

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd, August, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS PRIVATE NOTICE

LEVEL OF INTERVENTION BY KENYA RED CROSS IN DROUGHT MITIGATION /RELIEF EFFORTS

Mr. Sirat: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Special Programmes the following Question by Private Notice.

(a) To what extent is the Kenya Red Cross Society supplementing the Government efforts in drought mitigation and the distribution of relief food to persons affected by drought and famine in the country and who is the society accountable to?

(b) What percentage of the national and international emergency relief appeal has been realized so far and how much has been utilized in the country and could the Minister table a detailed proof of collection and expenditure?

(c) Could the Minister confirm that the organization is putting up Five Star hotels in Nairobi, Nyeri and Eldoret and has acquired more than 3,000 acres of land in Mlango in Tana River while Kenyans are dying of hunger and, if so, clarify whether this is part of the organization's core mandate?

The Assistant Minister for Special Programmes (Mr. M.M. Ali): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Kenya Red Cross Society (KRCS) has been supplementing the Government in drought mitigation through appealing to local and international organizations for the required interventions. On food distribution, the Society has been contracted as a lead agency in distributing relief food on behalf of the World Food Programme in various districts in Kwale and Garissa Counties. My Ministry has also hired six trucks from the KRCS for distribution of relief food. In terms of accountability, the KRCS is accountable to its Governing Board, the National Executive Board, in accordance with Cap.256 of the Laws of Kenya as revised in 1967.

(b) Following the declaration of drought as a disaster, the KRCS made an international appeal for a total sum of Kshs859 million to enable it to respond to emergency needs of populations affected by drought. By the end of July, the Society had received about Kshs149 million which is about 17 per cent of the total. These funds are being used for drought interventions across the country.

(c) I can confirm that the KRCS has put up hotels in Nairobi, Nyeri, Eldoret and has also acquired 3,000 acres of land in Mlango, Tana River. These investment ventures are within Cap.525(6) of the laws of the country.

Mr. Sirat: Mr. Deputy Speaker, Sir, that was a very brief and short answer despite the intensity of the Questions that I asked.

Mr. Deputy Speaker, Sir, the KRCS was established in 1965 by the Kenya Red Cross Act. Since then, it has changed its Constitution five times; the last one being May, 2009, for obvious reasons. One was to increase the term of the Secretary-General, the number of times he or she can be Secretary General---

Mr. Deputy Speaker: Hon. Sirat, this is a Question and Answer Time! Could you ask the supplementary question?

Mr. Sirat: Mr. Deputy Speaker, Sir, my question is that the core values of the KRCS are accountability and service to humanity. When Kenyans are suffering, due to hunger and drought, why is the KRCS establishing Five-Star hotels costing nearly Kshs1 billion? The monies they collect from well-wishers, international donors and Kenya are going to build these Five-Star hotels when my people are suffering. Why has the KRCS changed its core mandate from service to humanity to going into business venture?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, as observed by the Member, the answer may have been brief. However, I think it captures everything that he wanted. Coming to why the KRCS is putting up hotels, you do appreciate that other Red Cross Societies across the world rely on funding from governments. The KRCS does not get any funding from the Government. It relies on donor support and other well-wishers within the country and all over the world. As we all appreciate, this donor support is dwindling. The efforts of the KRCS to supplement Government efforts in providing relief support to affected societies, has been noted all over the country. Because of this dwindling support, KRCS has had to find ways and means of generating income. Those hotels the Member is talking about are very well-placed to generate this income. This income is used to support affected regions to mitigate disasters that have occurred severally in the country.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, we recognize the role played by the KRCS. In the 1990s, the Government helped the Association for the Physically Challenged by buying Rehema House for them. Later on, they developed the new Rehema House. Could the Government consider allocating substantial amount of money, so that the KRCS can buy a huge commercial building which they can be relying on to help the people who are affected when calamities arise as it did for the physically challenged?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I appreciate the hon. Member's contribution. Indeed, it is very well intended and that is the direction we should be going. We have taken note of that and it will be forwarded and discussed. I cannot say for sure when, but I undertake to ensure that this will be taken forward as a proposal.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I for one do appreciate the work that the Kenya Red Cross does, particularly in my constituency, when we have had a crisis. They have always responded very quickly at any request we have made. However, bearing in mind that the Kenya Red Cross Society was, in fact, formed through an Act of Parliament and the Assistant Minister has acknowledged that it needs support, could he assure this House that he will take measures to bring an amendment to this House to amend the law that established the Kenya Red Cross Society so that it can be facilitated

in acquiring assets that it can use to prevent the organization from running into problems as a result of diminished donor aid?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I thank Mr. Imanyara for his sentiments. Indeed, the work that the Kenya Red Cross Society does, as he has clearly pointed out, is appreciated by everybody across the country. They have done a lot, including in my constituency which is one of the drought-affected areas. The Kenya Red Cross Society has put up greenhouses there which have helped the people to get some food. However, on the issue of bringing an amendment, it is already provided for in the Act that they can acquire property both movable and immovable. To get funding from the Government, if I got him right, is properly in order. This organization needs and deserves Government support. I undertake that we will consider bringing a Bill to amend the Act as the hon. Member has proposed.

Mr. Keynan: Mr. Deputy Speaker, Sir, in light of the good work being done by the Kenya Red Cross Society, could the Assistant Minister ask the other local NGOs and locally-based international organizations, which are engaged in relief distribution to emulate the good work being done by the Kenya Red Cross Society and ensure that whatever assistance they get on behalf of the people of Kenya reaches the needy people?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, indeed, we have already done it and we will continue doing it. We will require all other agencies involved in humanitarian activities to emulate the example set by the Kenya Red Cross Society. I undertake to do that and we will follow up on it.

Mr. Mureithi: Mr. Deputy Speaker, Sir, whereas we recommend what the Kenya Red Cross Society has done--- My experience with the Internally-Displaced Persons (IDPs) issue is that the Kenya Red Cross Society moved in very fast to support them. We also appreciate what they are doing at the moment. However, I find it very ironical that whereas we have a lot of potatoes and vegetables rotting in Nyandarua and Mau which I recently visited--- Why can the Government not supplement by buying these commodities and sending them to the Kenya Red Cross Society instead of importing GMO food at a high cost and yet our farmers' produce is rotting in the farms? The Government should really support the Kenya Red Cross Society which is assisting the people who are suffering because of hunger, by mopping up food in the other areas of this country that have a lot. We need to commend the Kenya Red Cross Society for what it is doing in this nation.

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, the possibility of buying potatoes and vegetables from Central Province, and other places which are well endowed, has been floated but you will realise that these are perishables. The areas affected have rough terrain, for example, Turkana where vehicles take more than three to four days to reach. So, it was noted that, that may not be very viable. However, we have been challenged to consider airlifting the food to the affected areas. We are currently considering doing that through the Kenya Red Cross Society.

Mr. Affey: Mr. Deputy Speaker, Sir, I rise to compliment, and in a major way, thank the Kenya Red Cross Society and request the Assistant Minister to see whichever way possible--- Just the other day, my own party, through the ODM(K) Women Political Caucus gave this wonderful organization Kshs1 million. We have absolute faith in the ability of the Kenya Red Cross Society to deliver to Kenyan people. However, it appears as if this organization has in many ways replaced the Government of Kenya. What the

Government should have done is being done under very difficult circumstances by the Kenya Red Cross Society. Is it possible that, out of the huge budget that we allocate to the Ministry, we can allocate a substantial amount of money to the Kenya Red Cross Society so that they can be able to do the good job they are doing? Could the Assistant Minister confirm whether we can do that?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, while I appreciate the hon. Member's positive comments applauding the Kenya Red Cross Society, and all of us share that, the question of our huge budget being transferred to the organization should not arise because we are actually underfinanced as you very well know. The little that we get has been going to the needy as required. We actually need more financing. However, let us not lose the gains that we have already made. Hon. Imanyara very properly proposed that we bring an amendment to this House so that the Kenya Red Cross Society can access Government funding. I think that should be the route to take as opposed to asking other Ministries to give up what they have which is not even enough.

Mr. Yakub: Mr. Deputy Speaker, Sir, given the good job the Kenya Red Cross Society and the Government are doing in North Eastern Province and Turkana, what measures has the Ministry taken with regard to Coast Province where we have the same problem of drought and food insecurity in Lamu, Kwale, and Kilifi districts?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, relief efforts are going on in all parts of the country which are affected. In the areas mentioned by the hon. Member, relief efforts have been going on there on a monthly basis. We have just come from a meeting and we decided that we need to tour that area and we shall invite the hon. Members shortly. Otherwise, relief efforts have been going on there just like in other parts of the country.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Could the Questioner, the hon. Member for Wajir South, declare his interest in this Question because it is in the public domain that the Kenya Red Cross Society has already donated boreholes which are now in contention because the CDF claims to have drilled the same boreholes? Could he declare his interest in this matter, especially why he is attacking the Kenya Red Cross Society?

Mr. Deputy Speaker: Mr. Sirat, could you declare your interest in this matter? It is clearly stated in the Standing Orders that one has to declare his or her interest beforehand!

Mr. Sirat: Mr. Deputy Speaker, Sir, before I joined this Parliament, I used to read in the newspapers that some of the Members in these *shamba*---

Mr. Deputy Speaker: Order, Mr. Sirat! Could you declare your interest in this matter?

Mr. Sirat: Mr. Deputy Speaker, Sir, I will in a minute!

Mr. Deputy Speaker: What is your interest? Declare the interest!

Mr. Sirat: Mr. Deputy Speaker, Sir, as a good citizen I am not happy with how the KRCS is being managed. Precisely, I want to know from the Assistant Minister---

Mr. Deputy Speaker: Order. The matter of interest is that, do you have an issue with KRCS?

Mr. Sirat: No, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: You do not have an issue with KRCS?

Mr. Sirat: No, Mr. Speaker, Sir.

Mr. Deputy Speaker: No issue of contention? Fair enough!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. The rules of this House are very clear. I want to ask the Chair, because this is in public domain--- I need to remind the hon. Member that there is a Board which is addressing these issues of CDF. If, indeed, it is found that he has an interest and he has not declared his interest, I urge that the Chair takes strict action on this particular hon. Member. It is also very wrong for hon. Members when they have differences to bring them here. I did see clearly on the national TV---

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

Mr. C. Kilonzo: I am on a point of order!

Mr. Deputy Speaker: Order! He is on a point of order!

Proceed, Mr. C. Kilonzo!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I did see clearly in the media that there are differences between Mr. Abbas and the hon. Member. When there are those differences should a Member of Parliament come to use his own office to attack an institution like this and he refuses to declare his interest? If he did declare his interest, we would not be having any problem. If you find there is interest, you take strict action. This should serve as a warning to those of us who use their office wrongly.

Mr. Deputy Speaker: Order! Hon. Members, this House is called “an august” House and a dignified House because it works within rules. It is the law-making body of this country. It is the supreme body in that case. As much as we expect Kenyans to respect our laws, we must also respect our Standing Orders. Standing Order No.81 says:-

“A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.

Mr. Sirat did not declare interest and has said categorically he has no interest. However, in the event the Chair finds out that, indeed, there was an interest then the sanctions of the House are very clear.

Mr. Sirat: On a point of order, Mr. Speaker, Sir. In the last one week, I was approached by Members of Parliament, and even yesterday evening I was called by a Member of Parliament, Mr. Mohammed! He said he was sent by---

Mr. Deputy Speaker: Order, Mr. Sirat! The Chair---

Mr. Sirat: I have to defend myself, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! The Chair appreciates very much that you are a freshman in this House and you have been here for about a year. However, by now, you should have acquainted yourself with the Standing Orders and the procedures in the House. You cannot impute any improper motives on any Member of the House without a substantive Motion. You cannot talk about any hon. Member unless you have a substantive Motion. So, in the event you wish to discuss the conduct of a Member of this House, you must bring, first of all, a substantive Motion. You are at liberty to do so.

Mr. Imanyara: Mr. Deputy Speaker, Sir, you will have noticed that the issue of personal interest was not raised by the hon. Member, but was introduced by Mr. K. Kilonzo. Will I be in order to request Mr. K. Kilonzo to table the evidence that he alleges shows that this hon. Member has an interest in this matter through boreholes and CDF rather than speaking without any evidence and, therefore, cast aspersions on this hon. Member who has asked a Question?

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I want to also agree with my colleague and, therefore, ask for this Question to be deferred so that I can bring substantial evidence in this House to prove that the hon. Questioner has, indeed, interest in this matter.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Mr. K. Kilonzo is an experienced Member of this House. He knows very well that, for him to make such an allegation, he must produce, right now, the evidence; not to go and search for evidence wherever it is! Is he in order?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. There is no point of looking for the evidence. It is here! Mr. Abbas Gullet appeared on TV, Channel K24, and we saw that he had some differences with the hon. Member. Yesterday, the hon. Member, in his own constituency, in the company of the Vice-President and Ms. Esther Murugi Mathenge, did personally attack KRCS. So, if he was attacking KRCS and accusing it of the same things and this also appears on the Order Paper, that shows he has a personal interest. I did say specifically there are issues which have been raised on CDF. This matter is still being looked into. So, all the hon. Member would have done is to say that he has an interest in this matter and proceed and ask his Question and there would be no objection.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I really do not need anybody to defend me! The Standing Orders are very clear; that if I make such an allegation, I have a day to provide evidence. Following that Standing Order, I would want to be given a day to bring evidence in this House; that this hon. Member has an interest in this matter.

Mr. Deputy Speaker: Fair enough!

Yes, Mr. Sirat.

Mr. Sirat: Mr. Deputy Speaker, Sir, I want to know why Mr. C. Kilonzo, Mr. K. Kilonzo, Mr. Yakub, Mr. Affey and Mr. Keynan asked me to withdraw this Question.

Mr. K. Kilonzo: On a serious point of order, Mr. Speaker, Sir. I have not at any time spoken to this Member of Parliament over this matter.

Mr. Deputy Speaker: Order! Order, hon. Members! The Chair will wait for the substantiation of the matter of the personal interest of Mr. Sirat. Mr. Sirat did indicate that he has no personal interest. Mr. K. Kilonzo said there is a personal interest that is in the public domain. The Chair would want to see what that personal interest is. In the meantime, for the umpteenth time, this Chair has always said you cannot impute improper motives on a fellow Member of Parliament without a substantive Motion.

In the circumstances, the Chair will apply the rules of the House to the letter. Mr. Sirat, for consistently disparaging your fellow hon. Members without a substantive Motion on the same, the Chair directs that you stay out of the House for the rest of the day. Mr. Sirat, you will stay outside the House for the rest of the day! The Chair will give a ruling on the same matter of the personal interest or failure of personal interest.

(Mr. Sirat withdrew from the Chamber)

Next Question!

HARASSMENT OF CHEMELIL SUGAR COMPANY
WORKERS BY MUHORONI DC

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

(a) Under what circumstances did the Muhoroni District Commissioner (DC) use armed Administration Police officers to chase away persons contracted to plough part of the Chemelil Sugar Company nucleus estate that borders the DC's office on 1st June and 4th July, 2011?

(b) Is the Minister aware that the DC also chased away the Managing Director of the Chemelil Sugar Company Ltd. who had gone to find out from him why he was blocking the company from working on its nucleus estate?

(c) What disciplinary action will the Minister take against the DC for the illegal conduct?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I seek your indulgence and that of the House to answer this Question tomorrow because the answer I have is inadequate and incomplete.

Mr. Deputy Speaker: Mr. Assistant Minister, for a Question by Private Notice, you have to have an answer within 48 hours.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I got this Question at five minutes to 9.00 a.m. I seek your indulgence to answer it tomorrow.

Mr. Deputy Speaker: When would you want to answer this Question? The Order Paper for today afternoon is already out?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): On Tuesday, next week, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: This is a Question by Private Notice, hon. Assistant Minister!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I am ready to answer it tomorrow.

Mr. Pesa: Mr. Deputy Speaker, Sir, he had informed me that he will answer it tomorrow. However, I have not even seen the answer he is disputing. I want that to go on record.

Mr. Deputy Speaker: It is a Question by Private Notice. The Assistant Minister is not obligated to give you a written answer. It is so directed that the Question should appear on the Order Paper tomorrow afternoon.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.735

NON-PAYMENT OF DUES TO FORMER WORKERS
OF AFRICAN SAFARI CLUB

Mr. Yakub asked the Minister for Labour:-

(a) whether he is aware of the Industrial Court Case No. 648(N) of 2009, filed by the Transport and Allied Workers Union against African Safari Club Limited;

(b) why the defendants (African Safari Club Ltd) have not paid full terminal dues and benefits to Mr. Omari Mwangiri and other 47 persons in spite of the court order; and,

(c) when the dues will be paid to the beneficiaries.

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

(a) I am aware of the Industrial Court Case No. 648(N) of 2009.

(b) The Transport and Allied Workers Union filed the case on behalf of Mr. Omari Mwangiri and 47 other employees against the African Safari Club Limited on 2nd November, 2009. The matter was heard and determined on 15th September, 2010. The respondent refused to have joint negotiations initiated by the Provincial Labour Officer (PLO), Coast, and the union. The claimant has not moved to court to have the Industrial Court award enforced.

(c) I am aware that the defendant has not paid full terminal dues and benefits to the 47 employees. However, the union has been advised in writing by the PLO, Coast, to move to the Industrial Court to have the award enforced.

Mr. Yakub: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for that answer. I had asked very clearly why these employees have not been paid up to now. He should tell us what action has been taken. It is not an issue of the PLO, Coast, moving to the Industrial Court. What has the Ministry done to make sure that this court order has been obeyed?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, as it happens in the usual court processes, the person who has been awarded the order is supposed to file another case at the Industrial Court, so that the order can be executed. It is not the PLO as such, but Mr. Omari and the 47 others who should go to the Industrial Court again and ask for further orders.

Mr. Imanyara: Mr. Deputy Speaker, Sir, the Assistant Minister should not pretend that he has no powers to ensure payment of salaries for these workers. We know that the law empowers the Minister to appoint prosecutors. We also know that the Labour office is prosecuting employers who fail to pay their employees' salaries on regular basis. Why has the Assistant Minister not taken such action to instruct the prosecutors to investigate and prosecute this company that has defiantly refused to pay its workers?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, the union officials are the ones who file cases.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I asked the Assistant Minister why he is not enforcing the law. I did not ask about the union. Why is the Ministry not prosecuting? Why does he want the union to do it when he has the powers under the law to do it?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I do not think we have those powers. It is the court which usually enforces the law. As per the advice I was given by the Registrar in our industrial courts, it is just a simple case. If the claimants could go back to

the Industrial Court, the court will instruct the officers accordingly. We cannot jump a process and start acting like police officers.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to contradict the law that he is supervising, when the law is very clear that the relevant Act allows the Labour Officer to ensure, through the court process, that the terminal dues are paid while leaving the matter of enforcement to the union? Would I be in order to ask him to check this issue with his Ministry and report back to the House as appropriate because the law is very clear on this?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, as you can see from my answer, the Ministry is very much involved. The Industrial Court is a department in the Ministry of Labour. In fact, our Labour Officer is working closely with the employees who are claiming these dues. What is remaining is for the affected employees to go to court and after the process, we can even attach the properties of this employer. Unless they go back to court - we have already written to them - the process cannot begin. Maybe they have lost interest in the matter.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I hope the Assistant Minister is aware that the African Safari Club has started liquidating its assets. Hotels like Flamingo and many others have been sold. How is the Ministry going to safeguard the interests of these workers when the hotels have been liquidated?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, that is news to me. I am hearing about it for the first time! But in case it is happening, then I am going to instruct my Labour Officer to move fast and see to it that these employees are paid before the worse comes to the worst.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. This is very interesting! This is a matter of public interest. The owners of the African Safari Club, Mr. Rudding, the former President and others, have even been in the media to the effect that, that hotel has been sold. There were differences and they have gone to court, but it has been resolved. Is the Assistant Minister saying that he is not aware of this? If he is not aware as an Assistant Minister for Labour; the custodian of the workers of this country, who else would be aware?

Mr. Deputy Speaker, Sir, would I be in order to request that you defer this Question until the Assistant Minister familiarizes himself with the matter?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I was dealing with the issue of the payments which were due to these workers. As regards the winding up, I am not aware of that. If the Member wishes that I should look for more information and report back to the House, I am willing to find out exactly what is happening. This is going to affect many employees.

Mr. Deputy Speaker: Are you willing to have this Question deferred again? The Assistant Minister is saying that he needs to do some homework.

Mr. Yakub: Yes, Mr. Deputy Speaker, Sir. This is because of the number of families which are affected. This case started in November, 2009. I agree!

Mr. Deputy Speaker: Fair enough, Mr. Assistant Minister, when do you want this Question to be listed on the Order Paper again?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, Tuesday next week will be okay.

Mr. Deputy Speaker: Fair enough! Is that okay with you, hon. Yakub?

Mr. Yakub: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is so directed! The Question should be on the Order Paper on Tuesday next week.

(Question deferred)

Question No.763

LEVEL OF GIRL-CHILD ENROLMENT
IN MARSABIT/ISIOLO COUNTIES

Mr. Bahari asked the Minister for Education:-

(a) to inform the House the level of the girl-child enrolment and transition rate in Marsabit and Isiolo Counties at all levels; and,

(b) to also state what Government schemes exist to encourage and promote girl-child education in the two counties.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, I beg to reply.

(a)The level of girl-child enrolment and transition rate in Isiolo and Marsabit counties in Early Childhood Development Primary Schools and Secondary Schools is as follows:-

For Isiolo County the enrolment is 63.5 per cent at ECD level. At the primary level, it is at 49 per cent and secondary level is 48 per cent. The transition rates for ECD is 57.5 per cent, for primary level it is 31.8 per cent and for secondary level it is 52.2 per cent.

For Marsabit County, the enrolment rate is 52.6 per cent for ECD, primary is 47.7 per cent and secondary level is 29.5 per cent. The transition rate is 49 per cent for ECD, 66 per cent for primary level and 62 per cent for secondary school.

(b)The Ministry has initiated the following programmes and initiatives to encourage girl-child education in Marsabit and Isiolo Counties:-

The Ministry has developed a Gender Policy in Education as at July 2007 to mainstream gender at all education levels, institutions, policies, programmes and activities, planning, implementation and budgeting process.

The Ministry has developed a policy framework for nomadic education in Kenya as at July, 2010 to address the challenges of access, equity and quality of education in ASAL areas including Marsabit and Isiolo counties.

The Ministry has opened more educational institutions for equal access and opportunities for both girls and boys and additional girls' boarding schools have been opened, for example, Kubi, Bagaza and St. Teresa in Isiolo District. There is affirmative action in granting bursary funds. For example, the girl-child grants 5 per cent more marks on meriting and poverty levels to access bursary. The Ministry has established expanded low cost boarding schools for improved access, retention and completion.

The Ministry has established centres of academic excellence in constituencies under the Economic Stimulus Programme to improve on the quality of education and infrastructure. For example, we have Algani Primary School in Garbatulla District.

The Ministry has introduced Peace Education for conflict management and resolution to provide favourable learning and infrastructure development environment for

teachers and learners. The Ministry has implemented the school infrastructure improvement programme by disbursing funds to needy schools for infrastructure development.

The Ministry has taken legal action against girl-child abuse especially early marriages and enforcement of the Children's Act and Sexual Offences Act.

The Ministry has also introduced mobile schools to improve nomadic education. A total of Kshs21,847,064 to support mobile schools was disbursed between 2006 and 2010. The Ministry is implementing the national food security and nutrition policy and school health nutrition policy to address the challenges of food security and malnutrition in schools. The school feeding programme has reduced hunger and malnutrition, increased school enrolment and stabilized attendance and attentiveness and has also improved performance and motivated parents.

Lastly, the Ministry is collaborating with other Ministries and other agencies like the Ministry of State for Development of Northern Kenya and Other Arid Lands, Constituencies Development Fund (CDF) and Local Authorities Transfer Fund (LATF) for the provision of infrastructure, resource mobilization and capacity building for improving education standards.

Mr. Bahari: Mr. Deputy Speaker, Sir, this answer was drawn without due care like it has been in the past in the Ministry of Education. I am saying this because there is not much difference in terms of school establishment, attitude and general environmental conditions between Marsabit and Isiolo counties and yet you can see that for secondary enrolment in Isiolo, it is 48 per cent and for Marsabit it is less than 30 per cent. That is why I am saying that this was not drawn with due care.

Secondly, if you look at the transition record, for Marsabit it is 66 per cent currently and for Isiolo it is only 31 per cent. This kind of deviation looks like these figures have just been crafted to attempt to satisfy this House. I want the Assistant Minister to clarify the basis of this information and avail it to this House now.

Prof. Olweny: Mr. Deputy Speaker, Sir, it is interesting to hear the statement from the hon. Member. What I have given is what is on the ground. If the hon. Member has any data to the contrary, let him bring it. This is data that we have relating to children in Isiolo. Out of the total number of children we have in Isiolo 63.5 per cent are in ECD. That is the data but if the hon. Member has anything to the contrary, let him table it and then we discuss it.

Dr. Khalwale: Mr. Deputy Speaker, Sir, this is completely unacceptable. We cannot accept it anywhere in Kenya to have only 29.5 per cent of our girls being admitted in secondary schools. The Assistant Minister has given many reasons but he has been quiet about teachers. One of the reasons why these children do not see the need of going to school is that there are no teachers in Marsabit and Isiolo. Could you tell us how many teachers, born and bred in Isiolo, who you admit in Teachers Training Colleges with a view of ploughing them back into the local schools for teaching and improving the academic standards are there?

Prof. Olweny: Mr. Deputy Speaker, Sir, that is a totally different Question because it touches on the number of teachers and the source is different from this figure. If you want the total number of teachers who have been trained from Isiolo and Marsabit and have been made teachers in those two counties, I am ready to bring it so long as there is an appropriate Question.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I beg that the Assistant Minister answers the question. If he chose to say what they are doing about the school feeding programme where they are feeding children at the school and making them borders at the school to encourage them--- If I ask whether there are teachers in those schools where they are boarding, it is a pertinent question. We do not want them to go there and just be fed, they should also be taught so that children from Marsabit can also be professors like Prof. Olweny.

Prof. Olweny: Mr. Deputy Speaker, Sir, we do not have a school if there are no teachers. A school must have teachers but the problem is the number of teachers. So, those schools have teachers. The teachers may not be adequate but I do not have the number that you want now. If you want me to bring the number, then ask a different Question. I think I am right.

Mr. Pesa: Mr. Deputy Speaker, Sir, we are talking about human beings and in this case, we are talking about pupils. The Assistant Minister has said here that about 65 per cent of pupils in lower school are in ECD. That means that the Ministry should be ready to provide enough teachers at ECD level to make sure that these pupils go past the secondary schools. How many ECD teachers is the Ministry intending to employ in this area?

Mr. Deputy Speaker: Mr. Assistant Minister, when you are asked about the enrolment, transition or what the Government should do to encourage pupils, it is granted that the teacher to pupil ratio has to be there too. It is a fairly obvious question. You cannot talk about children, transition and enrolment without talking about teachers.

Prof. Olweny: Mr. Deputy Speaker, Sir, if the House wants the number of teachers, then I am ready to go back and give an answer relating to the number of teachers.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to even indicate that there is 49 per cent transition whereas the Government has not even factored funds to take care of Early Childhood Education (ECD) programmes in any part of the country? Is he in order to tell us that the children in Isiolo and Marsabit have been taken care of without teachers?

Mr. Deputy Speaker: What is your point of order, Mr. Mwangi?

Mr. Mwangi: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House that the Government is taking care of ECD while it has not allocated any funds for teachers in that sector?

Mr. Deputy Speaker: Assistant Minister, unless you have figures and numbers, it would be fair for the Questioner to assume that there are no teachers or if they are there, they are very few.

Prof. Olweny: Mr. Deputy Speaker, Sir, let them be fair! The House must be fair to Ministers. The Question here has nothing to do with the number of teachers. The issue of teachers surfaces in this House almost every week. The House knows the situation. We have said it and repeated it. Almost every week there is an issue on teachers. We all know it and the country knows that we do not have enough teachers. Last week, this was a hot issue here. You know very well that we do not have enough money. This year the Minister for Finance did not factor in any money for employment of teachers. The Members of Parliament are helping us and if it goes through, we shall have money to hire teachers.

Mr. Deputy Speaker: How does a Member of the Government say that “my fellow Member of the Government is not helping me” and he wants help? You are all in the Government together with the Minister!

(Laughter)

Prof. Olweny: Mr. Deputy Speaker, Sir, pardon! Could you repeat that?

Mr. Deputy Speaker: How can a Member of the Government, an Assistant Minister, say that he is not getting support from a Minister and, therefore, is seeking the support of Backbenchers? You are the Government!

Prof. Olweny: Mr. Deputy Speaker, Sir, that is the truth! Members of Parliament know about it! The two Committees; one relating to budgetary issues and another relating to education handled these budgetary matters and are helping the Ministry. The Minister for Finance did not give the Ministry any money to hire teachers, including the ECD teachers. You know it. This issue was here last week. Why should we repeat something that we debated here last week?

Mr. Njuguna: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for labouring on the concerns raised by hon. Members, it is in public domain that we have seen girls learning under trees in the two areas mentioned. What is the Ministry doing to make sure that these girls instead of learning under trees that are drying up are sent to decent schools?

Mr. Deputy Speaker: Assistant Minister, how do you get physical structures when you do not even have teachers?

Prof. Olweny: Mr. Deputy Speaker, Sir, the Ministry has made all efforts to introduce low cost boarding schools. There are a number of them within the ASAL areas, unfortunately I do not have the list. We also have mobile schools. These are the ones the hon. Member is talking about---

Mrs. Noor: On a point of order, Mr. Deputy Speaker, Sir. You have heard the way the Assistant Minister is handling this very important Question, particularly that part dealing with the girl child education in Marsabit, Moyale and North Eastern Province. Would I be in order to ask the Assistant Minister to go back and get the facts and bring them to this House as they are? We will then be able to see how he can help the girls of this country.

Mr. Deputy Speaker: Mr. Assistant Minister, you will appreciate that this is an integrated thing; the pupils, teachers and physical structures as you put them in the form of boarding schools. Are you willing to go back and come with a more comprehensive answer?

Prof. Olweny: Mr. Deputy Speaker, Sir, as regards policy issues, they are here. There will be nothing different from what I have with me here. These are the Government policies. As regards the number of teachers that you want, I can bring it.

(Loud consultations)

Mr. Deputy Speaker, Sir, can you protect me from other hon. Members yelling across?

Mr. Deputy Speaker: Order, hon. Members!

Prof. Olweny: Mr. Deputy Speaker, Sir, as regards policy issues, they will remain the same. As regards the number of teachers, if you want, I can bring it. As regards the number of schools, I can bring the list. The policy issues and initiatives that the Government is taking will not be different from what we have here. If you have something which needs to be done, raise it and then we talk about it.

Mr. Bahari: Mr. Deputy Speaker, Sir, now that the Assistant Minister has agreed to go and look for additional information, I want him to include among others the issue of infrastructure improvement programme where he claims to have disbursed funds. Can he bring the list of the funds that have been disbursed to the schools in this particular area and the ASAL areas in total?

Let me enlighten the Assistant Minister; UNICEF is one of the institutions that has come up strongly in North Eastern and provided scholarships to girl child students. This has made a big difference. Now that the Ministry has very little specific programmes to address some of these areas, we want the Ministry in future to come up with specific policy decisions that are going to impact within the shortest time possible in some of these areas. These are some of the things we are looking for from this Ministry.

Mr. Deputy Speaker, Sir, in this particular case I request the Assistant Minister the list of funds that have been disbursed to these areas since the Free Primary School Education was brought on board.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I want to thank you for asking him to bring us a comprehensive answer. Please, allow me to request the Assistant Minister that when bringing that answer he should appreciate the gravity of this matter. In the rest of the country ECD teachers are paid by the parents. Now with the kind of challenges parents have in the North Eastern, can you tell us the number of ECD teachers in those schools and who pays them? These parents are busy thinking about how to get food and water; they are unlikely to pay ECD teachers.

Prof. Olweny: Mr. Deputy Speaker, Sir, it is obvious that all these questions are very unrelated. They are not together!

Mr. Deputy Speaker: Order, Prof. Olweny! They are not unrelated! You cannot talk about transition or enrolment without talking about the number of teachers who are there!

(Applause)

As a matter of fact, you cannot even talk about just the percentages; you need to talk about numbers too. That is because the Chair has seen a situation where you have only mentioned percentages and the matter needs more information than that. So the Chair directs--- Here it is: 63 per cent, 49 per cent, 48 per cent. Is that the percentage of ten or is it a percentage of--- What are the numbers?

Prof. Olweny: Excuse me, Mr. Deputy Speaker, Sir. According to the English I know, the rate is a percentage unless this House has its own English!

Mr. Deputy Speaker: Fair enough! The Chair directs that you bring a more comprehensive answer! When will you have the answer ready Prof. Olweny?

(Prof. Olweny laughed loudly)

I can see that you are amused! When will you have the answer?

Prof. Olweny: Mr. Deputy Speaker, Sir, let me bring it on Thursday next week in the afternoon.

Mr. Deputy Speaker: Very well. It is so directed! Mr. Bahari, is that okay?

Mr. Bahari: Mr. Deputy Speaker, Sir, that is okay with me.

(Question deferred)

Question No.895

CHARGING OF INTERNATIONAL CALL RATES
BY SAFARICOM LTD IN BUSIA

Mr. Odhiambo asked the Minister for Information and Communications:-

(a) why M/s Safaricom Ltd is charging Kenyans residing in parts of Busia, including those residing 30 kilometres from the border, international call rates;

(b) what measures the Minister is taking to protect Kenyans from the inflated charges; and,

(c) whether he could ensure that the company compensates the citizens for the loss.

I also wish to bring to your attention that this Question was dealt with last week. But you directed the Minister to bring a detailed report today.

Mr. Deputy Speaker: The Minister for Information and Communications? Where is the Minister?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Khaniri is here!

(Mr. Khaniri walked entered the Chamber)

Mr. Deputy Speaker: Mr. Assistant Minister, are you aware that you have a Question on the Order Paper today?

The Assistant Minister for Information and Communications (Mr. Khaniri): Yes, Mr. Deputy Speaker, Sir. I am aware that there is a Question on the Order Paper, but my colleague was detailed to answer this Question. I think he had started answering it last week, but it was deferred for him to get more information. I do not see him here and I request that the Question be deferred to tomorrow.

(Mr. Ojode handed the written answer to Mr. Khaniri)

Mr. Odhiambo: On a point of order, Mr. Deputy Speaker, Sir. We have given him the answer. He could do it on behalf of his colleague!

(Laughter)

Mr. Deputy Speaker: Order, Mr. Odhiambo!

Mr. Manyara: On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.46 which says that it shall be disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a Question. You have heard the hon. Member say that this Question was deferred from last week and there was an undertaking by the Minister that the answer will be given this morning. In view of this breach of the Standing Orders, I invite you to invoke that particular section and have this Assistant Minister punished for disorderly conduct.

Mr. Deputy Speaker: Mr. Assistant Minister, the Chair sees that this is the first round of Questions. Whereas the Chair notes the gravity of failing to answer a Question as provided for in our own Standing Orders, the Chair would not hesitate to invoke a sanction on your Minister or Ministry, for that matter. The Chair will give you one final chance to look for your colleague while we go through the other Questions. He should come back and answer this Question during the second round!

Next Question!

Question No.938

NON-PAYMENT OF BENEFITS TO FAMILY OF
LATE AP G.M. MUTAMBAA

Mr. K. Kilonzo asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he is aware that the compensation benefits of George Mbuvi Mutambaa, an Administration Police Officer P/No.212647/87085502), who died on 3rd October 1994 (Treasury file No. K.717719/20 and Public Trustee Case No. 155/1995), have not been paid;

(b) why his next-of-kin, Mrs. Esther Mutambaa (Mother), has not been paid his gratuity and refund of his shares at the Harambee Co-operative Society; and,

(c) when the benefits will be paid.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, this is the second time this Question is being asked!

The Assistant Minister, Office of the Deputy Prime Minister and Minister for Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that compensation benefits of George Mbuvi Mutambaa have not been paid.

(b) The Pensions Department has never received claim documents in respect of payment of the late Mutambaa's gratuity. The Ministry of Co-operatives Development and Marketing has, on the other hand, confirmed that the deceased dues with Harambee Co-operative Society have already been processed by the society and forwarded to the Public Trustee, Nairobi, for the administration to the rightful beneficiaries.

(c) The deceased next of kin should be advised to follow up the matter of refund of shares with the Public Trustee, Nairobi. The gratuity will, on the other hand, be paid as soon as valid claim documents are presented to the Pensions Department.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for that answer. Now that he has confirmed that the money has been processed and taken to Harambee House, could he confirm to this House how much has been processed, when it was taken there, the cheque number and the reference?

Dr. Oburu: Mr. Deputy Speaker, Sir, in May 1995, the society forwarded to the Public Trustee, Nairobi, a cheque worth Kshs42,220 vide cheque No.168027 for administration to the rightful beneficiaries.

Thank you!

Mr. Deputy Speaker: Fair enough! Mr. K. Kilonzo, are you satisfied?

Mr. K. Kilonzo: Yes, Mr. Deputy Speaker, Sir. I want to thank the Assistant Minister. I will take the necessary measures.

Question No.1005

INSTALLATION OF LIGHTNING ARRESTORS IN SCHOOLS

Mr. Washiali asked the Minister for Education:-

(a) what the Ministry's policy is on emergency response to calamities arising from lightning in schools; and,

(b) when the Ministry will install lightning arrestors in schools that have been struck by lightning, including Petros, Bumwende, Shibinga and Milimani Primary Schools in Mumias Constituency.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has developed an emergency preparedness and response plan. Capacity building on the implementation of the plan is already on-going.

(b) Under the infrastructure development and emergency funds, the Ministry has set aside a total of Kshs827,620 to the four primary schools in Mumias Constituency for procurement of lightening arrestors. The funds will be disbursed in August 2011, that is in the current financial year as follows:- Petros will get Kshs200,000, Bumwende will get Kshs249,980, Shibinga will get Kshs888,820 and Milimani will get Kshs188,320.

Mr. Washiali: Mr. Deputy Speaker, Sir, I also want to take this opportunity to thank the Assistant Minister. I have a lot of respect for this Ministry, more so, because it is represented by two Professors in this House. I would expect the Ministry to be a bit more organized than it is now. That is because I have a letter from the Ministry showing how they had considered allocating money from the emergency fund for the third quarter, Financial Year, 2010/2011. What happened? This is a rainy season and we are risking the lives of our pupils by not protecting their schools? What happened? I would like to table this letter!

(Mr. Washiali laid the document on the Table)

Prof. Olweny: Mr. Deputy Speaker, Sir, part of the money allocated to my Ministry for infrastructure and emergency last year was taken away early this year to take care of the famine situation in this country. That was done when we passed the Supplementary Estimates. That is what caused the Ministry problems.

Dr. Khalwale: Mr. Deputy Speaker, Sir, it is shocking that all these schools, which are in the same constituency, and enjoy the same rainfall pattern---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Hon. Obure, should you wish to laugh very loudly, there are places where you can enjoy doing so without unnecessarily disrupting the House.

Proceed, Dr. Khalwale!

Dr. Khalwale: Mr. Deputy Speaker, Sir, all these schools are in Mumias Constituency, where the climate and risk exposure are the same. What reasons does the Assistant Minister have to give for this arbitrary award of money? Can he justify giving of one school Kshs250,000 whereas another one was given a paltry Kshs180,000 if the purpose was to arrest lightening in all the schools?

Prof. Olweny: Mr. Deputy Speaker, Sir, it depends on what came from the ground. Disbursement of Government money is not done arbitrarily. It is based on figures and the situation on the ground.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The gist of my question is for him to tell us the cost of achieving total arrest of lightening. If it is Kshs250,000---

Mr. Deputy Speaker: Dr. Khalwale, is it not a very technical area you are venturing into? That is the area of static electricity. There are factors which are very far from medicine, where your expertise is. However, if you wish to proceed, you may do so.

Dr. Khalwale: Mr. Deputy Speaker, Sir, you are, indeed, right that this is a very technical area. He said that the award of the money was not arbitrary. If it was not arbitrary, it means that it was pegged on the cost of achieving the desired goal. What was--

Mr. Deputy Speaker: The presumption of the Chair is that it must have been done by a fairly technical department in the Government. Should you wish to have those finer details, you may proceed.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I will be happy if he tells us the cost of achieving the desired goal, so that we know that a school which was given Kshs188,000 would still achieve that goal as compared to the one which was given Kshs250,000. If the technical recommendation is that the cost is, for argument's sake, Kshs250,000, how would you expect the schools that were given less money to achieve the goal of arresting lightening?

Eng. Gumbo: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Are you willing to receive information from the engineer?

Dr. Khalwale: Yes.

Eng. Gumbo: Mr. Deputy Speaker, Sir, I want to agree with you that that is a very technical question. Lightening arrestors depend on so many things, including the land terrain, the buildings around, the height of the building, the size of the buildings, *et cetera*. So, with all due respect to my good friend, Dr. Khalwale, I think he is asking----

Mr. Deputy Speaker: The Chair, indeed, appreciates what you have said, Eng. Gumbo.

Eng. Gumbo: Mr. Deputy Speaker, Sir, I used to provide lightening arrestors before I came to Parliament. So, I am an authority in this matter.

Dr. Khalwale: So, how much would it cost?

Mr. Deputy Speaker: Order, Dr. Khalwale! It is like asking how much a certain surgery would cost. You do not have one procedure in surgery; do you?

Mr. Imanyara: Mr. Deputy Speaker, Sir, in answer to the first part of the Question relating to the Ministry's policy, the Assistant Minister said that implementation of the emergency plan is ongoing. Could he tell us the stage it has reached and when the policy will be completed and tabled in this House?

Prof. Olweny: Mr. Deputy Speaker, Sir, I have not got the question.

Mr. Imanyara: While answering the question on the Ministry's policies on emergency response, you said that the policy is ongoing. I want to know from you when you expect the implementation plan to be complete. What is the policy? That is the question.

Prof. Olweny: Mr. Deputy Speaker, Sir, the policy is to train our teachers, students and parents to deal with emergencies. This is a continuous programme. So long as we have schools, we shall keep on training teachers on emergency preparedness.

Mr. Deputy Speaker: Final supplementary question, hon. Washiali.

Mr. Washiali: Mr. Deputy Speaker, Sir, a few years ago, the Government initiated a crash programme and established a team headed by Prof. Jalang'o of Masinde Muliro University, which protected schools and other public institutions from the risk of lightening. What happened to that programme? Why are you not providing enough money in the Budget to take care of the programme of installing lightening arrestors in public institutions, more specifically in schools?

Prof. Olweny: Mr. Deputy Speaker, Sir, the project of Prof. Jalang'o Akelo was a university project which was, of course, funded by the Government. So, I am not in a position to talk about it. As regards my Ministry, we are already implementing our plan. Our programme is on. That is why we are giving money to schools.

Mr. Deputy Speaker: Fair enough. Next Question, hon. Zakayo Cheruiyot!

Question No. 1013

NON-PAYMENT OF DUES TO YOUTH UNDER PROGRAMME IN KURESOI/MOLO DISTRICTS

Mr. Cheruiyot asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware that more than 250 youth from Kuresoi and Molo districts hired to plant seedlings in Mau Forest in March 2010 under the *Kazi Kwa Vijana* Programme have not been paid their weekly dues since March 2011;

(b) whether he could explain the terms of engagement for the youths and what led to their dismissal after planting 10,000 seedlings jointly with the members of the armed forces; and,

(c) what measures he will take to ensure that the anomaly is corrected and the youth are paid their dues.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I would like to seek your indulgence. I appreciate that the hon. Member has been waiting for the answer for a while. The Question was redirected by the Chair to our Ministry. It was initially directed to the Ministry of Sports and Youth Affairs. As of yesterday, we were looking for a few of the figures that will be presented in the answer to part (a) of the Question. I have consulted with the hon. Member, so that we defer the Question, so that we can give a comprehensive answer. We have not gotten the data from the ground.

Mr. Deputy Speaker: When will you be in a position to answer the Question adequately?

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Deputy Speaker, Sir, any day next week which suits the hon. Member will be fine.

Mr. Deputy Speaker: Hon. Cheruiyot, what is your reaction?

Mr. Cheruiyot: Mr. Deputy Speaker, Sir, the Assistant Minister is very professional and serious. I accept her request.

Mr. Deputy Speaker: When would you want the Question answered?

Mr. Cheruiyot: Any day next week.

Mr. Deputy Speaker: Order!

Mr. Cheruiyot: Wednesday, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! The Chair directs that the Question appears on the Order Paper on Wednesday morning, next week.

(Question deferred)

Question No.1023

MEASURES TO REDUCE HUMAN-
WILDLIFE CONFLICT IN KIMENDE

Mr. Njuguna asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that one Mr. Geoffrey Mbugua Wambui (ID No.24283213) of Bathi Sub-Location, Kimende Location, was attacked by a wild deer and later admitted at AIC Kijabe Mission Hospital; and,

(b) what measures the Ministry is taking to reduce human-wildlife conflict in the area.

The Assistant Minister for Wildlife and Forestry (Mr. Nanok): Mr. Deputy Speaker, Sir, I get to reply.

(a) I am aware that an antelope attacked Mr. Geoffrey Mbugua Wambui (ID No.242883213) of Bathi Sub-Location, Kimende Location on 19th May, 2011 and injured him, resulting in his admission at AIC Kijabe Mission Hospital.

(b) The Kenya Wildlife Service (KWS) has an outpost at Limuru, which is permanently manned by KWS Rangers. The outpost has been strengthened and is now fully equipped to respond to human-wildlife conflicts in this area. The KWS has conflict

hotlines that are given to members of the public for swift reporting of conflict cases. In Kimende area, the community is encouraged to call telephone number (020)2353304.

In addition, my Ministry has developed, and is maintaining, a database for human-wildlife conflict. This has enabled the KWS to map out areas with high conflict rates, which in turn allows for timely and strategic decision making on human-wildlife conflict, prevention and management countrywide.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while thanking the Minister for the good answer that he has given, could he consider paying the medical bill that has been incurred by Mbugua Wambui at Kijabe Mission Hospital, because this is a very needy family?

Mr. Nanok: Mr. Deputy Speaker, Sir, this is a matter that I would ask hon. Njuguna to come to our offices, so that we can discuss together and see whether we can get a workable solution.

Mr. Mwangi: Mr. Deputy Speaker, Sir, while the Assistant Minister is inviting hon. Njuguna to his office to sort out an individual's problem, the human-wildlife conflict is not only in Lari. This is a menace all over the country, especially in my area where we have a problem with monkeys. They eat all the crops before they are harvested. What policy does the Ministry have in managing wildlife all over the country?

Mr. Nanok: Mr. Deputy Speaker, Sir, I did not get the question. Could he repeat it again?

Mr. Mwangi: Mr. Deputy Speaker, Sir, does the Ministry have any policy in the management of wildlife that is really destroying crops, for example, in Kimathi Location in my constituency?

Mr. Nanok: Mr. Deputy Speaker, Sir, yes, we have a policy that is in existence, which is being used by Kenya Wildlife Service and my Ministry to ensure that the wildlife is kept within the confined areas where it is supposed to be. One of the things that we promised this House is that we were also working on a revised Wildlife Bill that is soon going to be tabled in this House. I also want to report that, tomorrow, we will be passing out 491 wildlife rangers. After their passing out, they will be deployed to different parts of the country to support the existing personnel.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister which of the wild deer species attacked the said person. This is because under normal circumstances, the wild deer or antelopes are not known to attack people.

Mr. Nanok: Mr. Deputy Speaker, Sir, this is the bushbuck, commonly known locally within that area as *Thiya*. Investigations do reveal that this animal was within the area where Geoffrey Mbugua Wambui was attacked. It may have been shocked by an electric wire fence that normally protects the animals there. I think with that effect on it, the animal ran out aimlessly, hence injuring him unfortunately.

Mr. Deputy Speaker: Last question, Member for Lari!

Mr. Njuguna: Mr. Deputy Speaker, Sir, could the Assistant Minister inform this House the very active measures they are taking to improve the height of the electric fence which, currently, is allowing wild animals to come out and endanger the lives of innocent Kenyans?

Mr. Nanok: Mr. Deputy Speaker, Sir, most likely this animal may have been outside the area that we have put up an electric fence. This particular incident, which is unfortunate, has not happened before in this particular area, but we have asked our

officers on the ground to look and determine if these animals and other dangerous cats are quite a number outside the protected fence. If that is the case, they will look for ways of rounding them up and putting them inside the protected area. Secondly, if the electric fence is so low, as hon. Njuguna says, this is a matter we can look into and see whether we can consider his request.

Question No. 1044

ISSUANCE OF TITLE DEEDS IN LAMU COUNTY

Ms. S. Abdalla asked the Minister for Lands:-

(a) when the indigenous land owners in Lamu County will be issued with title deeds;

(b) whether he is aware that there is only one surveyor and two assistant surveyors in the whole county; and,

(c) what plans the Ministry has to increase the number of staff in order to cope with the volume of work.

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

(a) Yes, I am aware that the indigenous land owners in parts of Lamu County have not been issued with title deeds. However, there is an ongoing exercise in Swahili villages of Pate, Mtangwanda, Siyu, Tchundwa and Ras Kitau of registering local interests on land, which will be followed by planning, survey and issuance of allocation letters this financial year, 2011/2012.

(b) I am aware that there is only one surveyor and two assistant surveyors in Lamu County.

(c) The Ministry, in liaison with the Public Service Commission, recruited more surveyors and survey assistants, who are currently undergoing an induction course. Immediately after this exercise, two surveyors will be deployed to Lamu Country in September, 2011.

Ms. S. Abdalla: Mr. Deputy Speaker, Sir, the answer from the Ministry is very inadequate. There is no commitment from the Ministry. As you are aware, there is a port which is coming up in Lamu and the indigenous people of Lamu are losing their land to foreigners. Even the areas which are mentioned here, where they are planning to prepare title deeds do not touch some big divisions in Lamu which have not been mentioned in this particular answer. I want a commitment from the Ministry as to when this exercise will be completed. We do not wish to have settlement schemes. We would want land adjudication to be done on our ancestral land.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, as I said, we are going to issue title deeds this financial year. That is enough commitment that we are going to do it this year.

Mr. Olago: Mr. Deputy Speaker, Sir, I am asking this question out of experience. The ancestral land in Lamu that hon. S. Abdalla is talking about is classified as trust land. In effect, the Lamu residents who are living on that trust land are treated as squatters of the Government. In Kisumu, land was acquired for expansion of the town and the owners of the ancestral land were evicted and paid minimal compensation. That land has now

been allocated to private developers. What steps is the Ministry taking to ensure that ancestral owners in Lamu will not lose their interest?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, as the Questioner says, trust land is Government land. When the settlers came into this country---

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to display ignorance and say that trust land is Government land when, actually, the Government is holding the land in trust for the residents?

Mr. Deputy Speaker: Hon. Assistant Minister, indeed, you are wrong. But fair enough, your own colleague as corrected you. It is held in trust for the community in the place. Actually, it is the local authority which should hold it in trust.

Proceed!

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I respect the Chair. What I meant was that Government land, under the new Constitution, can be transferred back to the county government. When we have set up the National Land Commission, then the county government can decide what to do with the land. It is now a leeway for the people of Kenya to decide what to do with their land. In fact, this time, it is better than before. Under the old Constitution, it was very difficult to reverse this land.

Ms. Abdalla: Thank you, Mr. Deputy Speaker, Sir. It is unfortunate that I have to direct this Question to, "His Excellency", Mr. Bifwoli, because I think he will probably not do justice to what I want to ask because he is too intimately involved in this subject.

A story is told about how the people of Lamu asked the Government to give them machinery so that they can take advantage of their fertile land. However, instead a settlement scheme was established on their land. The settlement scheme has title deeds. The land question in Lamu represents one of the most serious historical injustices in this country regarding land. Currently, there is a new settlement scheme which is being established in Lamu. It is my understanding that it is Government policy that when you establish a settlement scheme in any area, you give a certain percentage to the local people. What measures has the Ministry taken to ensure that another settlement scheme comprising of "tractors" is not established at the expense of the landless in Lamu who are indigenous?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the issue of land is very emotive. The new Constitution is there to correct the historical injustices that have been there from time immemorial. You will recall that Kenyans fought colonialists because of land. The land issue has made us get a new Constitution. I want to agree with the Questioner that the new Constitution will correct the injustices that Kenyans have gone through.

Mr. Deputy Speaker: Order! The hon. Questioner is not only dealing with historical injustices, but also the current. She has told you that there is a settlement scheme in place that does not target indigenous people. Could you answer that?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I like being honest. I am not aware of that one.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. I have listened to the Assistant Minister answer the Question and I am not satisfied that the Question is being dealt with properly, the way it should. Could we suspend or postpone it to another day so that the substantive Minister can come here and answer it personally?

Ms. A. Abdalla: On a point of order, Mr. Deputy Speaker, Sir. Could I strengthen what my colleague has said? The problems of land in Lamu are much wider than even if

the Minister was to come and answer it, we may not give it the time required. May I suggest that the Question be referred to the Departmental Committee on Lands and Natural Resources because we do not want another settlement scheme that overlooks indigenous persons?

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. Before you make a ruling on that, would I request the Assistant Minister to go and find out if there is a scheme which is being set up, so that he can stop it with immediate effect? That is because we will be creating another set of historical injustices by not addressing the past ones and creating new ones. Could it be stopped while we look at the past injustices first? That way, we will deal with the current Lamu people who have been dispossessed of their ancestral land first.

Mr. Deputy Speaker: Sheikh Dor!

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

Mr. Deputy Speaker: Order, Dr. Nuh! Your name does not have a "D" anywhere! I called Sheikh Dor!

Mr. Yakub: Thank you, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to deny that there is a new settlement scheme, when we all know that the documents are already in his office? The Lands Department at the district level in Lamu has already done its job. Is the Assistant Minister in order to inform this House that he is not aware of the scheme?

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. On the same note, it is in the public domain that the Ministry of Lands has commissioned an in-depth investigation into the land issues in Lamu County. Would I be in order, with your indulgence, to request you to defer this Question and order the Ministry concerned to table the report of the findings to show whether such investigations have been done?

Mr. Deputy Speaker: Hon. Assistant Minister, you have to rise and address a number of points of order.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, with regard to the issue raised by Mr. Yakub, I am very clear in my mind. If things are still at the district level and I am in Nairobi, then I am not aware of them. I stand by my words. That is because if there is a settlement scheme that has not been brought on my desk, I have no idea. With regard to the issue of addressing historical injustices, as a Kenyan, I want to agree that the matter should be deferred to the Departmental Committee so that it is settled once and for all.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just said that he is based in Nairobi and he does not know what is happening down there. Could he give an undertaking to this House that he will go there and find out what is happening? There is no need for him to stay here and yet, he has officers there and he cannot even communicate with the officers? Is he in order?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I am willing to travel to Lamu to find out what is going on there. I will go over the weekend.

Dr. Nuh: On a point of order. My point of order has not been responded to by the Assistant Minister. Time and again, we have heard the Minister for Lands; hon. Mr. James Orengo, say that he has put on hold any issuance of new titles in Lamu County because his Ministry is undertaking an investigation. If that investigation has been concluded, would it not be justice for such a Report to be tabled in this House so that, at least, we make informed decisions concerning land issues in Lamu County?

Mr. Deputy Speaker: Hon. Assistant Minister, you realize that this matter has elicited a lot of interest, not only in the House, but in the nation as whole. Whereas the Chair is reserving its own directions on the matter of the Committee, nonetheless, this Question needs to be comprehensively answered, taking into consideration all the issues that were raised. So, when will you be ready with a comprehensive answer on the same?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, this is a very serious matter. I will ask for three weeks.

Mr. Deputy Speaker: Order! Serious it is and that is why, precisely, you need to have an answer very fast. Something is serious and there is urgency.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I said it is very serious because it involves me going to Lamu, investigating and carrying out other responsibilities. That is why I was asking for three weeks. I am pleading with you. Three weeks will enable me have a--

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. This Question has been brought due to the sensitivity of the issue of land in Lamu, because of the port. Would it be in order for me to ask that this Question be referred to the relevant Committee because the Assistant Minister is asking for more time and yet, we have mechanisms here that can solve the issue?

Mr. Deputy Speaker: With regard to the Committee, they can go on simultaneously. The Chair is going to give a direction on the Committee issue but, nonetheless, there is a Question on the Floor of the House that you have not answered adequately. Could you give a reasonable time when it could be answered?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, as you refer it to the relevant Committee, I will be able to answer it in three weeks!

Mr. Deputy Speaker: Order! Hon. Assistant Minister, the Chair directs that you answer this Question exactly two weeks from today on a Wednesday morning.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I will try because the Chair has ordered.

Mr. Deputy Speaker: Order! Given the fact that the livelihoods and the future of a section of this country has, indeed, as has been exhibited here, been compromised – or looks like it has been compromised - the Chair also directs that the relevant Departmental Committee on Lands and Natural Resources moves with speed on the Lamu issue and the problem of the indigenous people of Lamu and reports back to this House in three weeks.

Next Question by Mr. Mwiru!

Question No.1046

POSTING OF OCPD TO THARAKA NORTH DISTRICT

Mr. Deputy Speaker: Is Mr. Alex Mwiru out of the country on parliamentary business? The Chair is informed that hon. Alex Mwiru is not out of the country. He was seen last night. Under the circumstances, his Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Next Question by Mr. Namwamba.

STALLING OF WORKS ON BUMALA-PORT VICTORIA ROAD

Mr. Namwamba asked the Minister for Roads:-

(a) whether he is aware that the upgrading to bitumen standard of Bumala-Port Victoria Road stalled at Sifugwe in 2008, 28 kms before completion;

(b) whether he is also aware that a tender for completion of the road was advertised in October 2010, bids evaluated in February 2011 and the tender awarded in April, 2011, but since then, no contract has been offered to the winning bidder; and,

(c) if he could confirm when the contract for the road works will be signed, when the contractor is expected on site, and the anticipated date of completion of the road works.

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

(a) I am aware that the upgrading of Bumala-Port Victoria Road to bitumen standard has been done up to 35 kilometres. The remaining works are being implemented under a new project that includes other roads in the area.

(b) I am aware that the tender for the completion of the road was advertised, adjudicated and the contract awarded to the winning bidder on the 27th May, 2011.

(c) I wish to confirm that the contract has already been signed and the contractor is expected to be on site by the end of August 2011. The expected date of completion is the end of March, 2013.

Mr. Namwamba: Mr. Deputy Speaker, Sir, first of all, I want to confirm that, indeed, this Question was filed over three months ago; so, a lot of water has flowed under the bridge since. I have been in touch with the Ministry and I want to thank the Ministry for all the steps that have already been taken. Therefore, without belabouring the point, because this process is already on track, I would only request the Assistant Minister to kindly clarify a few things. Could he confirm basically all the roads that are covered in this contract? Also, could he indicate whether the contractor has received the down payment to commence work within this month of August? I am informed that is the only remaining little matter, and it is holding the contractor back from getting to the site.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I wish to confirm that we have been able to forward the deposit to the contractor. Therefore, there is no reason why he should not be able to start the work as planned. I also wish to confirm that the contract sum for the project is Kshs1,488,339,000. The sections to be covered under this contract include the remaining section of D251, that is, approximately 13.9 kilometres long, and two, from Manyasi Junction to Bunyala District Headquarters in Rwamba; that is, Road E1201, and is approximately six kilometres long. Then we have Road C30, the junction to R21 and D251, that is, approximately one kilometre long. Also, we have Rwamba Junction, that is, D251 to C30 and then the tarmacked section between the two tarmacked sections on C30. Lastly, we have Port Victoria to Bukoma Beach, that is, approximately two kilometres long.

Mr. Ogindo: Mr. Deputy Speaker, could the Assistant Minister clarify the timelines for this contract, and whether money has been factored in this year's Budget to cover the whole contract?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, as I have indicated, we expect the contract to start at the end of August this year and will go on until March 2013. We have not factored in all the money, but we have factored in all the money that is required for the contract to start. As you are aware, it will end in 2013.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the road between Bumala and Port Victoria extends beyond Bumala and goes up to Ejinja? It is referred to as C30 Road, and the bitumen standard has been done from Bumala to Port Victoria. They have left that other part between Bumala and Ejinja. Could the Assistant Minister tell this House when the works on the remaining part of C30 will be undertaken; that is, between Bumala and Ejinja?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, indeed, I want to confirm that what the hon. Member has stated is correct. I also wish to state that, initially, we would have wanted to include that portion as part of the project, but we were not able to include it in this particular contract due to financial constraints. However, I want to assure the hon. Member that we will be able to prioritise it as soon as we get the necessary allocations for it.

Mr. Odhiambo: On a point of order, Mr. Deputy Speaker, Sir. The road that the Assistant Minister is talking about has been designed; the surveyor has done everything and even the contractor has been awarded the contract. Could you inform the House how much money has been allocated for it in this financial year, because everything has been done?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I am afraid that is an entirely different Question. I do not have the details on that particular section of the road now, but given time, I will be able to table that information before this House.

Mr. Deputy Speaker: Yes, the Chair recognizes that, that is essentially an extension of the project itself that was not covered in the original Question, in which case you need more time. A fresh Question has to be filed.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I think the problem which the Ministry has, which the Assistant Minister knows about, is that they are not getting adequate information from the field officers on what is going on. This is one case of a road, and hon. Odhiambo has raised another one. There is even the one of Luanda-Majengo, which they told us that the contractor was on site. I went there to check and found that the Kshs45 million that they had given last year had been paid, but the contractor had only patched three kilometers and gone away, but the Ministry is not aware of this. Could the Assistant Minister inform the House what he is doing to ensure that they get up to date information promptly on what is going on in the field, now that we have got new technology like mobile telephones, instead of just being bureaucratic and relying on communication through letters?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the case involving the engineer in the hon. Member's constituency is a matter that has been raised in our office, and, indeed, we found that the engineer acted contrary to the instructions that he had been given. We have summoned him and will be able to take the appropriate action against engineers who do not follow the Ministry's guidelines. In this particular case, the engineer changed the

designs, or the specific details of the contract, without informing the Ministry. That was found to be inappropriate.

Mr. Namwamba: Mr. Deputy Speaker, Sir, they say that every cloud has a silver lining, and I am happy that the pain that the people of Budalang'i have gone through because of the delays in completion of this contract is finally coming to a close. They have, indeed, resulted in additional kilometers of roads being considered for upgrading to bitumen standard. Therefore, I thank the Ministry for the measure they have taken and the allocation of this Kshs1.4 billion to upgrade this network of roads in the constituency.

Now that you have confirmed that the contractor has already been paid the down payment to get moving, would you confirm if the Ministry is making arrangements for the groundbreaking ceremony within the period you have indicated, which will not be later than 31st day of August 2011 to get the works officially moving?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I want to thank the hon. Member for the kind words for the Ministry and for the work that he is doing. I want to assure him that, indeed, we will be able to organize a grand breaking ceremony. The dates have not yet it been agreed. As soon as we are able to come up with a date that is agreeable to the hon. Member together with the Ministry and also the other people who are concerned and the community in general, we will be able to communicate it.

Question No. 895

CHARGING OF INTERNATIONAL CALL RATES
BY SAFARICOM IN BUSIA

Mr. Deputy Speaker: Hon. Members, Question No.895 by the hon. Alfred Odhiambo is deferred to tomorrow afternoon.

Next Order!

(Question deferred)

POINTS OF ORDER

ADOPTION OF /SOMALIA/ERITREA MONITORING
GROUP REPORT BY UN

Mr. Yakub: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek for a Ministerial Statement from the Minister for Foreign Affairs.

Mr. Deputy Speaker, Sir, on 29th July, 2011, the United Security Council adopted the report of the Somali and Eritrea Monitoring Group; pursuant to UN resolution 1916 of 2011. I wish to request from the Minister for Foreign Affairs as follows:-

- (i) To confirm whether the UN shared with the Kenyan Government their findings before adopting the Somalia and Eretiria Monitoring Group Resolution of 1916 of 2011.
- (ii) What is the Kenyan Government response on the issues raised by the Somalia and Eritrea Monitoring Group?

- (ii) Whether the Kenyan Permanent Representative in New York has made the statement before the adoption of the report by the UN Security Council.

Mrs. Odhiambo- Mabona: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, I would like to request the Minister while he is giving that Ministerial Statement to also clarify the following:

Mr. Deputy Speaker, Sir, in that report, there were names of two Members of Parliament who were mentioned adversely. We know that Members of Parliament are people in the public. When their names are mentioned, there must have been considerable investigations. We know, for instance, that there are Members of Parliament who actually donated to support hon. Amina in raising funds. When such a weighty issue is raised, we would like the Minister to find out if, indeed, the UN even questioned other Members of Parliament, who assisted hon. Amina in raising these funds, or whether this is just a case, where somebody questioned one or two people, and declared an honourable Member as a fundamentalist. When you want to declare people fundamentalist, I get very worried because some of us who are Christians are not too sure, whether very soon, we will also be declared fundamentalist if we donate money towards Christian causes. So, those are issues that should not be taken lightly. So, could the Minister find out whether the UN questioned other Members of Parliament about those issues?

Could he in the statement also find out what is precluding the UN from actually undertaking activities within Somalia? There are other places in the world that are equally unstable, but the UN is doing work there. Why do they fear doing work within Somalia, so that this issue can be sorted out, once and for all? Why is it only that they are treating this question a little differently?

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

Mr. Deputy Speaker, Sir, with your indulgence, I just wanted to amplify this issue of international agencies from a long distance way making reports, commentaries, without real direct engagement.

Mr. Deputy Speaker, Sir, just to amplify the point that the hon. Odhiambo-Mabona alluded to, that you go to Kabul in Afghanistan, a country that is suffering similar instability, you go to Baghdad, and you will be impressed by the presence of international agencies. You will be impressed by the presence of the UN, World Food Programme and other international agencies making every effort to stabilize those countries.

Before the UN starts casting aspersions on hon. Members of this House and other individuals that maybe taking whatever measure to lend a hand of assistance to a neighbour who by all intents and purposes has never been hostile to this country, would the Minister also include information as to what is preventing these agencies not just having activities in Mogadishu, but having prominent presence in this country, so that as they cast aspersions and issue commentaries on the Somalia situation, they can also be reporting to the international community, and concerned neighbours like this country, on exactly what they are doing to help stabilize this neighbour that all of us are interested in seeing back on her feet.

Mr. Deputy Speaker: Fair enough! You made your point.

Hon. Assistant Minister for Foreign Affairs, could you give an undertaking on when that Ministerial Statement would be ready?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, I believe that this is a critical and a weighty issue. I would make a suggestion that if we are given time until Wednesday next week, we will come with a substantive answer.

Mr. Deputy Speaker: Indeed, this is a matter that touches on the personal integrity, dignity and the mere peace of Members of this House. The Chair clearly is pretty much concerned. We cannot treat---

Mr. Namwamba: On a point of order, Mr. Deputy Speaker, Sir. Allow me again with your indulgence to stress it to the hon. Assistant Minister that in making this Statement to this House, we want honesty and candidness.

We particularly want to know whether Mogadishu and Somalia has been abandoned because of being located on the African continent. It is not a light matter that we would see direct international engagements in countries that I have mentioned such as Afghanistan and Baghdad in Iraq and not have similar engagements. Is it because Somalia is on the African continent? I hope that the Minister will be bold enough to confront those issues in his Statement to this House.

Mr. Deputy Speaker: Fair enough! Hon. Assistant Minister, indeed, the Chair is very conscious on all the issues that were raised. That also involves not only our country, but also casting aspersion on the very dignity and integrity of hon. Members of this House. This is where the Ministry would have to respond. So, when can you give that very comprehensive Statement? You said Wednesday morning next week.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, I said on Wednesday. However, I would like to emphasize what my colleague, Mr. Namwamba has said.

Mr. Deputy Speaker, Sir, you, yourself, have been deeply involved in the issue of Somalia and so have many Kenyans and legislators, including the President and the Prime Minister. I believe we will offer a very comprehensive answer to that question.

Mr. Deputy Speaker: Fair enough! It is so directed that the Ministerial Statement will be available next week on Wednesday morning.

Let us move on to the next Order!

MOTIONS

FREE DISTRIBUTION OF SANITARY TOWELS TO GIRLS IN PRIMARY/SECONDARY SCHOOLS

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

THAT, recognizing that menstruation for girls without access to sanitary towels is a major contributor to girls dropping out of school; recalling that according to the Ministry of Education and the Girl Child Network, Kenyan primary and secondary schools have at least 4.5 million girls between ages 15 to 25, at least three-fifths, or 2.7 million of whom miss four to five days of school per month due to lack of funds to purchase sanitary towels combined with inadequate sanitary facilities at their schools; conscious that these lost learning days each month impede their ability to compete in the classroom and leads to low self-esteem, higher

drop-out rates resulting in lower future wages and diminished economic productivity; acknowledging that the right to education under the Constitution has a collateral obligation on the Government to avail uninterrupted access to education to all children irrespective of their gender; concerned that for many years little attention has been paid by the Government to the problem of interruption of learning by school going girls due to lack of sanitary towels during this critical moment; this House resolves that the Government immediately establish a department under the Ministry of Education to facilitate, coordinate, source and receive funds for and sustain a nationwide programme to distribute sanitary towels to all school going girls in primary and secondary schools in the country.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, allow me to start contributing to this Motion by paying tribute to a true Kenyan patriot and an artist extraordinaire, the late Habel Kifoto of Maroon Commandoes. I say this because the late Kifoto, who died three days ago, with his Maroon Commandoes Band and band members like the late Laban Ochuka did more in their work to uplift the esteem of our girls by cautioning against early marriages and singing songs in praise of the spirit of hard work. It is my belief that if, for instance, Habel Kifoto's song, *Uvivu ni Mbaya*, had been made a signature tune for Kenya, perhaps, the number of girls in our schools who go up to university would have increased and, perhaps, the biting hunger that our country is going through now would have been reduced or, at least, minimized. I pray to the Almighty God to rest the soul of this Kenyan patriot in eternal peace until we meet him again.

Mr. Temporary Deputy Speaker, Sir, I move this Motion very aware that as we speak, there are very commendable initiatives by the Government spearheaded by the Prime Minister of the Republic of Kenya to make available free sanitary towels to our teenage girls in primary and secondary schools. This is laudable and it is a good idea that the Government realized this missing gap and has moved in to help these girls so that they can continue with their education.

Even as we note that the Budget that was read here about two months ago has made provision for the distribution of free sanitary towels in our schools, one thing to note is that the money as allocated is not enough. There are also questions as to how effectively these free sanitary towels will be distributed to most parts of Kenya. I would like a situation where, for instance, I can authoritatively know how much of that money will end up in schools in Rarieda. To the teenage girls in Rarieda, this is still not possible hence the need to be able to formalize this initiative so that we can be able to tell what is available, how it is being distributed and how well and equitable it is going to all parts of the country.

Mr. Temporary Deputy Speaker, Sir, I said that the money allocated cannot be enough because as we speak now, according to the last census, Kenya, as a country has about 4.5 million girls between the ages of 15 years and 25 years who will need this

service, and 60 per cent of these girls can be described as people who live under conditions of extreme poverty. Therefore, about 2.7 million girls will need this service. I am a parent and I know for a fact that on average, you need between Kshs500 to Kshs1,000 per teenage girl per month to be able to access this service. So, clearly, there is a gap which we must address so that this service becomes free, compulsory and readily available. This is a biological process that no one has a choice, but to comply with.

Our country has made commendable strides in the last ten years or so. To me, one of the biggest strides this country has made is an attempt at making basic schooling free and compulsory. However, you cannot talk of free and compulsory schooling when we know, for example, that many of these children are unable even to afford basics like school uniform. We cannot talk of free and compulsory education when it is not possible to provide free health care to children and, therefore, it becomes difficult when they fall ill to go to school. But most importantly, for our girls, we cannot talk of free and compulsory schooling when we know that those girls who cannot afford this basic facility of sanitary towels will be missing four to five days every month from school.

This is important because we know that other than the fact that these girls will not be able to go to school, there are also serious psychological issues that go with it. Here, I want to declare that as someone who grew up in a very poor rural household, I saw my elder sisters in the days we used to go to primary school--- I used to notice that every month, for four to five days they would miss school. Of course, those days, the society was not as free as it is today. We would ask and we would simply be told that they are ill until we discovered that one of the reasons the girls could not go to school was that they did not have these facilities and the way out was for them to go into the farm, dig out holes and sit there the whole day. It is a dehumanizing experience!

I also have an experience where these young girls who would accidentally come across, because this is a natural process, some of them would be labeled “*Mamas*” and it really had a very devastating effect on their self-esteem and psyche and many of them ended up in early marriages because the society had labeled them “*Mamas*” anyway.

As a society, we must grade our priorities. We know that in most of our public facilities today, there are many provisions for our boys, for example, condoms. If you go to a number of these hotels, you will find that there are dispensers which have condoms and those who want them can use them. However, the truth of the matter is that teenage boys will not miss school if they lack condoms. In fact, condoms are things you need when you are well-fed, energetic and active. It is something one can opt to do without, but that does not apply to girls who miss sanitary towels and are unable to go to school because of this condition that they cannot do anything about.

As I conclude, Mr. Temporary Deputy Speaker, Sir, I urge this House that as leaders of this country, we need to confront this problem so that we address all the vulnerable groups in Kenya that need these items but cannot get them. I think this is possible. In the Budget that was read in this House two or so months ago, a provision of Kshs300 million was given. That is a good attempt and we laud the Prime Minister and his office for taking that initiative to lead in this very important process of trying to build self esteem and to keep our girls in school as much as possible. However, the Kshs300 million is by far inadequate. My estimation is that at the very best, it can only provide for about 30 per cent of the girls who need free sanitary towels.

So, that is the essence of this Motion. We want to establish a co-ordinating unit or a distribution unit with a clear criteria and procedure for making these facilities available. I think it will be very important and useful that using that co-ordinating unit, we can go out to all interested parties the same way we are able to get condoms for our teenage boys. It will also be possible to use the civil society, interested groups and international bodies, so that the shortfall in terms of the monetary provisions can be made available and then it becomes easy for all the girls that need this facility to get it.

Mr. Temporary Deputy Speaker, Sir, I beg to move that the House passes this Motion, so that our girls are afforded this very important facility.

With those many remarks, I beg to move and I ask Mr. Mungatana to second the Motion.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I want to, first of all, congratulate Eng. Gumbo for moving this very important Motion. It is a very timely Motion.

I am happy that I have this opportunity to second this Motion. I want to second this Motion that this House resolves that the Government establishes a department under the Ministry of Education to facilitate, co-ordinate, source and receive funds for and sustain a nationwide programme to distribute sanitary towels to all school-going girls in primary and secondary schools in this country.

Mr. Temporary Deputy Speaker, Sir, sometimes we go through experiences in life that stay with us many years later on, even after we have completed school. I was in primary school in Garsen. When I was in Class Seven, I remember very well one afternoon, we were young and we did not know some of these things, but it was an interesting experience where one of our colleagues was undergoing this natural process. We were not able to know what was going on and I think even she did not know what was happening with her body. We were all asked to leave the classroom by our good teacher. As boys, later on, it was explained to us that something funny was going on and we thought it was just one of these jokes. We made fun out of it. Many years later, we came to realize what was really going on. I wish we could rewind the time so that we could make right what was wrong.

I imagine the stress that classmate was going through not being able to move from the desk where she was seated. This was a rural school; Arap Moi Primary School in Ngao. We did not know what to do. My classmate was lucky that the teacher who was teaching the lesson at that moment was a lady teacher. She was able to understand and covered the situation.

This is a typical experience of girls in rural schools. It does not only happen in Garsen or in Tana River County, but it happens in many places where girls, particularly in disadvantaged areas, undergo this process and they are not able to get assistance from schools.

It is a problem, particularly in these hard times in our economy. Already 54 per cent of Kenyans live on less than a dollar a day. It is a big number within this country. The situation is worse in those areas which are far away from town and where the livelihoods of people are less in terms of economic empowerment.

It is estimated that an average girl loses more than a full month of classes in the school year. Apart from the psychological and the missing of lessons, we expect the same girl to compete and be able to perform appropriately and take her place in the building of

the economy in this nation. It is something that naturally puts the girls, particularly those from far flung areas, in a disadvantaged position. It is the responsibility of a Government such as ours to make sure that they take care of the weakest links in society. Any government that does not tie in the weak link in society is a government heading towards failure.

Mr. Temporary Deputy Speaker, Sir, the situation is very desperate in some areas. It is reported that where there is no other way, the girls skip classes or they just use old pieces of clothing or blankets or tissue which exposes them to very unhygienic conditions.

We think that Parliament needs to say something about this situation. This is why I am very happy today to second this Motion by Eng. Gumbo. I am aware that the Government has already waived taxes on sanitary towels, but there is need for the Government to do more. There is need for the Government to look into ways and means to reduce the prices that are offered in the market on these pads and other sanitary associated things, particularly for schools.

There is need for the Government to do more as this Motion urges to facilitate the distribution of these sanitary towels to those areas that are affected. It is not enough for the Government to say we have reduced the taxes. It is also not enough for the Government to say we are doing something by putting some little money in the Budget. They need to do more. This is what this Motion is urging to be done.

This Parliament is saying that it is not enough for the Government to merely reflect a figure in the Budget to say that the money is there. This Motion is saying it is not enough for the Government to say they have reduced the taxes. This Motion wants the Government to do more, particularly in the distribution bit of it in those far flung areas.

Mr. Temporary Deputy Speaker, Sir, in the current hunger crisis that we have had in parts of Kenya, we have seen efforts being made to get the food to some areas. In some areas, the challenge has been distribution. We have seen many trucks breaking down on the way and, from where we stand, distribution is the main challenge in this programme. We have not seen the Government reaching those far off places with these facilities for the girl child.

Many NGOs have been involved in this kind of work, but it is not enough to leave this work to the NGOs. In seconding this Motion, I want to emphasize that the Government needs to do more. In this new era of counties, there are specific counties, particularly in parts of the Coast Province and the northern part of the nation, where our girls are badly affected. I would urge the Government to take this seriously. I am aware that the Ministry of Public Health and Sanitation has been involved, but we will be able to deal with this issue properly if we are dealing with the actual students in schools. We know that the Ministry of Public Health and Sanitation goes up to the dispensaries, but this problem is with the girls in our schools. We want the function and this whole programme to be co-ordinated by the Ministry of Education because that is where the tyre meets the road. It is not like sickness and it needs to be even inculcated in the school programming, so that the teachers plan and take care of these things in good time. I pray that this House will support this Motion.

I second the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Before I propose the question, I am amazed that there is not a single Minister, not even from the Ministry to which this

Motion is directed present in the House. Before I propose this question, I direct the sergeant-At-Arms to immediately contact the Leader of Government Business and ensure that there is a Government representative during the rest of the debate on this Motion.

(Question proposed)

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I want to support this Motion and to congratulate Eng. Gumbo for bringing it. This is not the first Motion that our colleague has brought and he always brings Motions that are pertinent to the issues of the people of Kenya. Therefore, I feel honoured to support this Motion on this particular issue that concerns the young women of this country. This is an issue that has for many years been talked about. Many directives have been given on this issue. My reason for supporting this Motion is that I feel it is going to put in place structures that will allow all the good intentions of the Government to be realized.

We must start by recognizing that even in the last Parliament, hon. Njoki Ndung'u, who was a nominated Member of Parliament, raised the issue of sanitary towels and a declaration was made at that time to subsidize the cost of sanitary towels. Only very recently, the Prime Minister also made a declaration of providing free sanitary towels to students in vulnerable areas. Subsequently, the Government allocated Kshs300 million for the same. All these are commendable endeavours and we thank those who have been at the forefront, including networks like the Girl Child Network that has for long advocated for the provision of sanitary towels for young girls.

Mr. Temporary Deputy Speaker, Sir, the reason why this Motion is very necessary is that all good intentions need structures. Therefore, this structure will help to sustain these good intentions. It will also establish a place for this issue to rest. As I said, the Girl Child Network which is a civil society organization has been at the forefront and hon. Njoki Ndung'u was also at the forefront. The Prime Minister's Office and by extension the Government has been at the forefront, but where does this issue lie eventually? It needs to be housed. As the Mover of the Motion has suggested, the Ministry of Education needs to set up a department that will look into this issue. As I said, all good intentions need structures.

Let me speak more candidly on the issue of monthly periods. People have always wondered why we keep on repeating this issue and why women cannot deal with their issues. Periods come with many issues. First of all, periods come like clockwork. So, there is no time that you can say that they are not planned for. Every woman knows when her cycle happens and it is, therefore, possible to plan around periods. Periods also come with a lot of loss of blood. In areas where women and girls are vulnerable; where they cannot even afford sanitary pads, most likely, they cannot also afford food. Therefore, most of these girls become anaemic during this period. To add onto the anaemia due to loss of blood, periods also come sometimes with stomach cramps which are very painful. Sometimes one is not even able to concentrate in class because of cramps. You add this to mood swings due to change of hormones in the body and, therefore, you have a lot of mood swings at this time. If you add to this the fact that you cannot afford a sanitary pad, then these young girls do not only go through embarrassment when they do not have sanitary pads, but they also go through psychological trauma and physical distress. The

provision of sanitary towels to these girls would help them deal with these other issues in a more comfortable manner.

We do not want to be graphic, but it is true that some girls use old blankets, mattresses and rugs. These are not used and thrown away, but they are used, washed and re-used. I want you to imagine that picture in order to understand when we say that this is a dire situation. The amount of blood a girl loses is equivalent to, if I can remember what we were taught, almost one and a half cup per day and you can imagine having to wash that piece of mattress and re-use it. We are looking at hygienic conditions. It is during this time that most girls develop reproductive system issues. This is when they start getting complications because of use of improper sanitary methods.

Mr. Temporary Deputy Speaker, Sir, this will also help eliminate the problems of reproductive health that we are having with women, especially on gynecological issues. So, all these things that we are speaking may seem like we are pushing too much but it is because the issues are very close to the hearts of women and are an impediment to why these girls do not do well.

Lastly, we may give girls sanitary pads but somebody, a friend of mine who is very interested in this issue, Sophie, who seats with me in the same women's group, told me that you can give all the sanitary pads you want but if you do not give panties, you might be losing it because most girls do not have panties to hold the sanitary pads with. If the provision of sanitary pads comes about, we must give girls in vulnerable areas panties. We must know that this issue must be addressed in whole. That is why we would like the Ministry of Education to take up this issue and put up a department. Money has already been allocated by the Government. Therefore, there is good will and all we need are structures. We thank the Government for the support but we ask for structures.

With those few remarks, I want to support this Motion.

The Temporary Deputy Speaker (Mr. Manyara): Mr. Balala, I raised the issue of lack of Government representation and the relevant Government Minister to respond to this Motion. Have you come to stand in for your colleague, the Minister for Education?

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I am going to search for him wherever he is now and make sure that he is here before this Motion is over.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, thank you for this opportunity to also make my contribution to this very important Motion. Let me start by thanking the Mover of this Motion and indicate that this Motion is very timely, useful and workable. You realize that girls in our schools have been neglected for quite some time and we have even given a blind eye to their plight. Therefore, this Motion calls for serious attention to the plight of girls in our schools. I recall that in the 1970s, I was a headmaster in some schools and in my memory, I recall seeing some girls in the class caught up in this very serious predicament. I would not have been in a better position other than to pray for the young innocent girls.

Mr. Temporary Deputy Speaker, Sir, therefore, it is important as a country that we take seriously education for girls. We need to make sure that retention and transition are really maintained if our girls are going to engage and participate in the social, economic and political life of this nation. Failure to provide this basic facility will generally affect the dignity and personality of these girls. Again, they will not be well placed to compete with the boys. Therefore, this Motion calls for restoration of dignity and confidence for

our young girls in schools. To allow the girls to excel in whatever they want in the field of education, we need to provide those basic requirements. When girls drop out of schools, there are very serious consequences that really affect the parents and the country at large. These girls engage in very poor employment because they are not educated. They also engage in early marriages and even go to far away countries to look for jobs where they are enslaved and mistreated. These are our young daughters and we should think more about them. These drop-outs are sometimes in the slums and in the city of Nairobi. They sometimes get messed up and their future is also messed up. It is important to guarantee proper education for these girls in our schools.

Therefore, sanitary pads must be mandatory especially for the needy families. The entire girl population must be given this life requirement. You cannot talk about the right to education if you are not giving adequate attention to this facility. The Prime Minister and the Grand Coalition Government started so well by allocating Kshs300 million but this is a drop in the ocean. More resources must be allocated to make sure that transition in our schools and particularly for girls is ensured.

Mr. Temporary Deputy Speaker, Sir, you realize that we have lost a lot of resources in the Ministry of Education. If that money had been given out to the schools, it would have benefitted our girls in the schools. Money getting misappropriated or embezzled to the tune of Kshs4.2 billion is not a laughing matter. I note with great concern that the Minister for Education denies during the day that he was not involved. The current Permanent Secretary also says that he is not aware. The former Permanent Secretary has also been cleared in the scandal. Then who has “eaten” that money? We want to be told who has “eaten” the money for the young innocent children. We want the Kenya Anti-Corruption Commission (KACC) to move with speed and make sure that the culprits are arrested and taken to court

Mr. Temporary Deputy Speaker, Sir, I concur and fully support that in the modern Kenya today, our girls must be in the frontline in participating and ensuring that there is equity and fairness in the provision of these facilities.

With those few remarks, I fully support this very timely Motion.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion which is long overdue. I want to congratulate the hon. Member for Rarieda, Eng. Gumbo, for bringing this Motion which is trying to create a balance so that there is fair treatment of all the youngsters in the country, that is, both girls and boys. This is a basic need. When we talk about a basic need to a human being, this is one of the most important aspects. I am happy that the new Constitution is trying to address most of the problems that we had before. The only thing that I am worried about is that I hear hon. Members saying that the new Constitution will address this issue but unless we ourselves take the initiative to implement what is stipulated in the Constitution, which is our guide, that will not happen. In fact, the Ministry of Education should be taking care of this. Unfortunately, the Minister and both the Assistant Ministers are not here. We were in a meeting yesterday where the Minister for Education was sort of defiant in implementing what this House has passed as a Motion. So, I am just wondering what will happen to this now that he is not here and also his two Assistant Ministers are not here.

The Temporary Deputy Speaker (Mr. Imanyara): Order! It has been brought to the attention of the Chair that the Minister is on his way here.

Mr. Chanzu: Yes, Mr. Temporary Deputy Speaker, Sir. I think when he comes, it should be stressed to him that it is the view of hon. Members that this Motion should be addressed by his Ministry immediately.

Mr. Temporary Deputy Speaker, Sir, I want to suggest that there has to be adequate funding. I know that the Government over the years has allocated a lot of funds to various schemes which are meant to reduce or eradicate poverty, improve the health of Kenyans, the welfare of Kenyans and so on. The problem has been how this money is channeled to the needy areas. This is a programme which once put in place, I would suggest there be adequate funding and adequate research carried out so that we know the numbers we are dealing with. It is not just the issue of giving money to the Ministries and then it does not reach the desired goals.

This is a scheme which, if put in place, I suggest it should be constituency based. It should be run the way we are trying to devolve in the reforms that we are making. We should know exactly how many cases we are dealing with because it varies from place to place. If you go to the rural areas, communication in some areas is a problem. In such places, these pads could even be in hospitals but accessibility would be a problem. I would suggest that it be a properly funded scheme.

Mr. Temporary Deputy Speaker, Sir, the Mover of the Motion has suggested that it should be a department in the Ministry. However, I am just imagining that as we develop--- In fact, I was giving an example of some of us when we used to walk bare feet, but I think as everything evolved and developed, we are now able to wear shoes. I was imagining that it should be a well-funded pilot scheme which can be well managed in every constituency, based on needs. There should be adequate information to flow even with whatever little we have now. I know we may be having them at either the district headquarters or provincial headquarters but accessibility is a problem as I have said.

I was going to say that the women of this country are agitating for 30 per cent representation. It is good that it is in the Constitution. However, I had noted earlier on that Members of Parliament who are in this House who should be contributing to this Motion and supporting it should have been the ladies first and foremost. I saw some lady Members of Parliament walking out as the mover was moving the Motion. I am happy that Mrs. Shebesh and the Minister are here. The Minister is from a Ministry that is almost relevant---

Mrs. Shebesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Member of Parliament to cast aspersions on the lady Members of Parliament who have walked out when we can see the House is empty and double or triple that number of men have walked out and he is not raising the same? Is it in order for him to cast aspersions on the dignity of women Members of Parliament?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, if you listened to the contribution that Mrs. Shebesh was making which was very valuable; in fact, she was talking from practical experience. That is what I expect. I am not casting any aspersions. I am saying they should be at the forefront in assisting this Motion.

Mrs. Shebesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. In my contribution, I started by saying that this issue was first raised by Ms. Njoki Ndung'u when she was a nominated Member of Parliament here. As KEWOPA we have been at the forefront of issues of sanitary towel provision. Even the Prime Minister's

announcement on this issue was done in a forum for women. Therefore, women are at the forefront.

Is it in order for the Member of Parliament who is making a very good contribution to dilute his good statement by giving inaccurate facts about the commitment of women especially women Members of Parliament on this issue when we are on record? I am here speaking as a Member of Parliament and the Vice Treasurer of KEWOPA.

The Temporary Deputy Speaker (Mr. Imanyara): The hon. Member was expressing an opinion. Of course, he may not be against women. I think he is fully entitled to make---

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, in fact, I want to support what Mrs. Shebesh is saying. I would like them to get the information that we are supporting this Motion. We have talked about the issue of dignity, privacy and a number of issues. Some of the issues that have been addressed here, I do not think any man would have addressed them better.

I am saying let them be at the forefront. They are the ones who are going to do the pilot scheme. They should be the ones leading us in taking these sanitary pads to schools. That is what I mean.

Mr. Temporary Deputy Speaker, Sir, the performance of girls in schools in this country has gone up. This is a very commendable thing. In spite of all these, the girls have been able to perform well. I believe that once we put these measures in place we can advance to levels of countries like Germany where we have leadership of a woman. The country is doing very well. It is a leading economy in the world.

With those few remarks, I beg to support.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I want to commend Eng. Gumbo for this Motion which is very timely. Indeed, the Government has already led the way. The Prime Minister announced that the Government was going to facilitate the supply of sanitary towels to the needy girls. Indeed, the Deputy Prime Minister and Minister for Finance made allocation for this need. Therefore, it is something that the Government supports.

I would also like to commend the fact that it is a man who has brought this Motion and not a woman. That shows that men have realized that women issues are national issues. Girl issues are societal issues because they are our daughters together with the men. They are the fathers. When girls miss education, it is something to worry about because they cannot keep the standards as well as the boys.

Indeed, way back when I was an Assistant Minister in the Ministry of Education, we started this programme. There was a package we called School Health Programme. Part of it involved sanitary towels. Several banks and organizations did support the programme. Therefore, I would support this Motion very strongly but with amendments. I hope the mover will be willing to accommodate some amendments. One of these is that while the Government takes the major responsibility, all other agencies and private sector have a responsibility as part of their social responsibility to support this programme. If the Government did it alone, we will find that even the finances will be constrained because we have many girls.

Mr. Temporary Deputy Speaker, Sir, another amendment I would like to suggest is that instead of saying: "Coordinate sources and receive funds for and sustain

nationwide programme to distribute sanitary towels to all school going girls in primary and secondary schools in the country”, I want to suggest that not all of them need free sanitary towels. There are those who can afford them and we need not put unnecessary burden on the taxpayer for parents who are able and have been doing it. We should add the words either “the needy” or “where need be”. The programme can be piloted in a way that it focuses on the needy girls. I want to add here - and it is a fact - that it has been found out that girls do stay out of school, especially during those critical two or three days. Missing school for two or three days every month takes a lot from that girl. I think girls have tried very hard to perform well in school

Mr. Temporary Deputy Speaker, Sir, another need is not just the sanitary towels. We must make sure that all the schools have adequate toilets for girls. According to the regulations, the girls’ toilets are supposed to be always more than the boys’. That is something I would like to urge my colleague, the Minister for Education, and the Constituencies Development Fund (CDF) to facilitate. We should support our schools to make sure that, in our constituencies, if there is any school that needs support for girls’ facilities to be clean and, if possible, to have water facilities, then we make a provision for that.

There are many ways, of course, which we can explore to encourage our girls to perform well in school, and that is one major area. We need to educate our boys. They should also understand that, that is a natural process. They should not, sort of, make girls feel embarrassed about it. If there is an accident and the girl’s dress is soiled or something like that, we should understand. That is why we must make sure that all girls have sanitary toilets, so that those accidents do not happen. You will find many girls who stay out of school because they are afraid that something like that can happen. That is a natural process. It is a process that these girls undergo. We must support our girls when they are going through it and make sure that their grades improve.

With those few remarks, I beg to support with amendments.

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I want to stand here and support this Motion. I want to assure you that earlier, there was an absence of Government Ministers. But now, the Government is fully represented by very senior Ministers. So, the Government fully supports this Motion. I want to congratulate Eng. Gumbo for bringing up this subject. This subject is not an issue for a girl or a boy; or a man or a woman. It is not an issue of gender. It is an issue of the population of Kenya that is affected. About 52 per cent of Kenya’s population is made up of women. We have to integrate women in our national development; and education is key. If majority of girls cannot afford sanitary towels in primary and secondary schools, then it is the responsibility of the Government to intervene. If the Government cannot intervene in issues like this which are sensitive to our own society, then it has no business being the Government. The Government has done a lot to support education; both for boys and girls and today, the Government has made an announcement formally that this issue of the girl child is very important and, particularly, on the issue of sanitary towels.

The Prime Minister has raised this issue and has mentioned that it is critical. It needs to be addressed by the Government. I support the establishment of a department so that it can look at the co-ordination and delivery of those sanitary towels to the girl-child. I believe most of those children or girls who have been affected come from marginalized communities and semi-arid areas, where there is no infrastructure and effectiveness of

service delivery. That is why it is important for us to also look at the marginalized areas and marginalized communities and educate them on how to use them. We should make sure that when they use them, they attend school.

Mr. Temporary Deputy Speaker, Sir, I feel that this is an important Motion that has been brought here and we, in the Government, fully support it.

With those few remarks, I beg to support.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. I want to thank Mr. Gumbo for bringing it here. However, I understand that there is already a budget for this in the Ministry of Education. The Prime Minister has already made a Statement and it has been acted on by the Government. For that, I want to thank the Government for being sensitive to this. Linking that with this Motion, may I suggest that, as the Minister for Public Health and Sanitation has just brought to our attention, let us focus on the issue of toilets. The number of toilets, especially in rural schools, is not sufficient for the girl-child, leave alone the other children. We have been told that for every two toilets for boys, we must have three for girls. This is one thing that the Ministry must look at when they are inspecting schools, and give them those notices.

Sanitary towels cost no more than about Kshs20. There are neighbouring countries that have started to put up sanitary towel factories. However, we are still importing ours from abroad. When the programme is certain, may I suggest that the sanitary towels that will be brought within the scheme be packaged in a way that they cannot be sold to others under the guise of receiving sanitary towels for free. I support very much the amendment by Mrs. Mugo. She suggested that it should not be all girls, but needy school girls. I might want to suggest that, perhaps, as a pilot scheme, this should start in the rural areas where the girl-child is most handicapped, and then move slowly to the urban areas where they have more facilities. The system we could use is some sort of voucher system where the headteacher - especially the headmistress - or a lady teacher identifies and distributes vouchers to the girls who need them.

Furthermore, I feel that the issue of sanitary towels does not end there. For us who do not really understand but we have daughters, we have to understand that sanitary towels have to be disposed of. Where there are pit latrines, there is no problem, but I stand corrected. But I think where there are flush systems; there is the question of disposal. If disposal of sanitary towels is not also regulated, we are going to have a lot of problems especially in respect of hygiene. I cannot understand why we can slow pedal on this--- I was hoping that the Ministry would put together a pilot scheme for this as soon as possible.

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

Mr. Murgor: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion and thank Eng. Gumbo for his thoughts about this. This is a subject that is very important for all of us, as leaders, and the nation at large. It touches on the lives of our daughters, girls and also our national success. I would suggest that research be conducted and skills developed to make the system successful, especially with regard to education about sanitary towels and toiletry.

Many of the girls who need help come from the rural areas, especially neglected areas which have remained behind for a long time. Therefore, in order to be able to effectively serve them and impart skills to them, it is good to carry out research, so that they can be quite aware of what should be happening. We should bear in mind the fact

that we are coming from a tradition and practice where this was an exclusively women's issue and a private one, which did not need exposure. Now that it is coming to public awareness, we need to really guide the girls.

Mr. Temporary Deputy Speaker, Sir, I remember a girl who left school because of having messed up her clothes. She was too embarrassed to come back to school. Therefore, she opted for early marriage and exited from learning. It is, therefore, very important that we tackle this situation especially by instilling confidence in girls that it is natural, and that they do not have to feel embarrassed and run away from school; that is how they are created.

I suggest very strongly that when this programme becomes functional, female teachers should be the ones to handle the funding and everything relating to the programme because men do not feel the weight of the situation. They might tamper with the kitty or run away with the money and leave the whole group desperate. Therefore, I suggest that there should be a particular teacher to deal with the programme, because of the fact that not everybody understands the cycle. It should be taken that not everybody should handle the kitty but a female teacher, who will guide the girls and whole heartedly handle the situation and the money.

Mr. Temporary Deputy Speaker, Sir, I would also suggest that a system should be established to ensure that the money is dealt with transparently and accountably. We feel embarrassed when sometimes money is given and is misappropriated because of lack of a transparent way of handling it.

With those remarks, I beg to support.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I rise to support this very important Motion and commend Eng. Gumbo for bringing it to the House. The Motion is long overdue. Maybe, as leaders, we never understood the importance of us supporting girls who go to school.

Although the Government has decided to provide free primary education, which it has done very well, we all know that about 2.5 million girls require sanitary towels. Those girls miss classes for between three and five days every month. This means that even though the Government is providing free primary education, those girls will miss their classes when that time comes.

Mr. Temporary Deputy Speaker, Sir, when I was the Minister for Health, I learnt that many girls, and some poor village women, use some very crude methods of protecting themselves. In fact, the materials they use are so dirty that they get infections, which complicates the situation further. So, this Motion could not have come at a better time than now.

I remember that in 2004, His Excellency the President gave an order that sanitary towels be exempted from Duty. I do not know whether the directive was implemented or not. However, the recommendation now should be that as books are taken to schools, sanitary towels should be part of that package.

Mr. Temporary Deputy Speaker, Sir, the question as to whether the Budget will be bigger or not should not arise. If boys will not go to school because some books will not have been delivered to school, so be it. Let us reduce the amount of money that is going into books to ensure that girls get sanitary towels. However, I do not think that will be necessary because I have been told that the budget for sanitary towels for a year will

not be more than Kshs1.6 billion. What is Kshs1.6 billion when we know that we are going to save those girls from not going to school?

With those remarks, I beg to strongly support the Motion and, once again, commend Eng. Gumbo for bringing it to the House.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Machage, as I recognise you to speak, let me say that we are delighted that you have recovered and you are able to join us.

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I thank you for your prayers. I am now as fit as a fiddle to carry on with the work of nation building.

Indeed, the physiological needs of the girl-child cannot be under-estimated in the development of a country. Eng. Gumbo has focused his thoughts on girls aged between 15 and 25 years. Our knowledge shows that menstruation starts as early as at the age of nine years. It is, in fact, documented in medical books that a six year old is the youngest girl that has been known to be pregnant. In Kenya, we have our records at nine years, meaning that menstruation starts a little bit earlier than is anticipated by hon. Gumbo.

Mr. Temporary Deputy Speaker, Sir, in some communities, nine year olds are in nursery school. So, this programme should not be limited to only primary and secondary school girls. Maybe, we should focus a little bit lower, especially in the marginalised communities in this country, where children's education starts far much later. In my community, education used to start at 12 years, until very recently. Some of us went to school after grazing cows for a few years. This will be a noble exercise; it will be full of blessings.

As hon. Ngilu said, girls and women in the villages use unhygienic materials in place of sanitary towels. This leads to pelvic inflammatory diseases that more often than not lead to infertility and other complications. There are psychological factors associated with this because it is never understood in many communities that this is a normal physiological process. Maybe, some education also needs to be given. Teachers should be educated on what the cycles are, so that they can teach the girl child to understand herself even better and to handle this normal physiological process appropriately.

Mr. Temporary Deputy Speaker, Sir, apart from the sanitary towels, maybe this could be expanded further later to include supply of soap at certain times of the month to every girl in school, when funds are available. But we should not forget the boy-child also. Quite a few are punished for not having a blade to shave their beards. It is a reality that some people are more hairy than others and are punished every week for not shaving. Some families cannot afford just a blade for a boy-child to shave his beards. It may sound funny but it is the truth and it happens. As we endeavour to improve the education standards, the health of the child at this level is important.

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

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise in support of the Motion. I want to thank all colleagues who have supported, especially our male colleagues. Starting with the Mover, they are sons of women, husbands of women, brothers of women and fathers of daughters.

Mr. Temporary Deputy Speaker, Sir, I think that any father will have known when their daughter started menstruating, because money will be required to do that shopping. But, unfortunately, there are many households that cannot afford this basic necessity. In order for the country to be able to offer free compulsory education, then the basics have

to be offered. I think that is why the Government is funding primary education. But we have not looked at the holistic package that should be offered. We are saying that an important component – the sanitary pads - has been left out. This is because the girls cannot go to school if they do not have these basic necessities during, at least, one week within the month. At the end of the year, the girls will have missed 12 weeks of education, which is basically three months. This is totally unacceptable.

Mr. Temporary Deputy Speaker, Sir, I have heard the yearly budget touted. That is an exaggerated budget. If the Government is buying sanitary pads for our daughters throughout the country, this is a big wholesale. The cost would be reduced and the Government would negotiate. I am glad that the Mover of this Motion is referring to statistics of research done. This is because whenever we want to do something, we need the information. There is data indicating that 2.7 million girls are missing three months of school every year because of not being able to afford sanitary pads. I commend those who have done the research and Eng. Gumbo for bringing this matter to light. Days are gone when things to do with women were only brought by women Members. We have Eng. Gumbo with this Motion and previously, we had hon. Kapondi with the Female Genital Mutilation (FGM) Bill. This is really commendable because it shows that we have a partnership of the genders to push forward matters that affect our society.

Mr. Temporary Deputy Speaker, Sir, I want to remind the hon. Members that we had a milk programme which was known as the Nyayo milk. The theory behind the milk programme was that most children are unable to get sufficient nutrition and, therefore, the Government was boosting the nutritional intake of children on a daily basis. The sanitary programme should be no different. It is very much also like the school feeding programme, where we realize that in order for children to have the benefit of free education, they require to have something in their stomachs. In order for the girls to be in class when they are going through their menstrual cycle, they need to have those sanitary pads. I am glad that I am talking after Dr. Machage who has highlighted the medical angle. If we refuse to bear the cost of the sanitary pads now, as a nation, we will still bear the cost of the diseases that arise, including infertility which will then be treated at Government hospitals. Why do we not take this cost now and give our girls dignity, because when they are unable to look after themselves during the menstrual cycle, we are actually making them go through degrading and inhuman conditions?

Mr. Temporary Deputy Speaker, Sir, I was looking at Article 53 of the Constitution about children. When we talk about primary and secondary girls, these are girls below 18 years and so, we are talking about our children. Article 53(1) (d) says that every child has a right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and any other. So, if we let our girls go without sanitary pads, we are actually subjecting them to inhuman treatment. The State has the utmost duty to protect rights and also to carry through its policy. We have free primary education and it cannot be available without these basic necessities.

Mr. Temporary Deputy Speaker, Sir, I, once again, want to commend the Mover and colleagues for the total support of this Motion.

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

Mr. Kigen: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask that the Mover be called upon to reply?

The Temporary Deputy Speaker (Mr. Imanyara): You are completely out of order because the Minister has not even responded.

Minister for Education!

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I am here to give the Ministry's position on this important matter.

Mr. Temporary Deputy Speaker, Sir, from the word go, I want to tell the House that, in principle, the Ministry supports this Motion. I remember the days when I was young and in primary school. The older boys were harassing girls especially when they were in their periods. I know that the situation might not have changed today, but that should be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, the overall function of the Ministry of Education is to provide equal access to education to both girls and boys, irrespective of their socio-economic status. This is in recognition of the fact that education has a critical role to play in addressing issues of gender equity and equality in this country. This is in pursuit of the Government's commitment to achieve the Millennium Development Goals (MDGs) and education for all. For girls, the greatest challenge is absenteeism related to their reproductive health issues. Targeted interventions are, therefore, required to address the needs of over two million menstruating girls in our schools. One of such interventions is the provision of sanitary towels for adolescent girls in public primary and secondary schools. To mitigate on this gender related concern, the Ministry has established a gender desk in the Directorate of Policy, Partnership and Community Affairs. So, we already have a facility that takes care of this. Among the responsibilities of the desk is to promote hygiene and sanitation aimed at improving access, retention, transition and completion of girls education. The Ministry of Education, through the gender desk officer, has in the past four years partnered with Proctor and Gamble, the Girl-Child Network and Education for Marginalized Children of Kenya to provide free sanitary towels to over 20,645 girls from poor families in 136 primary schools.

So, to some extent, we have supported the girl-child in this issue. Every girl-child receives three packets of sanitary pads every term. In addition to this, the girls receive information on issues like feminine hygiene, puberty and menstrual management from trained nurses.

Mr. Temporary Deputy Speaker, Sir, the Gender Desk has also been key in the development of gender in education policy, gender standards guidelines, sexual harassment and sexual offences awareness brochure. The investment programme organizes mentorship programmes for both boys and girls to encourage them to compete and excel in education, sensitize institutional managers on gender mainstreaming, advocate on the importance of culture and education through media and posters, among many other activities.

The Ministry of Education acknowledges that there are other isolated organizations that provide sanitary pads to girls in schools. The Ministry is working on a coordination framework through the Gender Policy. The Ministry, this financial year, has been allocated Kshs301 million for the purchase of sanitary towels. However, as you have heard, we have 2.6 million girls in our public schools - primary and secondary. The amount that is required to help them get adequate sanitary towels is Kshs1.6 billion. So, you can see the shortfall. I will table, for the benefit of Members, a concept paper that the Minister wrote to address that, given the amount of Kshs301 million.

The Ministry of Education Gender desk has developed a concept paper on the provision of sanitary towels for girls in primary and secondary schools, whose theme is: "Keeping girls in school." So, based on the tentative proposals, we have worked on different scenarios on how we can go about handling this issue, given the Kshs310 million only. The money given to us is so much inadequate and I appeal to my colleagues here to help us push for more money, so that we can help the girl-child. So, in principle, the Ministry supports the Motion. But I would like to let Members know that we may not need to create a new department because we already have a unit that is handling this subject. All we need is to strengthen and facilitate the Gender Desk. Help us to source for more funds so that we can roll out a nationwide programme to assist the girl-child to remain in school.

Thank you, Mr. Temporary Deputy Speaker, Sir. I support.

Mr. Ngugi: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this chance to add my voice in support of this very important Motion. At the onset, I would like to congratulate hon. Eng. Gumbo for thinking forward, thinking about our children and even thinking further, more than the Ministry of Education, and seeing how our girl-child can be helped to concentrate in learning in our schools.

It always bothers me on how the Government works. That is because 50 years after Independence, and having a Ministry of Education in place, I would have expected the Ministry to carry out research and understand what factors cause students - and especially the girl-child - not to concentrate on learning. If they had done so - and if they had thought outside the box - they would have found out that the girl-child wastes about 12 weeks of learning time because of lack of sanitary towels. However, that topic has to wait until an hon. Member thinks about the subject and they quickly move and say that they are setting up a Gender Desk to address that problem. I would like the Ministry of Education or any other Ministry to think broadly about all the factors that would enable it to provide the best services to the citizens of this country.

Mr. Temporary Deputy Speaker, Sir, my hope is that the Kshs300 million that has been set aside for this Ministry for the provision of sanitary towels is safe. It will not be embezzled. It will be used for the intended purpose. The people will not see it as an opportunity to do business. If they are allowed to do that, instead of many of our girls benefitting, just a few will benefit. This is just one area where our children need to be taken care of. The school feeding programme which used to be there helped many children from arid and semi arid areas; areas where food is scarce. Yet, the Government discontinued that programme. I would appeal to the Government to not only take a cue from this Motion but to also address all other factors that hinder our children from concentrating on their education.

With those few remarks, I support.

The Temporary Deputy Speaker (Mr. Imanyara): Eng. Gumbo, I do not see any other Member wanting to talk. Would you want to start replying now or next Wednesday?

Eng. Gumbo: Mr. Temporary Deputy Speaker, Sir, I can do it now.

The Temporary Deputy Speaker (Mr. Imanyara): Go ahead.

Eng. Gumbo: Mr. Temporary Deputy Speaker, Sir, I want to thank all the hon. Members who have contributed to this Motion, namely hon. Mungatana, hon. Shebesh, hon. Njuguna, hon. Chanzu, hon. Mugo, hon. Balala, hon. Shakeel, hon. Murgor, hon.

Ngilu, hon. Machage, hon. Karua, the Official Responder; hon. Olweny, hon. Ngugi and my other two colleagues who had shown an intention to want to contribute, hon. Kigen and hon. Otichilo.

Mr. Temporary Deputy Speaker, Sir, I think it is important to record here that the inspiration for this Motion comes from the love I have for my late grandmother, the late Oker Nyar Gumbo and my mother, Mama Dorcas Chiek, who provided inspirations for me in my life, and the fact that I think I am one of the few Members sitting in this House, whose campaign was led by a woman chief campaigner. I have noted all the issues raised. I want to thank Members and urge all of them to unanimously support and adopt this Motion for the betterment and improvement of education of the girl child in Kenya.

I beg move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. The House stands adjourned until this afternoon, Wednesday, the 3rd of August, 2011 at 2.30 p.m.

The House rose at 12.30 p.m.