamaduni. Hivi sasa, inajishughulisha sana na jinsia, michezo, utamaduni na huduma kwa jamii.

Hoja hii inapendekeza Wizara hii izingatie usawa wa jinsia na maendeleo. Hii ni kwa sababu historia ndio msingi maalum wa siku za usoni. Mwaka wa 1975, marehemu Rais mwanzilishi wa Taifa hili, alianzisha mradi wa walemavu. Miradi mingi ilianzishwa ili kuwasaidia walemavu. Hivi sasa tunafaa kutafuta njia zaidi za kuwasaidia walemavu hapa nchini.

Hoja hii inapendekeza vijana wa nchi hii wajimudu kimaisha. Mwaka wa 1976, Shirika la

Leba Ulimwenguni yaani, ILO, ilianza kuisaidia Wizara hii. Walemavu walinunuliwa cherehani na kufunzwa jinsi ya kujitegemea. Ijapokuwa usaidizi huo haukutekelezwa kikamilifu, ilikuwa ni ishara nzuri. Pesa nyingi zilizokusanywa hazikuweza kuwafaidi hawa watu. Juzi kulikuwa na Swali hapa Bungeni kuhusu matumizi ya pesa zilizokusanywa wakati wa utawala uliopita ili kuwasaidia walemavu. Pesa hizo zilitumiwa kununua nyumba. Je, nyumba hizo zinawafaidi walemavu kwa njia gani? Je, pesa hizo ziko wapi?

Pesa nyingi zinazotumika katika Wizara hii zinatoka kwa wafadhili. Kwa hivyo, tunafaa kuhakikisha kwamba pesa hizo zinatumiwa kwa njia nzuri ili ziweze kuhudumia hata vizazi vijavyo. Wizara hii inabeba mzigo mzito hapa nchini. Kuna idadi kubwa ya vijana nchini. Hivi majuzi kulikuwa na mradi wa kuhimiza upangaji wa uzazi. Wakenya hawataki kupanga uzazi. Wanazaa watoto wengi ili wawe na kura nyingi. Lakini kuwalisha watoto wengi wanaozaliwa ni shida kubwa. Wakati huu, Serikali imetoa elimu ya bure katika shule za msingi. Hao watoto watakapoanza kujiunga na shule za upili, watakuwa wengi sana. Hakutakuwa na shule wala waalimu. Idadi ya waalimu inapungua kwa sababu wengi wanakufa kutokana na maradhi mbali mbali, hasa Ukimwi.

Bw. Spika, ni lazima tuwe na mwongozo. Hili Bunge la sasa limejaa wasomi. Tunajua Wizara hii inashughulikia maslahi ya viwete, vijana, wasichana, wanaume, wazazi, michezo na utamaduni wa Kenya. Kwa hivyo, tutafanya nini ili tujimudu? Hilo ni suala ambalo ni lazima tuliangazie. Hatuna nafasi ya kuleta wataalamu kutoka nje waje watufundishe jinsi ya kuishi.

Wizara hii ni lazima itilie mkazo upangaji wa uzazi. Kila mtu awe na watoto ambao ataweza kuwatunza, ili tuhifadhi uchumi wetu. Waturkana wanazaa watoto wawili ama watatu na wanawalinda vyema. Ukienda Pwani, utapata mtu mmoja ana watoto 12 na ilhali, hana shamba! Chakula chake ni wali tu! Hapati kunde! Anategemea kunde kutoka bara.

Kuna wakati Wizara hii ilitangaza kwamba mtu akiwa na mtoto kiwete, asimfiche nyumbani; amlete huyo mtoto ahudumiwe, kwa sababu ni mwanadamu pia. Wengi waliletwa na sasa, tuna hata shule ya vipofu huko Thika. Jukumu hilo lilichukuliwa na dhehebu la Jeshi la Wokovu. Walizingatia kwamba kipofu pia ni mwanadamu. Walileta sera mpya kwamba kipofu anaweza kufundishwa na akasoma. Leo hii, kuna vipofu ambao ni wahadhiri wa vyo vyo vikuu na wana shahada sambamba na wale ambao wako na macho. Tunapaswa kuwapa hongera wamishenari ambao walileta huo utaratibu. Sisi tunakaa tu kama walinzi wa lango. Tunapokea tu! Je, tuna jukumu gani katika kulijenga hili taifa letu?

*[Mr. Speaker left the Chair]*

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

Bw. Naibu Spika wa Muda, hili taifa ni la watu wote. Tukiangazia mambo ya elimu na uchumi, watu ndio msingi wa taifa hili. Wanaweza kutupatia maisha bora katika siku zijazo. Wahenga walisema: "Mtoto umleavyo ndivyo akuavyo!" Wakati nilipofumba hilo fumbo kwa Bw. Ojode, Bunge liliyumbayumba kwa sababu wengi hawajui Kiswahili. Hata Bw. Balala, ambaye anatoka Pwani, Kiswahili chake ni chepe chepe! Hakuweza kufumbua fumbo nililofumba - mtoto umleavyo ndivyo akuavyo. Mtoto anatumizwa na wazazi wake na ikiwa hakutumizwa vizuri, tabia yake huwa mbovu. Wanasema elimu ya mtu huanzia nyumbani.

*(Loud consultations)*

**The Temporary Deputy Speaker (Mr. Poghisio):** Order! You are forcing the hon.

Member to raise his voice because of loud consultations! Could you, please, consult in low tones?

**Capt. Nakitare:** Asante sana, Bw. Naibu Spika wa Muda. Wanataka sisi tunaokaa viti vya nyuma tukaze shingo zetu ili twende huko mbele kuomba maji. Mtuwiye radhi tuseme tunayoyajua. Magurudumu ya nyuma ndiyo huendesha gari na wala sio ya mbele.

Bw. Naibu Spika wa Muda, Hoja hii ina maana sana kwa sababu inazingatia mambo yatakayokuja baadaye. Tutawezaje kufuata utamaduni, mambo ya jinsia na maendeleo ikiwa hatuna mpango? Mpango wowote Serikalini unaanza na Wizara inayohusika na utamaduni. Namuomba Waziri azingatie mambo hayo. Idara ya Vijana ilitoka kwa hiyo Wizara. Serikali haijasema ni kiwango gani cha pesa za vijana kitaenda kwa viwete na viziwi. Hawana bahati ya kuona mkihesabu pesa hizo. Hawana nguvu ya kwenda haraka ili wafike kwenye meza mnayogawania pesa. Kwa hivyo, Serikali izingatie hayo mambo kupitia kwa Wizara hii. Kuna watu ambao wanahusishwa na wasiojiweza.

Kwa hayo machache, naunga mkono.

**Ms. Ndung'u:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to support the adoption of Sessional Paper No.2 of 2006. It has been 21 years since women gathered here in Nairobi - in 1985 - to talk about the challenges facing women all over the world. The Nairobi Conference was, 10 years later, followed by the Beijing Conference. Tomorrow, we shall be meeting here in Nairobi to evaluate our successes since the first meeting which was held 21 years ago. The Minister, in producing this Sessional Paper---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! There are loud consultations. There is a group meeting inside the Chamber!

Order, Mr. Muiruri! You have a choice. You cannot consult that loudly!

Proceed!

**Ms. Ndung'u:** Mr. Temporary Deputy Speaker, Sir, I would have hoped the Minister would have audited our performance in terms of gender a little bit more analytically, across all Government institutions. I was very pleased to hear the President, in his speech, reaffirm and confirm that, from now on, one-third of the appointments in the Public Service will go to women. However, this document appears to be silent on the issues affecting gender in the institutions of Government, which include the Judiciary and Parliament.

Mr. Temporary Deputy Speaker, Sir, the role of Parliament is to legislate and effect Government policy. If it is the Government's position that there needs to be enhanced representation of women, it is something that this Parliament must take seriously. After the Referendum last year, it was incumbent upon this Parliament to get together and look at what we really needed to do with regard to issues affecting gender in the Constitution. There was a very important issue about women and citizenship, where women and men, as different genders, have different access to citizenship in this country. We also needed to look at the issue of representation of women in this august House. This Parliament needs to pull up its socks and start to dedicate some of its time towards legislation that will be directed at the challenges of gender-based violence. It is time that we brought an Act of Parliament to deal with domestic violence. It is time that we brought an Act of Parliament to deal with the issues of maternity, both at the workplace and even in public hospitals.

Mr. Temporary Deputy Speaker, Sir, we also need to take care of the benefits of those young men and women. As we take care of issues regarding women in the subject of gender, we should address the challenges that young men are facing. I am convinced that, in this country, masculinity is facing a crisis. The fact that we are encouraging women and girls to move away



from their traditional roles, we should also assist our younger men to identify their new roles in a modern society.

I would like the Minister, as he implements the policy in this Sessional Paper, to take a good look at the institution of Parliament. With regard to the Parliamentary Service Commission (PSC), we need to ask the institution to table a report in this House; a Bill on gender issues, which we need to talk about. For example, none of the Committees in this House have a woman chairperson. There is no woman who sits in the PSC, neither is there a woman who sits on the Chairman's Panel. Therefore, we cannot have a woman as a Temporary Deputy Speaker.

Parliament, being a Government institution, needs to have a sexual harassment policy which affects both hon. Members and staff. We need to make sure that we have a maternity policy that does not punish hon. Members who go on maternity leave, by depriving them of their allowances. The other issue which we would like to see the PSC communicating to us about is the hiring of women among the parliamentary staff. How are we hiring and at what ranks? How many women are we promoting and at what ranks? The issue of public service appointments also includes parliamentary appointments.

I have said before that the sitting arrangement in this House is not gender-friendly. There is frustration of women hon. Members when they have to leave their handbags at the door. I plead with the PSC and the Standing Orders Committee to ensure that the gender issues I have raised are considered during the revision of the Standing Orders, which is ongoing.

With those few remarks, I support the adoption of this Sessional Paper.

**The Assistant Minister for Education** (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support Sessional Paper No.2 of 2006, on Gender Equality and Development. I would like to congratulate the Minister for finally bringing this Sessional Paper, which you agree with me has taken rather long. When the Beijing Conference was held, we ratified the adoption of a platform of action in this House. It has taken almost six years to work on the Sessional Paper on the National Policy on Gender. However, it is better late than never. My prayer and most the women's prayer is that it will not take as long to implement and put in place mechanisms which will realise what is in this document because it is good. It is a good Sessional Paper if implemented. We have been talking for a long time about gender and equality.

I would like to take this opportunity to thank His Excellency the President for leading the way and announcing during the recent Kenyatta Day celebrations, the Affirmative Action Policy where he proposed that for all public jobs, and I hope even private, one-third of them be given to women. It is time we put a legal framework around that policy to make sure that it is implementable.

You all recall that we had a Bill in this House for Affirmative Action, I believe in 2002, which was referred by the Attorney-General to Bomas. The Bill was unanimously agreed on in this House, that we have a one-third affirmative action, especially for Parliamentary seats, Cabinet seats and municipality seats. Unfortunately, that has never been effected. In fact, I think it was unfortunate that the Attorney-General took that action because we could have passed the Bill in this House. It is time to go back and follow up the Affirmative Action Bill so that we pass it. We had debated it extensively and we do not have to debate it again. With that kind of legal framework, we will be sure that what is being proposed will be implementable. Together with that, this will require funding. I would like to ask the Minister for Finance, as we pass this Sessional Paper, to make sure that his next Budget will reflect the wishes; that is, the funding of programmes aimed at supporting equality programmes. High on the agenda is the economic empowerment of women. Most of the abuse that is meted out women is due to their weak bargaining position. Most of them will go through violence in marriage just because they want their children to be fed and educated. Others cannot even negotiate their sexuality even when we know there is the HIV/AIDS because they are

dependent on men. By empowering women economically, we will guarantee them a voice socially, economically and in political circles.

On the girl child issues, we are going through a hard time when girls are raped and defiled. We now have law in place, thanks to Ms. Ndung'u's Bill on sexual offences. As a beginning point of honouring gender equality, we are calling on law enforcing agencies, as well as the courts to start using the law because it was not passed to be kept on the shelves. It should be seen to be effective. That will bring a lot of respect for many girls and women.

The Sessional Paper which was debated and passed in this House earlier on gives a lot of equality to the girl child in terms of education. We even proposed affirmative action for the girl child because the Ministry of Education is committed to implementing this Sessional Paper and making sure that the girl child gets equal education and training, as her boy counterpart. Having said that, the girl child still needs a lot of support from her family, socially, and the Government to make sure that she fully enjoys her rights. If we can have girls growing up knowing that they are equal and being treated equally, even in their adulthood, the battle of equality would be lighter, unlike now.

On the political field and the decision-making, 21 years down the line from when the conference took place here in Nairobi and then we went to Beijing, New York and tomorrow we are back again with another big conference reviewing the gains, we still have nothing much tangible to show. Yet the countries around us have embraced affirmative action. They have many women in Cabinet, Parliament, Permanent Secretaries or judges. This is where the decisions are made. This is where the cake is divided. As long as we have no women in those places or very few of them, women issues will continue to take second place.

That must change. We must emulate the good practices of our neighbours and have goodwill to women in this country, especially for the coming general elections. We hope that everybody will support affirmative action to make sure that this House will have not less than one-third of women. That goes for the Cabinet, too. I want to call on the President to make sure that this pronouncement is implemented. I even want to go a step further and say that instead of saying one-third women each time there is employment, it should be the other way round until we catch up with the male gender. All the major employment positions now should go to women, much more so in the higher positions of employment in this country. If we did it that way, we would have an opportunity of realising this affirmative action, at least, in our life time. It is a shame that this House can boast of only 18 women out of 222 Members!

Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the men of this country, because I think they are beginning to have the goodwill. We cannot realise what is in the Sessional Paper until there is change of attitude in our communities. The laws as they are written do not help much. I think what will help more is the willpower among our male folk, beginning from the boys all the way to the grown up men. Women also sometimes accept their position and think that God meant for them to be lowly. God never meant that because we are all created in his image, and we read that in the Book of Genesis. God created man and woman in His image; the rest is man-made. Those are the attitudes we seek to change.

I want to thank the Minister for Gender, Sports, Culture and Social Services because he said that he will ensure that the pronouncement of the President is implemented. But I also want to call on all the other Ministries to make sure that they put mechanisms in their Ministries to make sure that this Sessional Paper is implemented. On our part, as Kenya Women Parliamentarians Association, we are set, together with other women organisations, to take count and to monitor and make sure it happens.

Sometime ago, there was a request for a report from the Government showing after every six months, the implementation status of the Beijing Platform for Action. I want to ask the Minister

now to implement that, because it never happened. We all know that women form over 80 per cent of the labour force in the agricultural sector. If we empowered them, it means this country will develop much more faster, we will be richer and our standards of living will go up.

This is because even as we speak today, the poor of the poor are women. If that situation remains, it means that even the households cannot be well-fed, and even the children and the men of this nation cannot be properly taken care of. Women are the care-givers. This is why women all over the world are respected, promoted, protected and loved. So, as mothers and leaders, we are prepared to take that position ourselves. That is why we are asking our male counterparts in this House when issues to do with women development come to this House, they give them that importance. They should fill the benches when we are discussing them, because these are issues that concern them very directly.

**An hon. Member:** We are here!

**The Assistant Minister for Education** (Mrs. Mugo): Thank you for being here, a few of you.

Mr. Temporary Deputy Speaker, Sir, so that I can give others time to voice their views, I want once again to thank the Minister for finally coming up with this document, and to call on the Government to allocate money to implement this document. I also call on this House to make sure that it will be the custodian and watchdog for women and girls empowerment and development.

With those remarks, I beg to support.

**Mr. Kajembe:** Bw. Naibu Spika wa Muda, ningependa pia kutoa maoni yangu juu ya Hoja hii, haswa tunapozungumzia usawa wa jinsia.

Bw. Naibu Spika wa Muda, kitu ambacho ningetaka kiangaliwe kwa makini na Serikali, na hasa Wizara inayohusika, ni zile harusi zinazofanywa kwa wasichana wadogo. Utaona katika beaches zetu, watalii wanaokuja, wengine hawana nidhamu kwa sababu huchukuwa watoto wadogo kutaka kufanya mapenzi nao. Nafikiri mambo kama hayo yanatakikana yaangaliwe na yasimamishwe.

Bw. Naibu Spika wa Muda, Serikali yetu pia ingefikiria kwamba harusi za mapenzi zinafanya watoto wasipate elimu. Yaani, kwa vile tunataka jinsia watu wote wawe sawa, wake kwa waume, utakuta kwamba wasichana wakiolewa mapema wanakosa elimu. Nasi tunasema kwamba vile wanaume wanavyopata elimu, iwe hivyo hivyo na akina mama nao wapate elimu kama vile waume. Yaani, tunataka maendeleo ya namna hiyo. Kuhusu mambo ya kugawanya kazi katika nchi, au mambo ya kupigania viti vya siasa, mpaka sasa sidhani kama akina mama wamezuiliwa wasipigania viti vya siasa. Kwa hakika wanapigania. Wako na wanachaguliwa kama wanaume. Nao pia wanaingia Bungeni. Wanaingia katika mabaraza ya miji. Kitu ambacho ni muhimu ni wakati uliopita jamii nyingine katika nchi hii walichukilia kwamba ilikuwa si muhimu kuelimisha wasichana. Mimi hufikiri jambo la kuelimisha wasichana lataka lifanywe sambamba na vile ambavyo wavulana wanaelimishwa.

Bw. Naibu Spika wa Muda, mimi nataka niseme hivi: Juu ya mambo ya kupigania viti vya siasa, sidhani hapo kwamba kuna kitu jinsia itaingia kati kwa sababu hakuna mwanamke aliyekatazwa kupigania kiti cha siasa. Ni juu ya mwanamke mwenyewe apige kampeini yake. Tumeona wanaume wakiangushwa kisiasa na wanawake lakini juu ya wao kupewa kazi na Serikali, nafikiri hiyo nataka ifanywe sambamba na wale ambao wamepata masomo ya juu ambao wanaajiriwa kazi na Serikali.

Hakuna haja ya akina mama kujiona ni wanyonge. Wao ni binadamu kama wanaume lakini nataka niseme kuna mambo mengine ya kimila. Pia kuna mambo mengine ambayo yameletwa na dini. Mpaka sasa tukiwa Waafrika na tukiwa watu wa madhehebu ya dini tofauti, mpaka sasa tabia zinasema mwanamume ndiye atakayemuoa mwanamke. Sidhani kama itakuja siku ambapo mwanamke atamuoa mume. Siku hiyo ikija itakuwa ni hali ya mshangao. Unajua pia kuna

madhehebu ya dini yanayoruhusu watu kuoja mpaka wake wanne. Hiyo inakaribishwa kwa kulingana na madhehebu ya dini kwa sababu Katiba ya nchi hii imesema uhuru wa kuabudu utawekwa maanani na utashikiliwa kisawasawa. Mambo kama hayo ya mume kuoja mke na mwanamume kuoja wake wawili, watatu au wanne, ni ya wanaume na sidhani kama hapo tuna usaidizi wowote tuweze kuambia akina mama "sasa na nyinyi muoe waume wawili, watatu au wanne". Nafikiri hapo itakuwa ni vigumu sana.

*(Laughter)*

Itakuwa ni miujiza! Kwa hiyo, ingawaje akina mama wanataka wapewe haki sawa na wanaume, lakini wajue kwamba kuna haki nyingine ambazo ni za wanaume tu. Wakiziingilia, hawaingii. Kwa mambo mengine ulimwenguni, hayo ni sawa kwa sababu leo tuna wanawake wanaoendesha ndege, kuna wanawake ambao wanaenda mwezini, yaani *astronauts*, na wako katika mambo mengi na hakuna ambaye anawazuia mambo hayo. Akina mama ni mama zetu waliotuzaa na lazima tuone kwamba wanaenda mbele, lakini nao pia wasaidie kwamba zile arusi za mapema kwa wasichana ziwe zimeondoka kabisa.

Bw. Naibu Spika wa Muda, kitu ambacho labda niseme ni wakati mume na mke wako nyumbani, kiafrika mume ndio mwenye hapo lakini kuna mama wengine wanajifanya waume nyumbani. Sasa inakuwa ni matatizo. Lazima tukubaliane kwamba wanaume wakiwa nyumbani na akina mama, wao ndio wenye kushikilia nyumba na mama naye anakuwa kama msaidizi wa yule mwanamume. Mambo ya mwanamke kusema: "wewe bwana kaa chini", ama "bwana nenda sokoni" si kiafrika.

Kwa hivyo, ingawaje tunazungumzia mambo ya jinsia, pia tuisahau kwamba tukiyazungumza mambo ya jinsia, tusitoke katika mila na dini zetu. Nataka kusema kwamba mwanamume ameumbwa kuwa na imani sana. Mwanamume kwanza ana imani na mke wake. Mwanamume ana imani na watoto wake, ingawaje saa nyingine ukioa wanawake wawili au watatu, wanakuwa na wasiwasi. Wanafikiri ni nani anapendwa zaidi. Mwanamume anapenda wale wanawake wote aliowaoa kwa usawa kabisa. Ingawaje wengine wanakuwa na wasiwasi eti "si tumeolewa watatu au wanne, ni nani ana mahaba zaidi na huyu bwana"? Kama huna mahaba na yeyote pale, hungemuoa. Kwa hiyo, pia akina mama na mabibi waondoe wasiwasi na wajue bwana akioa wawili, watatu au wanne, bwana huyo ana mahaba na hao wote na atawatunza. Ni wake zake. Ana imani nao. Atazaa nao na watoto watakuwa ni wa huyo bwana na hao mabibi.

Bw. Naibu Spika wa Muda, basi, nami naunga mkono Hoja hii.

**The Assistant Minister for Transport** (Ms. Mbarire): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to rise and support this Sessional Paper on Gender Equality and Development.

Mr. Temporary Deputy Speaker, Sir, let me begin from the outset by congratulating the Ministry of Gender, Sports, Culture and Social Services for the excellent job that they are doing towards ensuring gender equity in this country. We have, over the years, moved from dealing with women in development to dealing with gender and development, the reason being that women in development programmes have further marginalised women instead of bringing them into the mainstream processes. As such, it is very important that we continue to ensure mainstreaming of gender in all spheres of life so that women, men, girls and boys are all brought on board when we are thinking of policy formulation and when we are thinking about the laws that we pass on the Floor of this House. When we are thinking of all spheres of life, we must take into consideration gender equality or equity.

Mr. Temporary Deputy Speaker, Sir, allow me to concentrate on the issue of young women who are facing critical challenges as they grow up today. They are jobless just like the young men. They

have no access to credit facilities because they do not own property and, therefore, do not have collateral to access credit facilities. We know that the woman is hampered by cultural and legal obstacles from accessing or owning any property. I look forward to seeing a gender policy that ensures that young women are economically empowered and that they are able to access credit facilities. I want to congratulate the Government for bringing on board the Youth Enterprise Fund and insisting that 60 per cent of the Kshs1 billion will go towards the empowerment of young women.

However, much more needs to be done. We know that this Kshs1 billion is just the beginning but not an end in itself. There is much more needed but even then, we also need a Women Enterprise Fund so that the women too who have had a long history of discrimination in terms of economic empowerment can begin to reap the fruits of our Independent Kenya.

Mr. Temporary Deputy Speaker, Sir, when you go to health centres, you find that young women are the most affected and infected. They are vulnerable. They engage in sexual affairs very early in their lives and, more often than not, with older men who have had several partners. For that reason, there is a high level of HIV/AIDS infection in young women between the ages of 15 years to 25 years. That number is way above that of young men. Because of that, it is important to bring that factor into consideration and look into ways of ensuring that the programmes that we have on HIV/AIDS address that sad reality about young women.

Mr. Temporary Deputy Speaker, Sir, we also know that in the area of health, there is a special issue of reproductive health that needs to be taken care of. We have a felt-need of reproductive health rights, access to proper maternity services and family planning. Women should have access to all other reproductive health issues affecting them. We hope that, through this Sessional Paper, the Government will increase its financial support towards reproductive health issues, to ensure that women access those services.

Mr. Temporary Deputy Speaker, Sir, I also wish to address the issue of the media. To me, the media has played a major role in gender inequity. If you go to media houses, there is very little gender equity at the highest level of decision-making. We are talking about the editorial boards of many media houses. That is the reason why, more often than not, the content of most media houses is gender-biased and gender-blind. The language used is gender-blind and we continue to further marginalise one gender. I hope the media too, will take up this issue and look at ways of gender mainstreaming within their work.

Mr. Temporary Deputy Speaker, Sir, if you look at the advertisements that we watch on our televisions on a daily basis, they are there to ensure further marginalisation of women. They further entrench the so-called gender roles. You will find that when a bank is advertising for a new loan package, it will show a man going to the bank and getting those credit facilities. It is never a woman! What message are they sending to women and girls who watch such advertisements? It shows that money and the economy belongs to men.

Mr. Temporary Deputy Speaker, Sir, when it is an advertisement to do with food and childrens' health, they bring women on board. That further entrenches the gender roles. I am yet to see a lotion being advertised by a man. I am yet to see Kimbo or any cooking fat being advertised by a man. I would like to hear him say how sweet the food tastes when he cooks it with Kimbo! Those are the gender biases that we see in our advertisements. They keep on reminding women that their place is in the kitchen. We are saying that we have to get out of those kitchens and participate in nation building and decision-making. That is not to say that we are not going to cook any more. We are saying that time has come when we must expose both boys and girls to all the roles. You can wake up one day and take care of your children because your wife is gone. You have to cook for them because no one else is there to do that. Those are some of the issues that are of concern.

Mr. Temporary Deputy Speaker, Sir, further, I think we have to seriously consider the

whole issue of gender in the national budget. A good example is that, right now, 80 per cent of agricultural labour is provided by women. But we know that in terms of output and money earned from what the women have done, most of it goes into the men's pockets. Therefore, we hope that, through this Sessional Paper, we shall have budgets that take that issue into consideration. We need a budget that will ensure that women who are in dairy farming can own their own cows and benefit from the resources that come out of their sweat as they take care of their livestock. We look forward to a budget that empowers women in the agricultural, industrial and manufacturing sectors. That way, we will have more women enjoying their sweat.

I also want to talk about representation of women in decision-making. Part of the reason why we have gender-blind policies and laws is low representation of women in decision-making organs. We hope that we can work towards the African Union (AU) Protocol on Gender Parity, which aims at ensuring that there is 50:50 representation of women and men in all levels of decision-making. Most importantly, in the next Parliament, we can see a bigger number of women representatives.

Mr. Temporary Deputy Speaker, Sir, we know that most decision are made in this House. The Budget is passed in this House. So, it is very important that, if we are to ensure gender equity, we start with the Kenya National Assembly. We also know that the policies of this House are so blind that they did not expect that, at one time, they will have to deal with young female Members of Parliament in their reproductive age. It is no wonder that there is no maternity policy to take care of them. We hope that this Parliament will change that. Even by the inscriptions on the door there, we can begin to change our attitude towards greater representation of women, so that every gender in the society is taken care of.

With those few remarks, I beg to support.

**Mr. J. Nyagah:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important subject. I would like to thank the Minister for bringing this very important Paper to the House. That way, this House can give its full support to a subject that, for many years, has been ignored, particularly by men in this country and Africa in general. It is important because we know women play a very important role in our economy. We are all children of women. None of us would be here if we did not have a mother who gave birth and looked after us. But the minute we men are born, we tend to forget where we came from. That is the reason why I fully support the recognition that has been given to gender issues by this House today.

Mr. Temporary Deputy Speaker, Sir, before I talk about women, let me say that, in my view, the biggest problem we have today is not so much about women, but men. Men have a long way to go to change their attitude. Men need to change their attitude, so that they can support the women in their undertakings. I want to give an example of a recently passed Bill by Ms. Ndung'u. We passed it into an Act. We proposed heavy punishments for men who rape women. I wish Ms. Ndung'u was listening! She would hear that I am supporting her Act. However, it will not go very far, if men do not change their attitude. We will continue raping and attacking our daughters. We shall continue doing all those things even if you threaten to take us to jail for ten years. I can assure you that behavior will not change. What we need is civic education for men.

Mr. Temporary Deputy Speaker, Sir, since the last women's conference in Beijing, a lot of money has been spent on educating women on their rights. We now need to start educating men on their responsibilities so that they can stop raping women and committing all manner of offences against women. We passed the Sexual Offences Bill in this House and we are aware of those offences. Until that happens, we shall continue experiencing problems. I would suggest that men in this House take the lead by organising themselves and coming up with an NGO for this purpose.

The people involved in gender issues should realise the need to allocate funds that will also

cater for the education of men so that they also become knowledgeable on these matters. That way, men will stop causing chaos to women.

Mr. Temporary Deputy Speaker, Sir, chiefs and assistant chiefs are the representatives of the Government at the grassroots levels; it is not even the Members of Parliament. The Minister of State for Administration and National Security should appoint more women as assistant chiefs and chiefs. That is the only way, in my view, that society at the grassroots will begin to appreciate the role of women in leadership positions. If more women became chiefs and assistant chiefs, let alone being Members of Parliament, I guarantee you that at the grassroots level, women will begin to be respected by the society. That is exactly what I want to advise the Minister who is in charge of internal security to do next year.

This Parliament, I hope, will support minimum reforms with regard to women issues. The minimum reforms that have been proposed call for us to give more women a chance to join Parliament and county councils. It does not matter how many seminars lady Members of Parliament hold. They will be disadvantaged and they will not get enough women joining Parliament. They could even carry out as many civic education programmes as they want, but it will take them ages to enable more women get to Parliament. That is why I recommend that this House agrees to pass minimal reforms so that we can establish a larger section for women to join Parliament. We should not be contented with only four or five women in Parliament. We need to borrow a leaf from Rwanda and Uganda where women form a large number of Members of Parliament and contribute immensely in their respective Parliaments.

Women are more than 50 per cent of our total population and yet we treat them like *takataka*. That is not fair at all. We must recognise women in this country. There are few women who are Ministers in our Cabinet. One of them is Mrs. Ngilu who comes from a district neighbouring mine. I wish there would be more of them in the Cabinet so that the world knows that we are also serious. For as long as we have a male dominated Cabinet, these men I see seated on the Front Bench, we shall continue having problems. We need more women in our Cabinet. That way, the world will realise that we are serious with women issues. Signing agreements at the international level is a waste of time if when we come at home we do not implement those policies. We must be serious and that is why I welcome this particular Motion.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for Lands for proposing that women should also be given land. That, indeed, it is their right to own land. For so long now we have treated our sisters as if they are half human beings. That is a welcome move that I am sure will get the full support of this House. We should support women to be entitled by law to own land as a matter of right when their parents pass on. We should not treat women as second citizens.

Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister again. The Budget should continue recognising the role of women and mainstreaming them in everything that we do towards budget development.

Women refugees should be assisted. This is another serious area because here, women need security, water, schools and other basic needs. It is women who suffer a lot in times of distress and so we need to recognise them.

My emphasis today was on the gender called men. They need to be educated. I hope the Ministry of Gender, Sports, Culture and Social Services will start financing the education of men so that they can change their attitude towards women. That way, we shall treat our wives and daughters as human beings.

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

**The Minister for Information and Communications** (Mr. Kagwe): Thank you, Mr. Temporary Deputy Speaker, Sir.

I rise to support this Motion and point out that there are a number of institutional issues that

need to be addressed if we really want to have a situation in this country where women and men are treated in a humane and equal manner.

Mr. Temporary Deputy Speaker, Sir, media falls under my Ministry. I would like to address aspects of media where there is a clear need for change with regard to women issues. If you listen to the FM stations in the morning, you will not be pleased with the way they handle gender issues, particularly when they are discussing matters to do with women. They are actually insulting to women, but I am surprised that women do not take that into consideration. In fact, I challenge women to be also proactive in complaining when there is an issue that touches on them negatively.

Mr. Temporary Deputy Speaker, Sir, sometimes FM stations, in the morning, discuss what sort of women men would like. They go to the extent of discussing what kind of breasts, behinds and legs men would like in women. One almost feels that one is in an auction where women are being treated like objects. So, it is good that we address the issue of stereotyping in gender representation.

However, I want to urge that as we speak about women and the girl child, let us not also forget to talk about the boy child. This is because what is currently happening is that our sons have already been declared guilty. All that is talked about is how men oppress women. The importance of the girl child has been so much highlighted to the extent that the boy child is walking guilty and feeling as if it is a mistake to be born a boy. This is a psychological thing that we need to address. Actually, it is within the gender discussion and framework. Our boys are not guilty of being boys. They should be treated the same way as girls.

When we talk about empowering the girl child, it is important that we empower both sex. If you empower the girl child and leave out the boy child, what you are essentially saying is that the girl child will be a very empowered individual. Therein lies the problem as far as the family unit is concerned. So, even as we address the matter of empowering the girl child, I am of the view that we must focus on strengthening the boy child by empowering him too so that he can feel as protected as the girl child. We should remove the psychological guilt that we are now imposing on our boy child.

Mr. Temporary Deputy Speaker, Sir, if you go round schools today and look at the faces of our boys, you will see faces of young boys who are not empowered. You will see faces of young boys who are looking scared. In fact, when the school choir comes forward to entertain guests, all you see are 15 girls and two boys. Hon. Members can bear me witness on this. Boys are getting more and more scared of being boys and showing themselves out.

It is fair and right that we talk about the girl child and even strive to empower her to ensure that she grows into a strong woman, but it is equally important that we empower our boys. Coming back to the media, I think the media has got to be politically correct when it reports its news. It is important for the media to be politically correct gender wise.

Mr. Temporary Deputy Speaker, Sir even in the award of bursaries, I totally agree that we should give the girl child priority. But when it comes to orphans, there is no difference between a girl orphan and a boy orphan. An orphan is an orphan. Girl and boy orphans should be given equal opportunity. We should ensure that there is equality. It is also good to remember that gender does not mean a woman. Gender requires that both sexes be treated equally. Therefore, I want to say that when it comes to elections and mainstreaming gender in the political field, women must take a very strong position. They should play leading roles in our local authorities and schools. You will all agree with me that women must come forward. It is very difficult to look for people who have not come forward. In empowering women, we need to carry out civic education that empowers women to stand for positions.

With those few remarks, I beg to support.

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I am very grateful for this opportunity to



express my views on the Sessional Paper No. 2 of 2006 on Gender Equality and Development. I beg to say that I do support this Paper with all my heart.

We know that there is an imbalance between rural and urban economic opportunities in this country. Statistics indicate that, in fact, 80 per cent of our womenfolk live in rural areas. This is due to historical reasons. We know that this was the case during the colonial times. Even soon after Independence, there was a tendency for men to migrate to urban areas in search of jobs. In the process, they left their women in rural areas. This led to all kinds of social difficulties. Women shoulder the weight of poor economic conditions, poverty and illiteracy in rural areas.

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

*[Mr. Speaker resumed the Chair]*

Mr. Speaker, Sir, for example it is not uncommon to find whole families going to farms to plough, and then men leave the farms after a short while. Such men expect their women to bring them breakfast to the farms. After farm work, women often collect firewood, fetch water and still are expected to prepare lunch for the family. This is a problem in our country. This House is in a good position to change some of these things, so that our women can also enjoy the privileges enjoyed by their men counterparts.

In urban areas, the situation is different. In the search for jobs, women are discriminated against by employers. Even in promotions and educational opportunities, there is discrimination against women. I remember that when I was at the University of Nairobi, we went on strike because of discrimination against a woman. We were expelled from the university because of that. This problem is endemic. It is time that as a House, we took it seriously and made sure that discrimination is exposed and eliminated from our society.

Even on the domestic front, we have discrimination against women. I was reading a magazine the other day which indicated that if one was to quantify and attach monetary value to the household work that women do, such as child care, taking children to school, washing clothes, bathing children and preparing food, they would find that women deserve twice what men earn. This shows how much women do. Women are the majority in our society and this sort of discrimination must not be allowed to continue. There is need for a legal framework to address these issues, so that we can protect our womenfolk against discrimination.

We know that there is a lot of poverty in this country. The majority of those who are poor in this country are women. If you go to any social gathering, church, Harambee or polling station, you will find that women form the majority of those in attendance. Why then do we discriminate against people who form the majority in our society? We must eliminate discrimination and make sure that our womenfolk have equal access to resources such as credit facilities. Therefore, it is necessary for the Ministry of Gender, Sports, Culture and Social Services to ensure that programmes affecting our womenfolk are mainstreamed. We should ensure that women affairs come to the attention of this nation so that women can benefit from whatever limited resources we, as a country, have. It is sad that our womenfolk are not allowed to inherit property. If their husbands die, most women have problems in inheriting what actually belonged to their husbands, because of discrimination. We must give women a chance to effectively participate in our legal system. Even in our courts, women are in the minority. We realise that there are many women lawyers, and that a lot still needs to be done to involve them in our legal system.

The problem of gender-based violence is extreme. If, unfortunately, one of us falls into the hands of a hijacker, he may be shot. But they will never be raped. In hijacking incidents where

women are involved, invariably there is rape. Even during robberies in our houses women are raped. There was a case in the Press where a man was killed when he tried to defend his wife and children from robbers who had turned rapists.

**Capt. Nakitare:** On a point of order, Mr. Speaker, Sir. Debate on this Motion has been going on for some time now, and there is a lot of repetition. Could you, according to Standing Order No. 87, call upon the Mover to reply?

**Mr. Speaker:** I am sorry that under our rules you are not qualified to move a closure, because you have already spoken. Only an hon. Member who has not contributed can move a closure.

**Mr. Sungu:** Mr. Speaker, Sir, I also would like to say that the issues we are highlighting are the same. So, we will continue to say more or less the same thing.

**Mr. Speaker:** We have to stick to the rules. No repetition of either your arguments or the arguments of others is allowed. That is what our rules say.

**Mr. Sungu:** Thank you, Mr. Speaker, Sir. Let me say that there is also the question of trafficking in women and children. It is necessary for us to look into this matter in detail. Even in training and education opportunities women are discriminated against. We must admit that education is a basic right in the 21st Century. In order to eliminate discrimination entirely from our system, we need to ensure that there is affirmative action. We must ensure that there is no discrimination against either the girl child or the boy child. Both sexes must be treated equally. Even drop out rate from our primary and secondary schools is higher among girl children than among boy children. Our women are afflicted by so many problems because of biological reasons. We know of girls who drop out of school because of the normal menstrual cycle. I am sure that since the previous Government was able to provide milk to primary school children, the current Government can also provide some of these necessities for our girls, so that they can go on with their education. That initiative is already ongoing in Nyanza Province, courtesy of Mama Ida Odinga. I think it should be reflected elsewhere in the country.

With regard to the health of our population, I am happy to note that the United Nations has rated child and maternal mortality rate high on the list of the Millennium Development Goals (MDGs). It is high time we also ensured that our women do not die while giving birth, and that child mortality and maternal mortality are eliminated. On the same note, I must also say that I do not agree with the suggestion that this must never be legalised---

**The Minister of State for Immigration and Registration of Persons (Mr. Konchella):** On a point of order, Mr. Speaker, Sir. Since this debate has taken some time, I beg to move that the Mover be now called upon to reply.

**Mr. Speaker:** Very well! I must accede to the request now.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite):** Mr. Speaker, Sir, I want to start my response by thanking all those who have contributed and supported the debate on this Sessional Paper. I would like to assure the House that all the suggestions given by hon. Members will be taken into consideration. This Sessional Paper will provide a strong basis for the implementation of the gender responsive policies, programmes, projects and activities.

Mr. Speaker, Sir, my Ministry would like to appreciate the Presidential directive on Kenyatta Day, that the Public Service Commission should apply affirmative action in all future recruitment of staff and other appointments by ensuring that a minimum of 30 per cent of

appointees are women. The directive is in line with the provision of the gender policy.

The approval of this Sessional Paper will enable the Government to sensitise all the stakeholders from both the public and private sector organisations, as well as civil society on the new gender policy. The Ministry will also be able to launch a massive civic education exercise to educate men on gender issues, particularly, on culture and traditions.

Further, the adoption of this Sessional Paper will enable the Ministry to develop a national plan of action for implementation of the policy contained therein. A wide range of sector planners, implementers and other stakeholders will be involved in the process. The national plan of action will facilitate gender mainstreaming in all sectors. It will also have a monitoring and evaluation mechanism to monitor progress towards gender mainstreaming. The national plan will also be disseminated to all stakeholders, so that they can start prioritising gender responsive programmes and projects for implementation.

Mr. Speaker, Sir, this document will provide a framework for guiding gender mainstreaming and linkage with other Government policies. It will also address the political, legal, social, cultural and historical conditions, which enhance gender-based poverty. This Sessional Paper will also ensure political participation and decision making through strengthening of institutional structures and mechanisms in order to achieve gender balance composition.

The Sessional Paper will put in place measures aimed at maintaining peace and security. It will also allow implementation of issues regarding vulnerable persons such as children, persons with disabilities, pastoralists and old persons. The document will also enable the Ministry bring a Bill on affirmative action as directed by His Excellency the President on Kenyatta Day.

I would like to inform the House that the Ministry of Gender, Sports, Culture and Social Services has organised a conference to review the achievements made and challenges faced since 1985 when the UN sponsored Women Decade Conference was held, which recommended the Nairobi Forward Looking Strategies Conference, to be held tomorrow at the KICC. You are all welcome. The conference will be graced by many women ladies from within and abroad.

In the course of implementing this policy, the Ministry will prioritise women empowerment. We will advocate for the creation of a women's enterprise fund, which will enable women to access financial assistance. I hope that the Minister for Finance, who is present and listening, will facilitate the creation of the fund, so that women can be financially empowered.

We also expect the current Parliament to be the change agent on gender responsive issues in this country. For a long time, women have been marginalised because of cultural issues. The Sessional Paper will also ensure mobilization of adequate resources from all sectors, including the NGO sector, the private sector and development partners.

With those remarks, I beg to move.

*(Applause)*

*(Question put and agreed to)*

*(Several hon. Members stood up  
in their places)*

## **COMMUNICATION FROM THE CHAIR**

NOMINATION OF MEMBERS TO THE EAST  
AFRICAN LEGISLATIVE ASSEMBLY

**Mr. Speaker:** Order, hon. Members! Take your seats first. I do not have to keep you standing. It is good that hon. Members listen very carefully to what I have to say here.

Earlier on in the day, I pointed out to the House that at 5.00 O'clock, which is now, I will call upon the Leader of Government Business to Table before the House the names of nominees to the East African Legislative Assembly pursuant to the rules which are derived from Section 50 of the Treaty for the East African Co-operation. Those rules were tabled in this House on 3rd October, 2001. They were moved, seconded and concluded on 11th October, 2001. It may help this House to just go back to the genesis of the rules, where they are derived from and where they are.

Hon. Members, those who are interested will find out that in this House, a Paper or a document was laid as Document No.50 on Tuesday, 17th July, 2001. Those were rules drafted by me and my staff to guide this House in the election of membership to the Legislative Assembly. This was a new thing. They had not done it before. So, I and my staff prepared those rules, which were tabled here on 17th July, 2001. I have a copy of the rules here and for the benefit of the hon. Members, the public and the Press, I would like to make the rules available again at the Table. The rules have a bearing on what is likely to happen here.

In those rules, which were tabled, as I said, on 17th July, 2001, we had made elaborate rules for the election of membership to the East African Legislative Assembly, concluding the definitions to various things like elections, nominations, party, standing officer, voter and things like those. We had also set out in Part 1 of those rules the qualifications in detail and the nomination procedure for candidates. We also set out in Part 111 the election procedure and voting, including ballot vote on the Floor of the House. We had also made provisions for voiding the elections in the event of certain occurrences. Of course, there are also miscellaneous provisions.

As I said, those rules, which I will make available to the House, were tabled by the Minister for Trade and Industry on 17th July, 2001. Apparently, the House did not like the rules. After they had studied them, the House Business Committee met and made other rules, which are now the current rules. These rules were drafted and tabled on the House on 3rd October, 2001, and adopted by the House on 11th October, 2001. Those are now the rules of the House. The rules that were adopted by the House ensured that the House, as such, had no role to play in the election of those hon. Members. Once the House Business Committee tables the names under Rule 8 of the rules that were adopted by the House, and once it has made its decision and communicated to this House through a Ministerial Statement by the Leader of Government Business, the candidates whose names will be tabled will be deemed to have been elected. That is what you decided against the very wise counsel of Mr. Speaker. So, those are the rules.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, I wish---

**Mr. Speaker:** Just one minute, hon. Awori. Please, approach the Chair.

*(Mr. Speaker consulted with hon. Awori)*

Order, hon. Members! I was communicating to His Excellency the Vice-President and Minister for Home Affairs formation that I have received from my officers that one of the nominees' certificate from the Electoral Commission, although it is said to be on its way here, has not arrived. Therefore, I will not deal with this matter until I am satisfied that everybody's certificate is available.

I can deal with any other business now until we receive that certificate. When we receive it, we will revert to the matter. As I said last time, we must make this decision because Kenya will not be on record as the first country ever to delay its election of hon. Members of the East African Legislative Assembly. We have only today. We do not have any other day. So, I want to lean

backwards to enable Kenya to be in tandem with the rest of East Africa in advancing the spirit and the vision of the East African co-operation. I hope we can deal with that matter later.

**Mr. Marende:** On a point of order, Mr. Speaker, Sir. I am also obliged for the direction which you have given. You have indicated that the House has no role to play in this process going by previous precedence as recorded in the HANSARD. However, article 50 of the East African Treaty governs this exercise. This is the treaty which establishes the East African Legislative Assembly. In Article 50, it is expressly provided that the "National Assembly of each partner States shall elect". These are the key words. That process, therefore, is expected by that article to be elective. So, that if any rules have been promulgated that are in contravention of that article, then to the extent that they contravene that article, they are null and void.

Mr. Speaker, Sir, that rule notwithstanding, I have had the opportunity to peruse the rules which this House adopted in November or October, 2001, which are the rules that you are referring to. Among other things, under Rule 5(4), it is provided expressly that the party leader or the party whip of each party entitled to nominate candidates shall deliver the nomination papers of the candidate or candidates nominated by the party to the Returning Officer for onward transmission to the House Business Committee. What is significant here is that the delivery of the nomination papers of the nominated candidates is done by one of two persons in respect of each party. It is either the party leader or the party whip. It cannot be both. We have a situation whereby the two persons have nominated and presented two lists of their preferred candidates and I have reliable information. I have learned from the party leader of NARC; the ruling party, hon. Ngilu, that she, in fact, transmitted the nomination papers of the nominated candidates by her party but the party whip presented a list which is different from the one presented by the party leader. That being so, it means that there is no valid nomination from NARC, because we cannot have two sets of nominations. The rules anticipate that there will be only one set of nominations, either done by the party leader or the party whip and not both!

I seek your guidance, Mr. Speaker, Sir.

*(Loud consultations)*

**Mr. Speaker:** Order, Mr. Marende! Order, hon. Members! Let us do first things first. First, let me address what I actually ought to have addressed before. Party matters are not part of my job description. I have said a thousand times on the Floor of this House that I am not a manager, organizer or disorganizer of political parties. I am the Speaker of this House!

*(Applause)*

What I would like to address first is Article 50, which you have the legitimate rights to base your argument upon. If I can recollect it off-head, and you may correct me if I do not get the gist of it in its totality, it simply provides that every national assembly of the partner States shall elect Members to **[Mr. Speaker]**

the East African Legislative Assembly (EALA) in such manner as they will have provided in their own rules for electing those members to that Parliament. I think that is the gist of Article 50. In compliance with Article 50, this august Assembly, as I said earlier, completely in disregard of wise counsel from the Chair and in its own wisdom refused to adopt rules which encourage democracy. I will tell you the reasons given for refusing to heed to Mr. Speaker when he provided good counsel why we should have participatory democracy in the House when electing Members of the EALA.

The reasons basically were from the HANSARD of 11th October, 2001, which I have already referred to earlier, and I want to refer to the contribution of an hon. Member, who made the

following remarks; that is the Minister for Energy, hon. Raila. On page 2538 of the HANSARD of 11th October, 2001, he says:-

"This is the main reason why the rules that I had prepared and which promoted democracy in the House were defeated by this House---"

It was not by that hon. Member alone, it was unanimous. I would like to read to the House excerpts of the gist of why those good rules, in my view, were refused. It is on page 2538 of that HANSARD and I quote:

"It is, therefore, upon this House to determine the procedure. What we have here is a proposal to be adopted by the House as a procedure".

It goes on to say:-

"Electing Members to represent political parties: When we say that this House will elect collectively, representatives of various political parties, what does that mean? It means that we are going to allow members of FORD(K), NDP or KANU to elect representatives for the DP to the EALA. The members of FORD(K) and NDP may not know the representatives of the DP, their qualifications and effectiveness as representatives of the country. That is the reason why we decided to give each political party the right to nominate its representatives. In doing so, we do not just expect that the leaders of those parties are going to hand-pick their sycophants, as Dr. Kituyi was trying to suggest. We are seeing the political parties being transparent".

That was said on the date when the rules, in my opinion, could have been better, were forsaken for the rules that are now governing us. At the end of all that debate, the names were presented and hon. Anyona rose on a point of order again saying that they need to participate in this. Indeed, hon. Karua, who was then in the Opposition, stood to challenge the Chair that it is not right that this House--- Although they are the ones who pass the rules, and that, at least, for the record, we should say something. She did not even want to challenge me. She said:

"At least for the record, let us say something because we may not want it".

To be frank with you, I was very upset about all this. I was very upset because I had done a lot of work to give you democratic rules, which you refused. And now, here again, you are coming back to me and asking me to say something about it. I told them: "No, live with the rules that you have made". You must swallow your very bitter poison.

*(Applause)*

That is what I told the House then. Again, I will tell it the same today!

I will tell this House further that for the second time, I am on my feet advising you that on matters like this, please, look for a democratic way of doing things. I had, in fact, gone even beyond the rules at that time. I had produced a procedure. The Motion was going to be: "Mr. Speaker do now leave the Chair," so that the House goes into the Committee Stage and you look into every nominee individually. You were to vet and accept them in the same way that you handle Bills or budgetary allocations. But, again, it was rejected.

Now, to come to your final submission, again, I will gather assistance from the speech I have already quoted from Mr. Raila Odinga. He said: "I hope that political parties will be transparent and democratic." I wish to join him at that time and now; that there will be internal democracy in parties. You all know that, that is not the case. You also know that we have been living a lie. In fact, I am provoked today to ask the very salient question: Who is NARC? So, either you belong to it, or you do not! I have no business to go behind party manifestos and registers. That is not my mandate! Once the parties have sent their nominees through the Clerk, to the House

Business Committee, that is the right forum to sort out those issues! If your parties have not agreed in your Parliamentary Group meetings, if you have any, then you sort out the matter in the House Business Committee. If you cannot sort out that business there, please, do not attempt to do it here, because I will never arbitrate on party matters. I arbitrate on matters of the House. So, that is my guidance to the House.

Finally, I plead to this House to re-look at the rules we carefully drafted, which were tabled on 17th July in this House, for future consideration. This House has the right and duty to amend any law, including rules that are not in consonance with the expectation of this House, or the general public. In the meantime, you will live with your own decisions, so that, in future, you become a little wiser when making far-reaching decisions.

Thank you! Proceed, Mr. Vice-President!

### MINISTERIAL STATEMENT

#### NOMINATION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, as the Leader of Government Business, I beg to lay on the Table the Statement on the appointments of Members of the East African Legislative Assembly. The House Business Committee at its 21st meeting held on Thursday, 26th August, 2006, appointed the following nine Members to the East African Legislative Assembly, pursuant to Article 50 of the Treaty for the Establishment of the East African Community Act, 2000, and in accordance with Rule 6 of the election of Members to the East African Legislative Assembly:-

Tsungu Safina Kwekwe;  
Kimura Catherine Ngima;  
Karan Clarkson Otieno;  
Lotodo Augustine Chemonges;  
Akhaabi Gervase;  
Talaso Sarah Bonaya;  
Nakuleu Christopher;  
Abdi Abdirahin Haithar; and,  
Oyondi Reuben Onserio.

The above mentioned members qualify to be elected as Members of the East African Legislative Assembly in accordance with Article 50 of the Treaty for the Establishment of the East African Community and Rule 5 of the election of Members of the Assembly.

Thank you.

*(Applause)*

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is your point of order, Prof. Anyang'-Nyong'o?

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, before I make my point of order, I would like to commend you for the statement you have delivered to this House today.

Mr. Speaker, Sir, I cannot recall what I said during that debate, but I will revisit the HANSARD to find out. What we are witnessing today is not democracy, but the right of the mighty. It will stand in the history of this nation as a shame to a Government that came to power saying its motto is democracy and empowerment. We all feel betrayed and the betrayal is total.

While, indeed, the mighty will have their way today, those who are not mighty will continue to fight for the right of all Kenyans.

*(Applause)*

Mr. Speaker, Sir, I pity the Vice-President and Minister for Home Affairs, at his age and wisdom, to be a lackey to a Government that has lost credibility and respect of the Kenyan people.

**Mr. Speaker:** Order! You will not discuss the Vice-President and Minister for Home Affairs without a substantive Motion!

**Prof. Anyang'-Nyong'o:** I do remember an American political scientist, John Kenneth Galbraith, who wrote the book: *The Arrogance of Power*---

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! I am being very tolerant on this because over years when I take oath from this Chair, I have always vowed to give the minority their say and the majority their way. So, please, it is my business as the Chair to hear the minority view. But, do not make it also a Motion, because there is no Motion. Also, please, do not discuss your colleagues!

Proceed!

**Prof. Anyang'-Nyong'o:** I will be very brief, Mr. Speaker, Sir.

I would like to go on record, on behalf of the silent masses of this nation; that, indeed, the arrogance for power may always have its way, but it will not last. Indeed, when it does fall, it will do so in shame. We, in Kenya, pride ourselves as being the most developed country in the East African Community. That pride of being most developed has today been put to shame. As we go to Arusha and force a few people on the throats of Kenyans, including the Opposition in this House, let it be known to the whole world that we are ashamed of our Government.

Thank you.

**Dr. Khalwale:** Mr. Speaker, Sir, I must admit that when those rules were developed and approved by the House in 2001, a very large number of us were not here. Maybe, nobody can know how we would have voted at that time.

But what are we doing today? We are trying to interpret Article 50 of the Treaty that establishes the East African Community. It is quite true that the Chair does not wish to be a manager or organiser of parties. But I am afraid that Article 50 also reminds this House that besides converting this National Assembly into an electoral college, it also asks it to be sensitive to the parties that comprise it.

*(Applause)*

As a member of the Front Bench, as I support the list presented by the Vice-President and Minister for Home Affairs, it must be on record that we are doing it wrongly. It is against Article 50. It is very clear that the House Business Committee is not an electoral college. The electoral college is Parliament.

With those few remarks, I beg to support.

**Mr. Speaker:** Very well! Hon. Members who have expressed those sentiments, will you, at some stage, translate those sentiments into action, by bringing amendments to the rules to make them progressive? That is all I am supposed to do.

**Mr. Biwott:** Mr. Speaker, Sir, I have only risen because those rules were made when I was the Minister for East African Community. I think I was the Chairman. In that article, what we were looking for - and you also participated together with the Attorney-General - was a democratic



process where East Africans will elect nine representatives to the Community in a manner that will satisfy everybody. We were aware of the fact that, there are political parties. That is why we said that, one of the criteria was to ensure that there are those who were elected to represent various shades of political opinion. We also knew that there are tribes and communities. So, we said it must also represent geographical distribution. We also knew that there would be a man and a woman. Therefore, gender consideration was there. We said that women will be considered. In that process, we expected political parties to work out modalities whereby everybody was given a chance, so that democracy would be allowed to flourish within the political parties. Communities were also given an opportunity, so that they could be represented. Women were also given an opportunity. It all happened when we discussed the matter in the House Business Committee. We decided to form a committee and Mr. Kalonzo was appointed from our KANU side. The Democratic Party (DP), which was in the Opposition, nominated Ms. Karua. They came up with rules aimed at improving it further, to create an additional one-third positions for women. But our problem was: Who was going to nominate the woman? I think that was deliberated at length in this House and we ended up submitting the list the way it was.

So, if there are any problems today, it is not the rules nor the treaty. It is the political parties themselves which are in asunder. All of them have divided and re-grouped. I bet the problem started when a certain group elected somebody else without consulting the other group and so on. That is why we have a problem. So, if there is any improvement to be made, it must be made by the political parties themselves. They must accept discipline and responsibility the way they are expected to. At that time, the House was almost the same as the one we have now. Mr. Raila had joined us and he was the Minister for Energy. The others were already on this side. So, when he was speaking at that time, he was speaking our tune - the KANU tune.

*(Laughter)*

Ms. Karua wanted to be heard because she was hard-pressed in the Opposition, which was on this side.

Mr. Speaker, Sir, we have a problem today because NARC is no longer one. There are now several NARCs. I do not know which one has brought these names and which one has been denied.

*(Laughter)*

I can say that even in KANU itself, the decision was not unanimous. But they happened to be a little bit more mature and disciplined.

*(Applause)*

Mr. Speaker, Sir, I am saying that because there is nothing wrong with the rules. There is nothing wrong with democracy. But people just refuse to read the rules, observe them and practise democracy.

With those few remarks, I support.

**Mr. Speaker:** Thank you, Mr. Biwott. I am afraid I will have to give a chance to one person. Let me finish with the Minister for East African Community.

**An hon. Member:** Mr. Speaker, Sir---

**Mr. Speaker:** Are you opposing it? I had said that I will give the minority their view, but I think the Minister will respond. I think that makes sense.

*(Mr. Koech stoop up in his place)*

Order! Hold your horse!

**Mr. Mwandawiro:** Jambo la nidhamu, Bw. Spika. Umesema kwamba wachache pia wapewe nafasi wazungumze. Mimi nilikuja hapa kupitia chama cha FORD(P). Wenzangu wakaniacha wakaenda upande ule wa Serikali. Jambo ambalo naomba kusema---

**Mr. Speaker:** Nani alikupa ruhusa? Uliachwa peke yako? Basi nakupa nafasi.

**Mr. Mwandawiro:** Bw. Spika, kazi tunayoifanya sasa, ya kuchagua Wabunge watakaotuwakilisha katika Bunge la Jumuiya ya Afrika Mashariki, ni nzito mno. Naijua kwa sababu niko katika Kamati ya Mashauri ya Nchi za Nje na Ulinzi. Tumeshughulikia sana mambo ya Jumuiya ya Afrika Mashariki. Mimi sitazungumza mengi. Lakini jambo ambalo naomba kusema ni kwamba, pamoja na sheria zote, ziwe za kidemokrasia au la, Serikali ina jukumu muhimu la kuhakikisha kwamba Jumuiya ya Afrika Mashariki inalindwa na kwamba, Wabunge wanaoenda huko wana baraka za watu wote wa Afrika Mashariki. Tukiangalia vyama vyote, hasa chetu cha FORD(P), watu wote wanatoka sehemu moja. Hiyo haionyeshi haki hata kamwe. Jambo la mwisho, tukiangalia swala la majimbo, watu wa Pwani wameachwa---

*(Loud consultations)*

**Mr. Speaker:** Order! The Speaker is the protector of minority rights.

Proceed!

**Mr. Mwandawiro:** Ahsante sana, Bw. Spika. Naomba viongozi wote wa vyama wafikirie zaidi kuhusu nchi yetu. Tusifikirie maslahi ya muda mfupi ambayo yanaweza kuvunja nchi yetu kupitia ukabila. Hilo ni jambo muhimu kwa wananchi wote wa Afrika Mashariki.

**The Minister for Roads and Public Works (Mr. Nyachae):** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to keep on referring to FORD(P) when he is not in our register any more? Despite the fact that we cannot get him out of this House, he left FORD(P) and he is not in our register.

**Mr. Speaker:** As I said before, I am not the manager, organiser or disorganiser of political parties. That is a matter that you people should deal with outside my jurisdiction. As I said, and the Minister for Roads and Public Works must have heard, in fact, the totality of this House; the bulk, we are living a lie. Somehow, this lie is coming out now. So, how you handle it is not my business. I must warn this House that sooner or later, the lie will catch up with us.

*(Mr. Balala stood up in his place)*

Naumalize wewe!

**The Assistant Minister for Energy (Mr. Kiunjuri):** On a point of order, Mr. Speaker Sir. Our cardinal duty to this country is to make laws, rules and regulations. What we are discussing today are regulations. If we are not satisfied with them, we could come back to this House and pass other regulations. If there is the East African Legislative Assembly (EALA) petitioning, it can be done in this House. Are we in order to be discussing our irresponsibilities, not having conducted our duties, after having had four years of fighting each other, and not looking at issues that are of concern to this House and this nation? Is it fair that we have to come here and keep you busy for the last one hour, just because we have failed to move amendments on the same regulations?

**Mr. Speaker:** Mr. Kiunjuri, I think that is a step forward. I believe that we are looking at our inadequacies now. Do not worry about my being bothered. Actually, that is what I am paid for.

*(Laughter)*

**Mr. Balala:** Thank you, Mr. Speaker, Sir. It is a very sad day for democracy and for newcomers like us who once believed in this country and want to bring positive change. We have presided over illegalities today because we did the wrong thing. Article 50 is very clear. It says--

**Mr. Speaker:** I will bring you to order, Mr. Balala. I have already ruled on that issue. You have no authority to overrule the Chair.

**Mr. Balala:** May I proceed, Mr. Speaker, Sir?

**Mr. Speaker:** Yes, you may.

**Mr. Balala:** Mr. Speaker, Sir, we are talking about democracy here and not oppressing the minority. Democracy means respecting the rights of the minority. That is what I was taught and that is what democracy is all about. This issue may end up here with the majority carrying the day. However, we will move to the highest court in East Africa, the East African Court of Appeal so that we can challenge all those illegalities that have been created by this House. We have seen political parties in this House that are not sensitive to the balancing of this nation. Are we confirming that our political parties are tribal and ethnic? Those are the questions we need to answer.

As much as you are separating yourself from the issues of political parties, I want to assure you that, that creates more confusion. Today, we were talking about a political party called NARC. You are aware that NARC is dead. What is there are fragmented parties and others have been made to join the Opposition. It is high time for you to rule if we are legal hon. Members of this House or not. If we are not, we should be sent back to our constituencies, go through elections and re-elect new leadership.

**Mr. Speaker:** Mr. Balala, I will be delighted, at an appropriate time, if you can raise that issue and give me the evidence, and I will deal with it. I already said that I suspect that you are living a lie. So, please, end there. Madam Minister, you can wrap the issue now.

Mrs. Ngilu!

*(Applause)*

**The Minister for Health** (Mrs. Ngilu): Thank you, Mr. Speaker, Sir. Having listened to the rules and regulations we made in this House, I think the Clerk may not have had those rules. He sent to the Party Secretary General of NARC, the Chairperson, the nomination rules and procedures and the qualifications that are required. We called parties that constitute NARC, they came together and looked through the lists of their Members. They then appointed some hon. Members. That is why we presented a list of names to the Clerk. The document, in fact, says in part; "this must be done within 14 days---", and we did that. However if we changed the rules, let that be. I would like to say that when people are working together, they should do things in good faith. There was, obviously, no good faith in what we have done here, as a Government. I would like to say that since I was here in the year 2001, when we came up with those rules, I have to support those nominations.

I support.

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Sit down all of you! I hope, having heard that from you, and you having heard my explanation, I hope and pray that very soon, you will take the requisite steps to improve on the rules so that five years down the road, you do not complain again. Today, we have the disadvantage of institutional memory. I was the Speaker in the last Parliament, and I am the Speaker now. Maybe, five years down the road, it will probably be another Speaker.

We do not have to bother people who were not here when the problem was created. Solve the problem now.

Mr. Minister!

**The Minister for East African Community** (Mr. J.K. Koech): Thank you, Mr. Speaker, Sir. Mine is to say thank you because the issue has come to a conclusion. We have chosen hon. Members who will represent us in the EALA. In your wise counsel, you have shown us where we should start from so as to move forward. When I look at the names we have chosen, I see that they represent a wide part of our country. All the regions have been represented. I did not take it kindly when an hon. Member said that the mighty must have their power. I think we should not adopt a holier than thou attitude. When we make a mistake, we must admit and correct it, as a House. How can we bring up the issue of the mighty? Who is mighty? We made a mighty mistake. However, I hope that we have now learnt and it is good that we now have hon. Members to the EALA on regional basis, because the issue was urgent. Thank you for making it very clear what we have done. The information that came from Arusha through you, had very clear terms. It went down to the parties. The parties, in their wisdom, are the ones that came up with that list which is regional-based.

**Mr. Speaker:** Thank you, Mr. Minister. That matter has already been concluded.

Next Order!

**Mr. Speaker:** Order! Order, Members! Please, resume your seats. I want to make an extraordinarily temporary order, not lasting more than two minutes. I think every Member must take their seats and wait at least for the Minister to take the Floor.

Proceed, Mr. Minister!

## BILLS

### *Second Reading*

#### THE LICENSING (REPEALS AND AMENDMENTS) BILL

**The Minister for Finance** (Mr. Kimunya): Mr. Speaker, Sir, I beg to move that The Licensing (Repeals and Amendments) Bill be now read a Second Time.

Mr. Speaker, Sir, the purpose of this Bill is basically to refine the legal framework of the licensing regime governing the conduct of business activity in Kenya. In this respect, the Bill seeks to abolish several licences that impact negatively on the cost of doing business in Kenya. These licences are either outdated or impose higher cost to users as compared to the actual or anticipated benefits. Some of these licences emanate from the colonial period, some of which are mischievously in our books and it is time we got rid of them.

Mr. Speaker, Sir, as indicated in my Budget Speech this year, the framework for sustaining our competitiveness requires that we reduce barriers to business investments in order to create an enabling environment for private sector growth. In this regard, the Government has so far repealed over 1,300 licences that directly affect trade and investment in Kenya.

Mr. Speaker, Sir, the Bill contains various proposals to repeal certain statutes and to make minor amendments to the law relating to business. It is our firm believe that when this Bill is passed, it will lower the cost of doing business, encourage existing investments to expand as well as attract new investments into this country. In addition, it will lead to infusion of new investments, new employment opportunities for our people and improve our standards of living. These reforms are intended to transform our country into an ideal and competitive investment destination, which

is what we all want to do to make Kenya the destination of choice for anyone wanting to invest in this side of the region.

Mr. Speaker, Sir, this Bill contains a number of amendments, more specifically to do with trade, liquor, including traditional liquor and a number of them regulating when we can shop and when shops can be open. These things should have disappeared long time ago. It goes further to eliminate some of the ones that were even segregating between shops in Mombasa and elsewhere. These are the colonial laws we want to wipe out so that our people can do business freely.

Mr. Speaker, Sir, I would also like to draw the attention of the House that over time, so many laws have been formulated in this House without adjusting and amending the laws that were grossly affected. We have ended up with duplication and conflict within the laws. As a result, people are finding it difficult to know which law applies to them.

As I mentioned during my Budget Speech, this is only the first batch of a set of laws that we will be repealing. There are over 700 laws that are currently being reviewed within the Ministry of Local Government. We gave the councils up to September to discuss with the Minister for Local Government the laws that they want to carry forward. I expect that by the time the Minister reports back in December, we will only have a few laws that we will be carrying forward so that our people can do business without being stopped left, right, centre for breaking this law or the other.

Mr. Speaker, Sir, Members have had adequate time to read this Bill, and I hope that we can take minimum time to actually go through it, pass it and take it to the Committee Stage so that our business people can have the freedom to operate in a friendly environment.

Without having to take a lot of the House's time on a matter that is very straightforward, I beg to move and ask my Assistant Minister to second.

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Speaker, Sir, I wish to second what the Minister has moved in terms of repealing certain licensing laws that have been there in the country. The spirit in which the repealing is being done is to make the business environment more friendly. We have had nearly 1,400 licences in this country and we are seeking to reduce the number of those licences to make this country competitive as compared to other developing countries, more so the neighbouring countries. I, therefore, appeal to the House to adopt these amendments.

With those remarks, I beg to second.

*(Question proposed)*

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Speaker, Sir, this Bill is very critical for the unfettering of economic activities and the freedom of Kenyans. You look at the Bill and you wonder why we have kept some of these laws in our statute books.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, I want to support the Bill as it seeks to free Kenyans and other persons doing business in this country from the rigours and inconveniences of licences. We have had ridiculous requirements in our statute books like regulation of hours for opening shops, regulations for looking for monuments and antiquities, regulations for transporting certain items. The Bill seeks to abolish the need to license traditional liquor so that our constituents can now brew and consume alcohol as they wish, as we all do when we walk into any open bar and

consume alcohol.

Mr Temporary Deputy Speaker, Sir, the Bill seeks to remove the bottlenecks that the Government would otherwise place on Kenyans who want to engage in their own activities. I am surprised to see that we had even laws that required you to have a licence to build a cowshed in your homestead. Laws as ridiculous as that are now being repealed.

We also are repealing several charges that are levied under the Local Authorities Act. The Bill also requires to repeal sections of the Distress for Rent Act to abolish the requirement for licensing of auctioneers by the Registrar of the High Court. It deals with mining and crops. Even crops like cotton where we passed a new Bill the other day, was still under vestiges of archaic laws in our books.

Mr. Temporary Deputy Speaker, Sir, I think this is a Bill that this House must support. It is going to make life easier and better. It is going to make Kenyans more productive and engage more in business activities. I do support the Bill fully. I want to urge the House to support it because we have a myriad of laws in our statute books that have no meaning to modern-day Kenya. These are laws, that if they were applied strictly, the operations of life in this country would come to a standstill. They would slow down economic growth, innovations and everything that we are doing to make Kenya a vibrant economic powerhouse in the region.

Indeed, this is not a matter that we need to belabour. I think it is incumbent upon us to support this Bill and pass it because it is unfettering Kenyans from the vestiges and clutches of archaic laws, some that were passed in colonial days.

Mr. Temporary Deputy Speaker, Sir, with this, I want to urge the Departmental Committees of this House. We vote money that will assist committees even in doing research. The Departmental Committees, can on their own, look at the laws and even hire experts to look at various statutes and advise this House whether there are statutes we need or we do not need. We have the Law Reform Commission whose duty is to reform laws. One wonders what they are doing when we still have laws that require you and me to seek a licence to build a cow shed in our homesteads, something that is totally archaic and many others.

Mr. Temporary Deputy Speaker, Sir, we all know that you do not need to be regulated by anybody to open your shop at whatever time and yet we have laws that regulate that you have to open your shop from this time to this time. I think we need, as a country, to be more innovative than this and arms of Government and public, including this Parliament, that have a duty to legislate, must live up to the expectations of this country by taking the initiative and advise Parliament to repeal some of these laws.

I beg to support.

**Mr. Muturi:** Mr. Temporary Deputy Speaker, Sir, I stand to support the Licensing (Repeals and Amendments) Bill. To echo what has been said by other speakers, indeed, since this particular Bill was published, and I have gone through it, I would have expected that today the relevant departmental committee would have actually been educating Kenyans on the big leaps that the Minister for Finance is making in proposing to repeal these obnoxious laws that have existed in our statute books for such a long time.

Mr. Temporary Deputy Speaker, Sir, I am surprised that even as we debate this Bill today, during its Second Reading, and the Order Paper had indicated these things last week, I do not see any representative from that Departmental Committee. I think it speaks volumes about how seriously we take the core business of this House.

Mr. Temporary Deputy Speaker, Sir, we have been told about the numerous laws that are supposed to be repealed by this Bill. The only reason why some of these laws exist is not actually to facilitate the orderly conduct of business. It is actually to frustrate upcoming businessmen or businesswomen. It is to frustrate people who want to invest in this country by requiring them to go

and get licences. They move from one office to another looking for an officer and you are told he is in a workshop. You move from that office to another and you are told that he is now attending a funeral. He may even be addressing people in some churches. The reason why some of these things exist is actually, in my own estimation, an extortionist practice. It is a colonial practice that we must do away with.

Mr. Temporary Deputy Speaker, Sir, in a general way in supporting what the Minister has proposed, I would urge that this House indeed as suggested by my learned friend, the young man from Sirisia, hon. Wetangula, we need to progressively and pro-actively look at the various laws that govern the conduct and establishment of business because it is futile for us to come here and talk about policies. Earlier this afternoon, we were talking about the gender policy. If you look at the policies contained in that Sessional Paper on Gender and Development you will realise that they are so general. Their implementation will be hindered by the existence of obnoxious and restrictive legislation that exist in our books.

Therefore, I want to commend the Minister for having come up with this Bill. The reasons are clearly stated in the Memorandum of Objects and Reasons and, therefore, there is really nothing for us to take so much time on.

With those few remarks, I beg to support.

**Mr. Sungu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also stand to support this Bill. With a heavy heart, I note that, in fact, it is Bill No.22 and the Finance Bill is No.21 and I think we also have the Tobacco Control Bill which is Bill No.2 published in March this year which has not been discussed by this House. I want to underline the fact that the House Business Committee must look at all these Bills fairly so that the House can go and do its business in an orderly manner instead of a partisan manner.

Mr. Temporary Deputy Speaker, Sir, licence laws have been a long time issue in this country and it is about time now that we repeal them because any time you meet any business people, anytime you go outside this country, they talk about impediment to doing business in Kenya. They talk about the number of licences that you have to obtain. They also talk about the corruption that goes with obtaining those licences. Most of these traders and business people, both foreign and locals here, would prefer a single stop licensing system whereby when they want to get licences, they go to one place, obtain all the relevant licences and proceed with their business.

Mr. Temporary Deputy Speaker, Sir, these people give us opportunities for employing our people and also give us an opportunity to earn foreign exchange. Therefore, it is important that we repeal these obnoxious old laws and replace them with something more modern which can be in keeping with the modern times. However, as we do that repealing, I want to beg that those forefathers that inserted these licences in our laws had something they were looking for. We need, and I hope the Minister is listening to us, to protect our people.

Mr. Temporary Deputy Speaker, Sir, Kenyans are not protected, particularly when it comes to doing business. You will find somebody coming all the way from India - a coolie - to operate a *kiosk* in River Road, Kenyatta Avenue or Oginga Odinga Street in Kisumu. When will our people have a chance do to business? Those people have dominated businesses at the highest level, with gross operating incomes of hundreds of millions of shillings, to the very lowest.

Mr. Temporary Deputy Speaker, Sir, if you go to the rural areas, particularly in Western and Nyanza provinces, you will find those traders even hawking goods in the local markets. They get goods on credit, load them in their vehicles and invade our local markets where our people should be trading. Our people are disadvantaged.

So, when we are looking at these laws, I would like to appeal to the Minister to consider---

**Capt. Nakitare:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Vidokezi katika Mswada huu sasa vinarudiwa. Ningeomba Mwanzilishi wa Mswada huu sasa ajibu.

**Mr. Sungu:** This is a Bill! It is a law.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): I think that is an abuse of this House. Let us allow Mr. Sungu to finish his contribution!

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. Attempts to curtail debate even before four hon. Members have contributed is a mockery of the role of this House. I laud you for rejecting that request. I do not know where it came from, and why it came!

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Thank you for lauding me. But, Mr. Wetangula, I had already ruled that, that is an abuse of the process of this House.

Mr. Sungu, please, proceed!

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I want to thank you for protecting me.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Sungu! It is not your fault. I have noticed that one hon. Member of this honourable House has left the Chamber through a door that is not allowed. There is only one entrance and one exit from this House. Those are the rules of the House! Could the Serjeant-at-Arms look for Mr. David Mwanzia and ask him to come back to the Chamber?

Proceed, Mr. Sungu!

**Mr. Sungu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for that ruling. I support this Bill. As a Parliament, it is necessary for us not to hurry when we are making laws for this country. Today, we have just witnessed a spectacle where rules, which we made in the last Parliament - of which I was a Member---We did not look at the rules in a historical perspective. They are now being applied against the very people who made them. It is, therefore, necessary to scrutinise these Bills when they come before the House so that, when a law is made, it can last for posterity. It should be a fair law that can be applicable by all generations. Therefore, there should be no hurry.

Mr. Temporary Deputy Speaker, Sir, we have been criticised for not doing our work properly. I want to state here and now that some of us are ready and willing to sit even up to midnight to discuss these Bills, so that we can do justice to contentious matters.

Mr. Temporary Deputy Speaker, Sir, before I was interrupted, I was trying to point out that when those licensing Acts were passed, they were not just for providing revenue or creating barriers. They were meant to protect our people. Our people are still poor. They do not have access to credit and all the other incentives that foreign businessmen have. So, when we pass laws to replace the existing ones, the Minister must protect the poor. All countries do that. China went underground, protected its own businesses and, in a short while, when it came up, it is a force to reckon with in the world economy. It is now competing with United States of America (USA) and other super powers.

With those few remarks, I beg to support.

**The Minister for Information and Communications** (Mr. Kagwe): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill. I am disappointed that my former colleagues in the Finance, Planning and Trade Committee have not taken these issues as seriously as I, as a former Chairman, would have expected.

**Mr. Sungu:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): It is up to Mr. Kagwe!

**The Minister of Information and Communications** (Mr. Kagwe): Mr. Temporary Deputy Speaker, Sir, unless he is informing somebody else--- I, particularly, do not want the information.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Go on!

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member,



who was the Chairman of the Finance, Planning and Trade Committee and now is a Minister, that the current Chairman, who is my father-in-law, has informed me that they have scrutinised this Bill and supported it. However, as you know, hon. Members go in and out of Committees very frequently.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Sungu, do not bring excuses on behalf of other hon. Members. That is not right!

Mr. Kagwe, please, proceed!

**The Minister for Information and Communications** (Mr. Kagwe): Mr. Temporary Deputy Speaker, Sir, indeed, I was about to rise on a point of order to ask whether it is in order for the hon. Member to protect others. However, I understand the situation, given the relationship between Mr. Sungu and the Chairman.

Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill because of a number of reasons. First, the amendments that have been proposed will go a long way to cut the cost of doing business. This cost of doing business is not just paying for the licence. Indeed, what is saved here, more than even the cash, is the time it takes to get some of those licenses. A trader from Meru District who wants to trade in Kisumu District has to get a trading licence both in Kisumu and Meru. You can imagine the time it will take even if you are required to pay Kshs20 in Kisumu and Kshs20 in Meru. Time is the biggest saving as far as this Bill is concerned.

Mr. Temporary Deputy Speaker, Sir, I support this Bill because it will save many people in my constituency. We sell milk. We did not even realise that from the farm gate, you are supposed to have a licence to sell milk to the next person. I think it will help our own farmers.

The Bill also repeals the Coffee Act, to address the question of coffee auctions. The coffee auctioneers are only subjected to one licence, instead of being registered as both coffee auctioneers and under the Auctioneers Act. That is a very good move to save the cost of doing business and creating efficiency.

The Bill also touches on the tourism sector. Tourism is very important to this nation. It is bringing in 15 per cent - and it is going to 25 per cent - of Gross Domestic Product (GDP). When you think about the inconveniences that hoteliers go through just because of some simple licences, it behooves us to act expeditiously to pass these amendments to save the people of this country the expenditures incurred in going through unnecessary troubles and licences.

Mr. Temporary Deputy Speaker, Sir, some of the costs that you see here were basically supposed to finance salaries. When you have a situation where you collect money to finance salaries and you are not even clear about what those you are paying do, then it absolutely makes no sense to have those licences. It is for that reason that I support this Bill and congratulate the Minister for Finance for bringing it at this appropriate time.

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

**Capt. Nakitare:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to inform the Chair that this Bill has been debated exhaustively and under Standing Order No.87, I beg to move that the Mover be now called upon to reply.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Well, the Chair has to decide. Let us give hon. Michuki a chance to say something.

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I just want to render my support to this Bill because its intentions are very noble. The Bill intends to shorten the time that it takes to acquire licences in Kenya. That contributes to better management. So, I support this Bill.

The only thing I would like to remind the Minister for Finance is that as he incorporates the Traditional Liquor Licensing Act, Cap.122, he should bear in mind that there is a very important definition of what traditional liquor is. If that definition is omitted, he will find a lot of problems in

getting revenue on traditional liquor. The definition of traditional liquor is that it is an alcoholic beverage whose fermentation has not been arrested. This is because the liquor continues to ferment when you take it. If you call it *Muratina* or any other name, the people who prepare that drink will change the name and, therefore, the law which mentions that particular name will be rendered out of use. Therefore, I wanted to make the point that the Minister should not forget that definition.

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

**The Temporary Deputy Speaker** (Mr. M'Mukindia): I will now call upon the Mover to reply.

**The Minister for Finance** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I believe that the spirit of this Bill has captured this House. I want to thank hon. Members for the support that they have given me. This is something that was long overdue. I wish to confirm to hon. Members that even as we repeal these laws, we are still committed and will continue protecting upcoming Kenyan traders and facilitating their businesses.

I also would like to confirm to hon. Michuki that, in fact, with regard to traditional liquor, we are moving it from its own statute and merging it with all other liquor licensing complete without the definition. So, it will not be lost.

I hope that we shall be able to pass all these other outstanding Bills because hon. Members have had enough time to look through them. We use this House to really get the Bills fast tracked so that we give Kenyans the amended laws that they require.

With those few remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time  
and committed to the Committee of  
whole House tomorrow)*

*Second Reading*

THE FINANCE BILL

**The Minister for Finance** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Finance Bill be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, may I start by expressing my sincere gratitude to hon. Members of this august House for the support that they have given to the taxation proposals that I announced during this year's Budget.

As I indicated, our economy is now enjoying a broad-based expansion that we have not witnessed in decades. The real Gross Domestic Product (GDP) increased to 5.8 per cent in 2005 from 4.9 per cent in 2004. However, in order to address the twin challenges of poverty and unemployment, our economy must expand by at least 7 per cent on a sustainable basis, coupled with strategic Government intervention to ensure that more benefits are reaped by the poor of this country. The taxation measures that I proposed during this year's Budget are intended to remove administrative and legal barriers in order to create an enabling environment for private sector growth. I am happy that part of those measures have just been passed by this House. They are also intended to address inequality while creating opportunities for the youth to actively participate in economic development. This will ultimately result in poverty reduction, especially in the rural areas.

Mr. Temporary Deputy Speaker, Sir, as hon. Members are aware, the East African

Community Customs Union Protocol has been in operation for almost two years now. In this regard, in consultation with the Ministers for Finance for Uganda and Tanzania, we did undertake to implement measures aimed at improving the welfare of our people. That is by reducing the cost of production and offering some protection to our infant industries. Along these lines, we removed import duties on solar equipment and accessories, filter paper and wire of stainless nickel bars, rods and profiles. I would like to report to this House that, as a result of some of these measures, our industrialists are enjoying better competitiveness *vis-a-vis* the rest of the world just after three months.

Also to protect our local producers of mats and matches, we increased import duty on these items from 10 per cent to 25 per cent and from 35 per cent to 50 per cent, respectively. Once again, I would like to report that we have had tremendous progress due to this protection and our industries might as well be on the road to recovery.

The Finance Bill of 2006 contains various proposals that relate to the VAT, Excise Duty, Income Tax and miscellaneous fees and taxes. I wish to highlight just a few of them since the hon. Members will have ample time to scrutinise the proposals that are contained in the Bill. I also wish to draw the attention of this House to the fact that since the publication of the Finance and its laying the Bill on the Table of this House, we have received several representations from various stakeholders, Members of Parliament and Committees of Parliament. We have also been very sensitive to the wishes of the Kenyan people. I will also be bringing here a number of amendments to some of the proposals that we have made. Some of them will relate to the Sugar Development Levy and the Insurance Act. I will table all these amendments, so that we discuss them and make the necessary amendments to the Bill at the Committee Stage.

Mr. Temporary Deputy Speaker, Sir, our youth are dominantly in the areas of music, drama and other entertainment services. In order to promote the growth of music and the theatre industry, I proposed to exempt VAT on entertainment services provided by local Kenyan artists. This measure is expected to make these services cheaper, hence encourage more youths to participate in them. I am happy to report that since the 15th of June, we have had more performances. Our Kenyan youths are promoting their products and feeling far much happier than before now that their services are more competitive. As they entertain people, they are able to sell their products more easily.

Most of our people live in rural areas and agriculture is their main activity. In recognition of the great role played by the agricultural sector in creating employment opportunities to our rural folk, I propose to zero-rate agricultural tractor tyres, agricultural tractors and semi-trailers for agricultural tractors.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Minister, you will continue to move the Bill when debate resumes next week.

Hon. Members it is now time to interrupt the business of the House. The House is, therefore, adjourned until Tuesday, 31st October, 2006, at 2.30 p.m.

The House rose at 6.30 p.m