

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 11<sup>th</sup> November, 2009

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Financial Statements of Industrial and Commercial Development Corporation for the year ended 30<sup>th</sup> June, 2008 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Trade)*

Annual Report and Financial Statements of Kenya Anti-Corruption Commission for Financial Year 2008/2009 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Justice, National  
Cohesion and Constitutional Affairs)*

Annual Report and Financial Statements of Ewaso Nyiro North River Basin Development Authority for Financial Year 2007/2008 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage) on behalf  
of the Minister for Regional Development Authorities)*

Annual Report and Financial Statements of Kenya Literature Bureau for the year ended 30<sup>th</sup> June, 2008 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Education)*

Audited Financial Statements of Kenyatta National Hospital for the year ended 30<sup>th</sup> June, 2007 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Medical Services)*

Audited Financial Statements of Kenyatta National Hospital for the year ended 30<sup>th</sup> June, 2008 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Medical Services)*

Annual Report and Financial Accounts of Higher Education Loans Board for the year ended 30<sup>th</sup> June, 2008 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Education)*

Annual Reports and Accounts of the University of Nairobi Press for the year ended 30<sup>th</sup> June, 2004 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Education)*

Annual Reports and Accounts of the University of Nairobi Press for the year ended 30<sup>th</sup> June, 2005 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Education)*

Annual Reports and Accounts of the University of Nairobi Press for the year ended 30<sup>th</sup> June, 2006 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Minister for Education)*

Special Audit Report of the Controller and Auditor-General on the Sale of Properties of the Kenya National Assurance Company Limited (in liquidation) and Kenya National Assurance Company 2001 Limited.

*(By the Assistant Minister for Roads (Dr. Machage)  
on behalf of the Deputy Prime Minister and Minister  
for Finance)*

## ORAL ANSWERS TO QUESTIONS

*Question No.038*

FEASIBILITY STUDY ON ARROR  
WATER FALLS BY KVDA

**Mr. Speaker:** Is the Member of Parliament for Marakwet West not here?  
The Question is dropped!

*(Question dropped)*

Next Question by the Member of Parliament for North Imenti!

*Question No.074*

PLACEMENT OF BUURI DISTRICT UNDER  
ASAL PROGRAMME

**Mr. Ruteere** asked the Minister of State for Development of Northern Kenya and Other Arid Lands:-

(a) whether he could consider placing Buuri District under the Arid and Semi-Arid Lands (ASAL) Development Programme; and,

(b) whether the Government could also consider gazetting the district as a hardship area for civil servants and teachers working in the district and pay them hardship allowances.

**The Assistant Minister, Ministry of State for Development of Northern Kenya and Other Arid Lands (Mr. Sasura):** Mr. Speaker, Sir, I beg to reply.

(a) It is not possible to include Buuri District in the ASAL Development Programme since the second phase of the Arid Lands Resource Management Project is coming to an end in June, 2010.

(b) The Ministry of State for Development of Northern Kenya and Other Arid Lands does not undertake classification of areas as hardship and has, therefore, no mandate to gazette Buuri District as one.

Thank you, Mr. Speaker, Sir.

**Mr. Ruteere:** Mr. Speaker, Sir, I am surprised by the Assistant Minister's answer that Buuri District cannot be classified as an ASAL area because the Arid Lands Resource Management Project is coming to an end in 2010. Buuri District borders Laikipia and Isiolo districts, which are ASAL areas. Buuri District is suffering from an exodus of teachers and civil servants, who go to work in Laikipia and Isiolo districts and reside in Buuri just because civil servants in those two districts are paid a hardship allowance. Could the Assistant Minister consider the very hardship areas, in Rwareira Division, and classify them as ASAL areas?

**Mr. Sasura:** Mr. Speaker, Sir, while I do not deny the statement by my colleague, but our Ministry is not concerned with classification in terms of employment. That is for the Ministry of State for Public Service.

As for the inclusion of the district in the ASAL development programmes, the Arid Lands Resource Management Programme was started way back in the early 1990s. This is a programme that was planned for a specific number of years, and is coming to an end. It is for that reason that we cannot do it.

In the matter of employment and payment of hardship allowances to civil servants and teachers, my Ministry is not concerned.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Last question, Mr. Ruteere!

**Mr. Ruteere:** Mr. Speaker, Sir, is the Assistant Minister aware that Ewaso Nyiro Development Authority, which covers the ASAL development programme, is also covering parts of Buuri District and, therefore, what he is saying is misleading?

**Mr. Sasura:** Mr. Speaker, Sir, I have not misled the House. If Ewaso Nyiro Development Authority has covered parts of that district, that is well and good. When the next phase of the ASAL Development Programme comes into effect, and if the experts who are to assess the impact of the ASAL projects come, we shall see what can be done for him.

**Mr. Speaker:** Next Question by the Member of Parliament for Matungu!

*Question No.212*

MEASURES TO ENSURE COMPLIANCE WITH  
PERSONS WITH DISABILITIES ACT

**Mr. Were** asked the Minister for Gender, Children and Social Development what measures she has put in place to ensure compliance with the provisions of the Persons with Disabilities Act, 2003, considering that persons with disabilities still face discrimination.

**The Assistant Minister for Gender, Children and Social Development (Mr. Keya):** Mr. Speaker, Sir, I beg to reply.

The Ministry of Gender, Children and Social Development has put in place several measures to ensure the compliance with the provisions of the Persons with Disabilities Act (2003). The most important step was the establishment of the National Council for Persons with Disabilities in 2004. In turn, the Council has achieved the following:-

- (i) Registered 11,120 individual persons with disabilities and 48 organizations of and for persons with disabilities according to Section 7(C) of the Act.
- (ii) Promoted the employment of persons with disabilities and has continuously advocated their employment in all organizations in an effort towards the realization of the requirement that 5 per cent of the work force should be made of persons with disabilities (Section 13 of the Act).

A baseline survey is due to be conducted in the 2009/2010 Financial Year to establish the status of employment of persons with disabilities in both the public and private sectors.

- (iii) Continuously secured tax relief and duty waivers on materials, articles and equipment modified for the use by persons with disabilities as well as

goods donated to organizations of or for persons with disabilities (Section 35(3)).

Since the year 2006 to date, the Council has managed to secure several tax exemptions in respect of individuals and organizations of and for persons with disabilities.

(iv) We have secured the right of persons with disabilities to retire at the age of 60 years (Section 15(6))

(v) Raised the awareness about disability by continuously holding sensitization of persons with disabilities workshops at the grassroots (Section 7(h) and (i)).

(vi) Collaborated with the Kenya National Bureau of Statistics and the National Coordinating Agency on Population and Development to ensure that statistics on persons with disabilities are collected during the recently concluded census in August 2009 (Section 7(b) (2))

(vii) Developed rules and regulations for the full and effective implementation of the Persons with Disabilities Act (2003) (Section 44). These include:-

(a) Persons with Disabilities (Registration) Regulations.

(b) Persons with Disabilities (Tax Reliefs and Exemptions) Regulations.

(c) Persons with Disabilities (Cost, care, support and maintenance allowance) Regulations.

(d) Persons with Disabilities (Access to employment, services and facilities) Regulations.

(e) Persons with Disabilities (National Development Fund for Persons with Disability) Regulations.

(f) Persons with Disabilities (Legal aid) Regulations.

(g) Persons with Disabilities (Court fees and services) Regulations.

We have gazetted regulations on:-

(i) Access to employment, services and facilities.

(ii) Cost, care, support and maintenance allowance.

(iii) National Development Fund (Conduct of business and affairs of the Board of Trustees).

Mr. Speaker, Sir, it is extremely encouraging to note that the Government has recently operationalized the National Development Fund for Persons with Disabilities by providing a seed sum of Kshs200 million in the 2009/2010 Budget. This Fund which will be managed by a Board of Trustees under the National Council for Persons with Disabilities will economically empower and provide equipment and facilities for persons with disabilities.

The Ministry is in the process of gazetting members of the Board of Trustees comprising representatives of various stakeholders as specified in the Act.

Furthermore, the rules and regulations on tax reliefs and exemptions by the Minister for Finance were factored in the 2009/2010 Finance Bill and will therefore, take effect once the Bill is passed.

Mr. Speaker, Sir, as much as the Persons with Disabilities Act (2003) seeks to regulate and coordinate all affairs pertaining to disability concerns, it has been found wanting in several areas and thus the need for its review. In this respect, the Act has been reviewed to make it concomitant with international best practices aimed at putting in place a streamlined and universally acceptable basic legislative framework for persons

with disabilities in Kenya as per the UN Convention on the Rights of Persons with Disabilities.

The review was specifically aimed at:-

(i)Evaluating the Persons with Disabilities Act in order to establish the extent to which it conforms to the international standards.

(ii)Mainstreaming and integrating disability issues in domestic legislation.

(iii)Recommending ways for harmonizing the Act with other domestic legislation.

(iv)Recommending any necessary institutional reforms and amendments.

(v)Recommending ways for the effective implementation of the Persons with Disabilities Act (2003).

Mr. Speaker, Sir, the process has culminated in a draft amendment Bill which is currently with the Attorney-General awaiting tabling in the Cabinet and finally in Parliament. Besides this, I give my assurance that those outstanding sections of the Act which fall under my docket are in the process of being gazetted.

On the same note, I will continue to collaborate with the various other authorities with the view to ensuring the gazettelement of those sections of the Act under their jurisdiction in order to ensure the complete operationalization of the Act.

**Mr. Were:** Mr. Speaker, Sir, the Assistant Minister has said his Ministry has tried to promote employment of persons with disabilities and has continuously advocated employment in all organizations. He has also indicated that a baseline survey is being carried out. Could he give us the number of people with disabilities who have been employed since this Act was passed to date?

**Mr. Keya:** Mr. Speaker, Sir, we do not have the actual number. That is why we are having the baseline survey that we are conducting. As soon as it is ready, we will let you know.

This Question was asked in July and my officers could have got the figures. If the hon. Member does not mind, he should come to the Ministry's office and we would be able to give him the figures.

**Mrs. Shaesh:** Mr. Speaker, Sir, the Assistant Minister has said that the Ministry has obtained duty waiver for equipment used by various councils and schools. Is he aware that the schools that currently provide education to children with special needs are in dire need of equipment? The duty waiver has not been implemented and they have not felt its effects.

**Mr. Keya:** Mr. Speaker, Sir, I am not aware that there are institutions which are facing these difficulties. But now that you have brought the issue to my attention, I shall follow up and find out if there are any and they will be dealt with.

**Mr. Affey:** Mr. Speaker, Sir, apparently it looks like the Assistant Minister is not very prepared to answer this Question. But we shall have an opportunity to summon you to our Committee on Equal Opportunity to explain this to us.

**Mr. Speaker:** Order, Mr. Affey! That is not how Ministers are summoned to Committees!

**Mr. Affey:** Mr. Speaker, Sir, I want to ask the Assistant Minister regarding the Kshs200 million that the Ministry has disbursed to this very important sector of our society. There are those who are physically challenged and others who are mentally challenged. Since there is no uniform suffering of disabilities in this country, how much of this money has been set aside to benefit the mentally handicapped in our society?

**Mr. Keya:** Mr. Speaker, Sir, I do not have the specific amount that we have really allocated to the mentally handicapped sector but, at least, this money will go to all persons with disabilities accordingly.

**Mr. Chachu:** Mr. Speaker, Sir, persons with disabilities are not only limited to certain parts of Kenya. They are found all over this Republic. To enforce compliance with this Act, the Ministry must have some form of physical presence. I think that is imperative. Could the Assistant Minister confirm or deny that they have any physical presence in the northern part of Kenya?

**Mr. Keya:** Mr. Speaker, Sir, I do deny that we have physical facilities in northern Kenya. But with this Kshs200 million, we should be able to be there.

**Mr. Speaker:** Last question, Mr. Were!

**Mr. Were:** Mr. Speaker, Sir, the Assistant Minister said that his Ministry has continuously secured tax relief and duty waivers. Could he give us the amount with which he has assisted these organizations in terms of duty waivers and taxes during the past six years?

**Mr. Keya:** Mr. Speaker, Sir, I have a list of several people here but the actual amounts are not shown. I also have the names of organizations, type of exemptions and dates. Since they are about 25, maybe I will lay the document on the Table so that you can go through it.

*(Mr. Keya laid the document on the Table)*

**Mr. Speaker:** Fair enough!

Question by Ms. Odhiambo!

*Question No.328*

#### STATUS OF GJLOS REFORM PROGRAMME

**Mr. Speaker:** Is Ms. Odhiambo not here?

The Question is dropped.

*(Question dropped)*

Member for Kisumu Town East!

*Question No.389*

#### CATTLE RUSTLING IN KISUMU EAST

**Mr. Shakeel** asked the Minister of State for Provincial Administration and Internal Security:-

(a) if he is aware that, despite previous denials by the Government, there have been numerous cases of cattle rustling in Kisumu Town East Constituency and that 100 cows, 32 goats and three sheep have so far been reported stolen;

(b) whether he could indicate when the over 50 families who lost their livestock will be compensated and how much each of the families will be paid for the lost and stolen livestock; and,

(c) when the Ministry will establish an Anti-Stock Theft Unit in the constituency.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) It is not true that there are numerous cases of cattle rustling in Kisumu Town East Constituency. According to police records, there have been only six cases of cattle theft in which a total of 22 head of cattle were stolen, out of which 17 have so far been recovered. Going by the reports given to the police, we recovered three head of cattle in 2009. We also have criminal case No.62A/164/09 which is also pending before court. We have one other case where one cow was stolen; criminal case No.62A/183/09. We also have another criminal case involving two cattle, under criminal case No.62A/192/09. We also have another case where seven head of cattle were stolen and the police recovered all of them. The case is pending under case No.62A/219/09. There is another one under No.62A/289/09 involving two head of cattle, where we recovered both of them. There is also criminal case No.62A/307/09 where seven head of cattle were stolen and we recovered four of them. So, going by the figures which I have just indicated, the situation is under control.

(b) All cases reported are before the court. The issue of compensation and who is liable can only be decided upon by the court.

(c) The establishment of an Anti-Stock Theft Unit is not based on the constituencies. It is dependent on the trait of stock theft and availability of funds and personnel. The situation in Kisumu Town East Constituency, therefore, does not warrant such development. Therefore, we do not have immediate plans to establish an Anti-Stock Theft Unit as for now.

**Mr. Shakeel:** Mr. Speaker, Sir, once again, the Assistant Minister has taken this issue very lightly. We sent the Question with a list of 50 cases. I would like to table a list of these cases. I do not know whether he has this list, but we sent it.

*(Mr. Shakeel laid the document on the Table)*

Mr. Speaker, Sir, as I speak, I do not have a copy of the answer by the Assistant Minister. This is the third time he has taken this issue so lightly. Every time, he makes a joke of this. He has ignored every Question I have raised and I am totally disappointed. I would like him to take this issue seriously because I have a list. When you say that there are only six cases, surely, I think you are lost!

**Mr. Speaker:** Order, Member for Kisumu Town East! Please, resume your seat!

*(Mr. Shakeel resumed his seat)*

First, this is Question Time. So, you should as much as possible endeavour to ask questions. The Assistant Minister has responded to Question No.389 and given the best answer that he has. If you are not satisfied with the answer as initially given by the Assistant Minister, then you are under duty to interrogate that answer, so that he can give you further information. I will urge you to do that. Can you now proceed and do that?



**Mr. Shakeel:** Mr. Speaker, Sir, thank you for your guidance. Firstly, I do not have a written answer from the Assistant Minister, other than what he has spoken about. I do not want to waste the time of this House, because we have the Prime Minister's Time coming up. I have a list of 50 cases and do not want to go through---

**Mr. Speaker:** Order, hon. Shakeel! You are now in your second year in this House. If you have information – and I want to challenge you – can you table it now?

**Mr. Shakeel:** Mr. Speaker, Sir, I have already tabled that information. It is with the Clerks-at-the-Table.

**Mr. Speaker:** Order! You are asking this Question now! So, when did you table the information before you raised these issues in the House in the afternoon?

**Mr. Shakeel:** Mr. Speaker, Sir, I tabled that information about two minutes ago!

**Mr. Speaker:** Then that is irregular because it would be irrelevant because you are now raising the issue!

**Mr. Shakeel:** Mr. Speaker, Sir, it was at the time I asked the Question. I said that I have a list here that I would like to table and the Clerks-at-the-Table requested me to give it to them. They have it with them! So, if you wish, I can retrieve that list and ask the Assistant Minister to give me a written answer in respect of each one of these 50 cases. I would like him to kindly give me a response in respect of those 50 cases.

*(The Clerk handed over the document to Mr. Speaker)*

**Mr. Speaker:** Mr. Shakeel, before the Assistant Minister responds, the document you have laid on the Table is merely a list. It has no date, no signature, not even your own signature! And, by the directions I have previously given, this document is, therefore, unauthenticated. So, it is not admissible, I am afraid! It is not admissible. Mr. Assistant Minister, you may respond.

**Mr. Ojode:** Mr. Speaker, Sir, let me try to assist the hon. Member. First of all, even if he looks at the Question itself, it does not relate to any date, when the cattle rustling, indeed, took place. I was thinking of going back to 1963, then I thought, in 1963, maybe the hon. Member had not been born. Then I said, let me try from 1983. I also thought that, by 1983, the hon. Member had not been a Member of Parliament. Then I was forced to rely on the figures of 2009, when the hon. Member had been elected to Parliament.

Mr. Speaker, Sir, even if you go by the Local Government by-laws, no single cattle is allowed within the precincts of a municipality. I have been saying it, because I was born and bred in Kisumu. I know, within Kisumu Town East, we do not have cattle that will warrant a raider to come and rustle or steal. The hon. Member was saying that I am not serious on this matter. I wanted him to tell me specially, where this happened. Is it in Kibos, Nyarenda, Manyatta or Kajulu? Where? I am trying to assist him. I will assist him, if the Chair allows me! Thank you.

**Mr. Speaker:** Fair, Assistant Minister, you have done your part. Anybody else interested?

**Mr. Konchella:** Mr. Speaker, Sir, it is not about Kisumu, but my constituency. Due to the drought, all the cattle have been moved from Narok, part of Kajiado and even part of northern Tanzania, to my constituency. The officers on the ground are really overwhelmed because of patrols to try and control stock theft at border with the Kuria.

Could the Assistant Minister send the Anti-Stock Theft Unit (ATSU) there until the cattle go back to Tanzania, Narok or Kajiado? Those officers do a good job!

**Mr. Ojode:** Mr. Speaker, Sir, I do not have any problem with that. If he requests us, as Ministry, to do exactly that, I am able and we will exactly do that.

**Mr. Were:** Mr. Speaker, Sir, this Question seems to be eliciting some confusion. I would want to know from the Assistant Minister what constitutes cattle rustling. This is because whereas the hon. Member asked about cattle rustling, we are talking about cattle theft. What is cattle rustling and what constitutes it?

**Mr. Ojode:** Mr. Speaker, Sir, there are those tribes, for example, Samburu, who believe that cattle belong to them. They can go to a particular homestead and take all the animals in that homestead. They literally steal! And maybe find their way to Nairobi and sell the stock. They rob the owners of this head of cattle. I do not know whether that is the situation in Kisumu Town East. That is why I wanted the hon. Member to be specific. In which area or part of his constituency has this cattle rustling business been taking place? That is why I was requesting him to come up with an elaborate statement. In which area is cattle rustling taking place in order for the Government to take immediate action?

**Mr. Speaker:** What is it, the hon. Member for Matungu?

**Mr. Were:** On a point of order, Mr. Speaker, Sir. If you are listening, the Assistant Minister is not actually answering the Question. This is because he is admitting that there was cattle theft and there were arrests. What happened in Kisumu East Constituency and the people who were arrested? How does he differentiate that these other ones just take cattle without using force and the others use force?

**Mr. Ojode:** Mr. Speaker, Sir, stealing can be in two forms, one; you can steal by using force. The other option is that, you wait until the owner of the cattle sleeps and then you go and take away all the livestock in the homestead. So, I was thinking that the hon. Member is talking about stealing by force; taking the cattle by force from the owners. So, the hon. Member should tell us what actually happened on the ground. Was it the way the pastoralist do it or it was different? From the Government point of view, I believe that he is talking of forcibly taking away animals from the owners and that in itself is a criminal activity. It is rustling.

**Mr. Abdirahman:** Thank you, Mr. Speaker, Sir. The Assistant Minister is addressing the Question very causally; probably he would have understood fish more than cattle. But, I would want to ask him a question: I would want to tell the Assistant Minister that it is not only about cattle rustling, there are deep issues which are prevalent in a number of regions in this country. Can the Assistant Minister tell us how they are addressing these bigger problems which affect the Samburu and Pokot areas and the country in general because establishing an Anti-Stock Theft Unit (ATSU) is not enough? Can he tell us how he is addressing the larger problem?

**Mr. Speaker:** Order! Mr. Assistant Minister, before you respond, Mr. Abdirahman, you have cast an aspersion that I think is a bit dangerous. Before the Assistant Minister responds, why are you saying that the Assistant Minister would have understood fish better and yet he is a Minister in the Government of the Republic of Kenya?

**Mr. Abdirahman:** Mr. Speaker, Sir, I apologize, if I have imputed improper motive.

**Mr. Speaker:** Could you, please, withdraw that part?

**Mr. Abdirahman:** I withdraw, Mr. Speaker, Sir.

**Mr. Speaker:** Fair enough! Mr. Assistant Minister, proceed and respond to the question.

**Mr. Ojode:** Mr. Speaker, Sir, although it is a different question, I want to state here that, we are putting an elaborate mechanism. We want to do what we call disarmament because those who own guns are the people who go for it. We are going to disarm not only the Pokot, Samburu or Boranas, but we are going to do an elaborate exercise to disarm those who have illegal guns. I think that once proper disarmament is done without fear or favour, the issue of cattle rustling will go down. That is what we are anticipating to perfect very well.

**Mr. Ruto:** Thank you, Mr. Speaker, Sir. Indeed, the hon. Assistant Minister is just not serious on the Question that is before him. The hon. Member for Kisumu Town East actually provided him with a list that indicated the date when these animals were stolen, the names of the complaints and even the location. For example, is Mrs. Ochole of East Kolwa not entitled to keep animals? If these animals have been stolen, what action have you taken, as an Assistant Minister? He should be telling us what action they have taken instead of telling the hon. Member here that livestock should not be kept in Kisumu. His constituency traverses the municipality, and actually where Mrs. Ochole lives is East Kolwa. There is another one called Aketch from West Kajulu.

Are people who live in West Kajulu entitled to keep animals? If their animals are stolen, are they entitled to protection from the Government? The hon. Member---

**Mr. Speaker:** Order, Mr. Ruto! You have asked a question. Allow the Assistant Minister to respond.

**Mr. Ojode:** Mr. Speaker, Sir, you will agree with me that this list is not admissible in this House.

**Mr. Speaker:** Order, Mr. Assistant Minister! The list may not have been admissible for technical reasons but the information it contains, which the hon. Member is using to interrogate you, may be valid if it is factual.

**Mr. Ojode:** Mr. Speaker, Sir, you are aware that I am not preview to the list and I cannot come and give contradicting answers. I said that.

**Mr. Speaker:** Order, Mr. Assistant Minister! Just resume your seat. I want to direct the Assistant Minister properly. Two names have been cited to you and their physical addresses have been given. So, it is not the substance of the list because the hon. Member is not tabling the list. The hon. Member has given you information and he is asking whether you are aware that those persons, as named, lost their cattle.

**Mr. Ojode:** Mr. Speaker, Sir, I am not aware of the two names which the hon. Member has given. However, I will investigate to find out whether it is true that those people lost their cattle. This is because if you look at the Question, you will find that it does not indicate the year the losses took place.

**Mr. Speaker:** Order, Mr. Assistant Minister! You are complicating the matter unnecessarily. You now have specific information, the persons' names and their locations.

**Mr. Ojode:** Mr. Speaker, Sir, I undertake to investigate and find out whether those people lost their cattle.

**Mr. Speaker:** That then becomes a reasonable answer!

**Mr. Ojode:** I will investigate that case, Mr. Speaker, Sir.

**Mr. Speaker:** Ask the last question, Mr. Shakeel.

**Mr. Shakeel:** Thank you, Mr. Speaker, Sir, for the guidance. I want it to be on record that this list was actually attached to the question. I am not preview if the list was not forwarded to the Ministry. However, I did not sign this list because this was my copy which I will give to the Assistant Minister. However, I would like the Assistant Minister to apologise to the residents of Kisumu Town East which traverses the municipality. Kisumu Town East residents have taken a great objection to the Assistant Minister who constantly tells us that we do not have cattle in the area.

**Mr. Ojode:** Mr. Speaker, Sir, I do not understand why I should apologise because I have said that I am not aware of the theft of cattle in that area. However, now that he has some documents to that effect, I have undertaken that I will check if it is true that some people within Kisumu and Kolwa area lost their cattle. So, why should I stand and apologise?

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. It is hardly ten minutes ago when the hon. Assistant Minister told us that the residents within the hon. Member's constituency are not supposed to keep any cattle. Could he apologise to those residents? Are the people of East Kajulu entitled to keep cattle?

**Mr. Ojode:** Mr. Speaker, Sir that is why I undertook to check whether they fall within the municipality and yet they keep cattle. If they keep cattle within the municipality, it is obvious that the local authority by laws do not allow people to keep cattle within the municipality. So, let me check if Kolwa falls under the municipality boundary.

**Mr. Speaker:** Fair enough, Mr. Assistant Minister. That is a logical place to conclude that you will investigate this matter further on the basis of the information that you have received. That brings us to the end of Question Time.

Let us move on to the next Order which is a Statement from the Prime Minister.

## PRIME MINISTER'S TIME

### PRIME MINISTERIAL STATEMENT

#### CLIMATE CHANGE

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I would like to congratulate hon. Members for coming back after the recess. I know that most of them were very active in their constituencies and in the country generally. However, they have now reported back ready and rejuvenated to resume the final phase as we go towards the final end of this session.

I rise to inform this august House that climate change is and will be in the decades to come the most profound challenge that the nation will have to overcome. I have decided, today, to talk about climate change and the forthcoming conference in Copenhagen. This challenge is not ours alone. It is a challenge that everyone in the global community must share. The Heads of States and Governments will meet in Copenhagen in exactly one month from today with the aim of reaching an agreement on ambitious targets to mitigate climate change and decisive measures to adopt to the inevitable global

warming. After a series of conference meetings and conferences, spanning the last few years, the progress towards such an agreement has been woefully slow. As a bearer of the burden of climate change, Kenya has the moral authority and duty to lead the world. While we press other nations, we cannot leave our destiny to the wisdom of others. We must act and we must act now.

Let us make no mistake. Global warming is a reality. White ice caps on the top of Mount Kilimanjaro and Mount Kenya are going. The ice cap on Mount Kilimanjaro has shrunk by about 80 per cent from 1912 to 2000. It is likely to disappear altogether by the year 2020 if the climatic change continues unabated.

We all know too well the devastating consequences of global warming. Droughts are more frequent and resulting crop failure breed hunger conflict among our community. Pastoralism is at stake, huge lands are receding faster and tourism is threatened as the ecosystem of high economic value are on the verge of collapsing. Economic costs of drought are extremely high. For example, the drought of 1998 and 2000 is estimated to have cost a loss of the GDP of about US\$2.8 billion. The climate change also causes more powerful rain storms and consequent flooding ravages our villages. The floods of 2006 affected over 723,000 people. Flooding also brings greater risks in terms of health and fatalities. As I speak, some parts of this country are experiencing severe floods. Many people have been rendered homeless while some have died in Magarini Constituency.

Mr. Speaker, Sir, moreover, there have been more frequent outbreaks of diseases such as cholera, Rift Valley Fever, typhoid and meningitis. Malaria has now spread to the highlands because of the rise in temperatures. It is estimated that an extra five million people will be affected by malaria annually by the year 2055. Excess mortality in children could be in the order of about 10,000 per year. Malaria has always been known to be a disease of the lowlands where the population has developed resistance. As the climate has warmed the highlands, the malaria carrying mosquitoes have moved to the highlands where people have no resistance and it becomes a complete killer.

Finally, the rising sea levels threaten our coastlines. Analysis shows that coastal flooding from sea level rise could affect 10,000 to 86,000 people per year by the year 2030. Studies also show that a 0.3 meter of sea level rise could submerge 17 per cent or 4,600 hectares of Mombasa. In addition, salt marshes, mangroves and other coastal plants will decline.

Mr. Speaker, Sir, hon. Members might have noticed that last month the entire Cabinet of a small Island called "Maldives" held a Cabinet meeting six metres under the sea. They were signing a petition to the Copenhagen Conference. The statement was that unless something is done to stem the tide, the Maldives will be no more in a number of years. I was in Copenhagen, Stockholm two weeks ago with the Prime Minister of an Island in the Pacific called "Nauru". They say that between 25 years and 50 years, that Island will be no more because half of the population has already migrated to Australia. No investors can go there because nobody wants to go and invest in a place which is not going to be there in the next 25 years from today.

All together, it is estimated that climate change could lead to a loss of our Gross Domestic Product (GDP) by 25 per cent or Kshs1 billion annually by the year 2030. The economic cost could double to US\$2 billion by 2050.

Mr. Speaker, Sir, the key issues for discussion in Copenhagen are precise:-

- (i) What the developed countries and the larger emerging economies should be asked to do to slow the pace of global warming.
- (ii) How much these countries should provide to finance adaptation programmes of developing countries.

The Prime Minister of the United Kingdom Mr. Gordon Brown and his counterpart in France were emphatic that Kenya should be the first to benefit from global climate financing. Indeed, Kenya has an enormous potential to contribute towards mitigating climate change and also an enormous need to adapt economic activities and way of life to climate change.

First, we can and must restore the tropical rain forest and other native forests that used to cover much of our land. Farm owners are now required to plant trees in, at least, 10 per cent of the land that they own. The restoration of the Mau Forest Complex has begun and a large area is now available for tree planting. I challenge each of you to plant and grow, at least, 100 trees every month for the next 12 months. I urge you to encourage your constituents to launch community based tree planting campaigns.

Secondly, Kenya has abundant sources of renewable energy. In particular it is endowed with 20 prospective geothermal fields with steams sufficient enough to generate up to 7,000 megawatts. It is estimated that Kenya is only next to New Zealand in terms of geothermal potential. The Government has now developed a concrete and bankable plan to generate over 1,000 megawatts of geothermal energy within the next three to four years.

Apart from geothermal energy, we are moving forward rapidly with our nation's first wind firm projects for a combined capacity of over 500 megawatts. This is somewhere in Turkana. We are also evaluating several large scale solar projects. In addition, a 100,000 hectare Jatropha Project is about to get underway for production of a large quantity of biodiesel.

Mr. Speaker, Sir, the Government is also taking strong action to begin to propel adaption to climate change. For example, we are introducing substantial improvement in the development and management of water resources including irrigation. The Government has also developed several multi-purpose dam projects and flood control is one of the purposes of those projects. We have noticed that the rain patterns have become erratic and, therefore, we have decided that we are no longer going to depend on rain-fed agriculture. We have, therefore, embarked on a very ambitious programme of construction of large-scale dams for purposes of harvesting rain water when the floods come so that the water can be used during the drought period for irrigation as well as be used by livestock and human beings.

In addition, it is essential to expand health services to care for the expected rise in climate related health risks. In the long run you must also develop concrete plans to protect the coastal area against the anticipated rise in sea level. Such plans will include building dykes and flood barriers as well as possible relocation of industries. These measures, as well as mitigation and adaptation programmes in other areas will be contained in the national climate change response strategy. That strategy is currently under preparation under the leadership of the Ministry of Environment and Mineral Resources and with the participation of all relevant ministries. The strategy will be launched early next month.

Mr. Speaker, Sir, our adaptation programme that will form part of the NCCRS will be presented in Copenhagen next month. Some international experts put the cost of Kenya's adaptation programme at US\$500 million per year for 2012 rising to US\$2 billion per year by 2030. I tend to think that the cost is much higher. It is, therefore, critical that Kenya upholds credible and well thought out adaptation programme for presentation in Copenhagen. We will welcome your input and contributions. Our adaptation programme must be fully owned by all the stakeholders including Parliament.

Even if Copenhagen agreement on climate financing were inadequate, we must fully implement our own adaptation programme. We, as a Government, have a duty to protect and enhance the well-being of our citizens. We will, therefore, need to review the priorities of Budget resource allocations. We will also need to re-examine the basic assumptions of the Vision 2030 to reflect the implications of climate change.

Mr. Speaker, Sir, after too many years of inaction and denial, finally there is widespread recognition of the urgency of the challenge before us. We know that our planet's future depend on the global commitment to permanently reduce greenhouse gas emissions. Our generation's response to this challenge will be judged by history. If we fail to face our challenge resolutely and swiftly, we will be putting the quality of life of our future generations at risk. I urge all of you to join President Kibaki and myself in committing to the common course of creating a sustainable environment. Let us together help lead Kenya to attain this goal.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Right Hon. Prime Minister, please take notes.

**Mr. Mureithi:** Thank you very much, Mr. Speaker, Sir. I would like to commend the Prime Minister for stating very eloquently how they will deal with the climate change in this country.

I have three points which I want him to clarify to us. There have been quite a lot of runoffs when it is raining in this country. Whenever it rains in Nairobi, many of us do have problems in driving. Some parts of Nairobi are dry or can be classified as arid or semi arid. What is the Government intending to do, so that it harvests rain water and uses it during the dry season? We can harvest rain water in all our towns and cities as it is being done in a country like Israel.

The second issue is that for a long time we have been talking about water towers in this country. In a country like Israel, they have established reservoirs where they direct rain water. Those reservoirs do not leak. We have Lake Ol Bolossat which feeds eight tributaries. Those eight tributaries feed Lake Naivasha and Garissa. I want him to tell us whether the Government is in a position to establish reservoirs.

Finally, we have many functions like weddings and field days in this country. Recently, I had a field day in my constituency. To my disappointment, we only planted three trees although we wanted to plant more than 1,000. Probably, in the spirit of planting ten per cent of our farms with trees, whether he could come up with a policy that will compel people during those functions to plant trees.

**Mr. Speaker:** The rest of you will have to do one clarification each. Hon. Mungatana!

**Mr. Mungatana:** Mr. Speaker, Sir, very briefly on the question of Jetropha that the Government is keen on development, we have a proposal in Garsen Constituency and I am sure in other constituencies, to invest in the Jetropha. We have been told that it will

add value to the question of climate apart from the biodiesel. The clarification I am seeking from the Prime Minister is on the safety of this Jetropha. People say that this Jetropha is unsafe that even goats cannot feed on it and that its by-products can harm the environment and, therefore, have a negative effect. In the event that the prices of biodiesel fuel fall, then the entire area will be marginalised economically. So, could he confirm or deny this allegation and tell us how safe this programme is as far as the Government is concerned. We are very worried about how to move forward because everything has remained in abeyance because of these worries which everyone has.

**Mr. Speaker:** Yes, Dr. Nuh.

*(Dr. Nuh consulted other Members of Parliament)*

Order! Dr. Nuh, if you catch the Speaker's eye, you proceed to transact business and not to engage in sideshows.

**Dr. Nuh:** Thank you, Mr. Speaker, Sir. I seek your indulgence.

There is so much pessimism as to whether there will be a consensus in Copenhagen on the 15<sup>th</sup>. Could the Prime Minister clarify how much lobbying this country or the larger African continent has done to ensure that a consensus is reached to benefit the African continent which suffers most?

**Dr. Khalwale:** Mr. Speaker, Sir, I would like the Prime Minister to confirm whether he intends to put a strong case for Kenya in respect of the need for compensation from all those countries that benefit directly and indirectly from Lake Victoria and River Nile, for the cost of maintenance of the river catchment areas that feed the same lake since they are in Kenya?

**Mr. I. Muoki:** Mr. Speaker, Sir, I would like to ask the Prime Minister about the issue of deforestation and destruction of river sources. As we talk about five towers in the country, we are still destroying forests and that affects our river sources. As we address the bigger issues, we will come back ten years later and find that all the rivers of Kenya have dried up. So, what is he doing to make sure that we do not destroy river sources and preserve our water?

**Mr. Speaker:** The Right Hon. Prime Minister will now respond. Actually, that completes the number of clarifications that we would normally permit. But depending on how he handles his responses, maybe, we will have time to do another five.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, Mr. Mureithi basically agrees that we should capture and harvest rain water. His concern is about reservoirs. He wants to know whether the Government will create reservoirs. Yes, I agree with him totally. The Ministry of Water and Irrigation has come up with a very comprehensive programme of harvesting water. We have water pans, ponds, dams, reservoirs and so on. He asked about the runoffs which we have in some of our urban areas like Nairobi. Yes, the drainage system in Nairobi is poorly designed. At the moment, there are measures to improve on the drainage. As you see, a very small out pour or shower will cause a lot of traffic jams in our towns. Yes, there are measures to try to improve on the drainage and to harvest this water for use by residents of the City.

He also asked about the policy of planting ten per cent of the land with trees and whether the Government will also decree that during ceremonies also trees are planted. He chose what I consider to be a very sacrosanct ceremony, that is wedding. I do not



know whether he really wants us to put a burden on those celebrating a wedding which is a very important occasion. They say that the three most important occasions or days in the life of a human being is the date of birth, date of getting married and finally the date of death. I do not know whether that will be a good occasion to do so, but if Members feel so, it is an issue that can be discussed nationally.

Mr. Speaker, Sir, hon. Mungatana was asking about the side effects of *Jatropha*. To the best of my knowledge, nothing adverse has been reported in as far as the planting and use of *Jatropha* is concerned. Here we are dealing with organic material. Nobody has come out to demonstrate that they are some serious side effects to *Jatropha*. If there is any evidence, it can be brought to our attention. But as I am talking now, we do not have any proven scientific evidence.

Mr. Speaker, Sir, before I get to Dr. Nuh, let me go to Dr. Khalwale on the issue of compensation from the countries that benefit from Lake Victoria. There is the Lake Victoria Basin Agreement which was signed between several countries that use its waters. There have been negotiations that have been ongoing and I do not want to preempt their outcome. You know that there are countries whose survival solely depends on the Nile waters. These are countries like Sudan and Egypt. Those countries are very vulnerable. Like in Egypt, a big chunk of the country is a desert and it is only through the use of the waters of the Nile that they are able to plant and grow food for their people. So, we must also be compassionate as we ask for compensation because we must also appreciate the vulnerability of the countries that depend on the waters of Lake Victoria.

Mr. Speaker, Sir, I fully share the sentiments and concerns of Mr. I. Muoki about protecting our river beds and river systems. Our people have developed some very irresponsible behaviour because traditionally our people knew very clearly what a riparian area was. If you ask an old woman or old man, they will tell you that people never used to plough riverbeds. They may not really know the real scientific reasons behind it but it is known. It is something that has been handed over generations and generations. We have now reached a stage where people completely ignore riparian areas. If you fly around this country on a chopper, you will see and it does not matter where you are; whether it is in Central, Eastern, Western or Nyanza provinces, you will find that some people have ploughed right up to the riverbed and they have turned them into farms.

Mr. Speaker, Sir, this same disease is also in our own urban areas. Here in Nairobi, you will find houses being constructed right directly on top of rivers. There is a place somewhere in town here where you have a temple which is standing on top of a river and they tell you that they diverted the water and it is actually running under the temple. Our people have become very irresponsible. We have been trying to rehabilitate Nairobi Dam. Some people are actually constructing right up to the edges of the dam and the land actually has been given to them. They have title deeds that they wave at you. Something has developed in this country. If you ask somebody: "Can I give you Mt. Kenya?" They will say: "Yes, give me Mt. Kenya", even if they know that Mt. Kenya is a water catchment area. Then the officers in the Ministry of Lands office will go and issue you with a title deed of Mt. Kenya. The next day if you tell them that this is a catchment, they will be waving the title deeds - the sanctity of property. So, this is what we are being threatened with. People who have invaded water catchment areas will wave to you title

deeds issued by the Government. So, it is a disease that we must find a cure for, if we are going to have a country that is run morally.

Mr. Speaker, Sir, Dr. Nuh wanted to know the prospects of a positive outcome in Copenhagen. There are people who are very pessimistic about Copenhagen but I want to be more optimistic. I say that we cannot afford to go to Copenhagen and fail. Failure is not an option because the consequences of failure are too grave to contemplate. It is not a place where people should go to play the old blame game or that is the developed countries that are responsible for emitting green house gases. Africa is a victim. We should not play the game of offender and a victim because if we do not address this issue properly, all of us are going to end up being victims. It is not also a place where we go to chest thump and convert it into another World Trade Organisation (WTO) because we must be able to reduce the green house gases that we have in the atmosphere and stop more emissions. Some people argue that these countries have now developed and they are now telling us that we should not emit gases so that we do not develop. Two wrongs do not make a right.

Mr. Speaker, Sir, science has shown that there are ways of attaining levels of development without having to pollute the environment. That is why I set up a task force on green energy. Here as I mentioned, we are looking at geothermal, wind, solar and biofuels. It is possible to travel the route of clean energy and get what we want but we need some funds to adopt because these new technologies cost more money.

I have also mentioned nuclear. Nuclear does not pollute and when somebody talks about nuclear energy, there is always fear because we tend to think about nuclear weapons. However, peaceful use of nuclear energy has been there for many generations and as we talk, other countries are now busy developing the latest generations of nuclear reactors. So, as a country we must be bold enough and be open to changes in technology. So, that is why I am also in the process of setting up a working group to begin to look at the ways and means of Kenya going the route of nuclear energy.

Mr. Speaker, Sir, I conclude by saying that as a country, we must play our leading role in this very critical discussion on global warming but we must be prepared to lead by example. Let us be prepared to lead by example by taking bold measures which are aimed at protecting the environment for the generations that are coming tomorrow.

Thank you very much.

**The Minister of State for National Heritage** (Mr. ole Ntimama): On a point of order of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. ole Ntimama?

**The Minister of State for National Heritage** (Mr. ole Ntimama): Thank you, Mr. Speaker, Sir. First of all I want to thank the hon. Prime Minister for going out of his way to educate the Kenya people on global change which of course---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Probably, you could guide the House on whether a Minister of Government can seek clarification on a Statement of Government as issued by the Prime Minister.

**Mr. Speaker:** I was being very patient with Mr. ole Ntimama because he stood on a point of order and all Members of Parliament, including Ministers, are allowed to raise points of order where something is out of order. So, I was extending that indulgence to the Minister to see what he will point out as being out of order and you have to respect

his age because maybe sometimes he is a little slow to get to where he is required to talk from.

Minister, proceed!

**The Minister of State for National Heritage** (Mr. ole Ntimama): Thank you very much, Mr. Speaker, Sir, for that ruling because I think, as a Member of Parliament, even if I am a Minister, when the Prime Minister gives a Statement like this, I think we should not be shut out of that kind of thing so that we get to know what is happening. Everybody knows that some of us represent constituencies and I think our people definitely know that.

**Mr. Speaker:** Order, Mr. ole Ntimama! I have allowed you to raise a point of order on the presumption that you have noticed something that has gone out of order. If you want to seek clarification from the Right Honourable Prime Minister, then you cannot. This is because he speaks for the Government, including hon. ole Ntimama, the Minister of State for National Heritage and Culture. If you have any contribution to strengthen the Prime Minister, then you should have done so outside the House within Cabinet. You cannot do it here. I am afraid you will have to be shut out because our rules do not allow you to do so.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Speaker, Sir. I am not disputing your ruling, but I believe that the Minister, Mr. ole Ntimama, can rise on a point of information to give information to the Prime Minister!

**Mr. Speaker:** Order, Mr. Ojode! He has not said so! The Minister has persisted to address a point of order. So, please, let us save valuable time.

Mr. ole Ntimama, you cannot proceed! You have been overtaken by my directions!

**Mrs. Shebesh:** Mr. Speaker, Sir, I would like to get clarification from the Prime Minister. He has given us an example of the Cabinet of the Maldives and the work they did to demonstrate their commitment so that as they go to Copenhagen, that commitment is noted. I would like the Prime Minister to tell us what tangible commitment the Kenyan Government has put in place regarding the issue of afforestation, other than waiting for donor support. This is because the Government must lead from the front.

**Mr. Ruto:** Mr. Speaker, Sir, I wish to get a clarification from the Prime Minister on the position the African, Caribbean, Asian and Arab countries are taking to ensure that they persuade the USA to sign the Kyoto Protocol or have they already done that? We are trying, as Africa and the rest of the Third World, to mitigate on climate change. The countries in the north have contributed immensely towards the greenhouse gas emissions and they continue to do so. At some stage, we were told that about 30 per cent of the emissions were coming from North America. I wonder if the Right Honourable Prime Minister can give us clarification on whether the Kenyan Government has taken a position on that matter. What are they working on? I do not think it is in order for us to believe that we will just go there to sit and agree that we be gentlemen and then reach a solution. Diplomacy is about serious lobbying. I would like that clarification from the Prime Minister, given that he is a friend of the Americans.

**Mr. Njuguna:** Mr. Speaker, Sir, I would like to thank the Prime Minister for making a very fitting and crucial statement on climate change. I would like to ask him to indicate to this House when the funds allocated for planting trees in the primary schools

are going to be released. This is because our schools have already prepared the ground for this very important undertaking that will see us improve the ecosystem in our country.

**Ms. A. Abdalla:** Mr. Speaker, Sir, mine is a follow up to the question by hon. Dr. Khalwale. He asked about the payment by those nations enjoying the services provided by the waters of River Nile. This is in conformity with asset base conservation where the users of a conserved resource pay the person doing the conservation. Since the Prime Minister said that we should be compassionate to those countries that are benefitting from the Nile Basin, especially those in the north, what is he doing to ensure that those countries are compassionate in renegotiating the Nile Treaty?

**Mr. Jamleck Irungu Kamau:** Mr. Speaker, Sir, I want to ask a question about the alien plants. In that category, there is kind of a tree called Blue Gum. In my local language, it is called "*Munywa Maai*". The direct translation of that is "Water drinker". I was wondering whether there is any scientific evidence that, indeed, this tree consumes a lot of water. If it is true, what is the Government doing to ensure that those trees are cut down and, perhaps, prohibit people from planting them?

**Mr. Mbai:** Mr. Speaker, Sir, what is the Prime Minister going to do about the sand harvesters in lower Eastern Province? They have destroyed our rivers over the years and they are still doing it.

**Mr. Konchella:** Mr. Speaker, Sir, I would like to seek clarification from the Minister on the issue of adaptation. What is going on currently and, probably, will continue in the next ten years is that some of the communities in Kenya, particularly the pastoralist communities, are getting urbanized. Is the Government prepared to develop a sessional paper to address this matter? This is because in the next ten years, every pastoralist will be living in town. There will be neither water nor grass. Is the Government going to set up a permanent commission to address this matter? These communities are at the verge of going extinct if the Government does not plan for them.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, hon. Shebesh wanted to know the commitment of the Government to plant trees. I said that we are committed to tree planting and that is why we gave a directive that a certain portion of farmland must be set aside for tree planting. We are rolling out a very ambitious programme to plant trees all over the country. We intend, over the next ten years, that is, between now and 2020, to increase our forest cover from what it is today; that is, 1.7 per cent to 10 per cent.

At Independence, the forest cover was 12 per cent, but through wanton destruction, it has been reduced to 1.7 per cent. This has been majorly because of irresponsible management of the environment. The Ministry of Environment and Mineral Resources and the Ministry of Forestry have estimated that to increase the forest cover to 10 per cent, we need to plant 7.6 billion trees. We not only need to plant them, but ensure that they grow. Trees have been planted before, but they wither. We want to grow trees and we have even put a cost to it. There is money which the Government is putting in this exercise. Also, we are going to source money from outside the country - that is in the package that we are going with to Copenhagen.

Mr. Ruto asked what African and Arab countries are doing to persuade the USA to sign the Kyoto Protocol. That protocol is very critical because it has very stringent provisions which, if implemented, will help reduce the greenhouse gasses to acceptable levels. The previous Government of the USA was very negative in as far as the Kyoto Protocol is concerned. However, one must give credit where it is due. Since the change of

Government in Washington, there have been some very positive statements coming from the White House and the USA Congress. The USA is no longer the stumbling block that it used to be in the past.

Mr. Speaker, Sir, it is true that a major percentage of the green house gas emission was coming from the developed northern countries such as the United States of America (USA), Japan and Europe but a number of these countries are now committing themselves to reducing this emission. It is only the figures that have not yet quite been agreed upon. The final figures are going to be negotiated in Copenhagen. There are also new industrial countries, which have now become even bigger polluters.

As you know, most of the economies in the north have now converted to service economies. The production processes that pollute the environment have now been transferred to the south. India, China and Brazil have become the new factories of the world. So, the emissions coming from China, India and Brazil are just as high, if not higher than the emissions coming from the European Union. In that league, there are also Indonesia, Mexico and Malaysia.

Mr. Speaker, Sir, Africa's green house gas emission is negligible. Africa contributes to less than 3 per cent of the world's green house gases. Of the top 20 green house gas emitting countries, only three are from Africa – Republic of South Africa, Nigeria and the Republic of Congo. In respect of the Republic of Congo, it is more because of the burning forests. As you burn forests, you emit carbon dioxide into the atmosphere.

When we plant trees, we increase the forest cover and hence the carbon sinks. Forests are carbon sinks. Africa has the second-largest carbon sinks in the world, namely, the Congo Forest. When we plant trees, we increase that cover, which helps in reducing the amount of carbon dioxide in the environment. So, we have a responsibility.

Mr. Speaker, Sir, the Member of Parliament for Lari wanted to know when the funds for tree planting for primary schools will be released. This is part of the economic stimulus package. To my knowledge, most of the funds were released by Treasury over two weeks ago.

With regard to Ms. A. Abdalla's question, I agree that we need to be compassionate but those countries must also be compassionate with us in re-negotiating the Nile Treaty. I agree totally. I did not say that we should spoon-feed them. We also say that they must reciprocate our generosity by agreeing to a re-negotiated agreement that is beneficial to all the parties that are involved.

For instance, we must be allowed to make use of our rivers, which drain into Lake Victoria, for purposes of food production in our country. We have the highest number of rivers draining into Lake Victoria. Kenya has eight permanent rivers flowing into the lake. Tanzania has only one major river, namely, River Kagera flowing into Lake Victoria. Uganda has none. It has only the Nile River, which is drawing water from Lake Victoria. We also need to be allowed to make use of waters of Lake Victoria itself for purposes of irrigation.

Mr. Speaker, Sir, I agree with Mr. Jamleck Kamau that the Blue Gum tree is a water sucker or water "guzzler". Scientists have now come up with a special Blue Gum tree that matures much faster and consumes less water. That is the species of Blue Gum that farmers are now being encouraged to grow. The older species that drain ground water should be retired and new ones planted in their places.

Mr. Mbai is concerned about sand harvesting, which destroys the rivers. To my knowledge, sand harvesters are licensed by the local authorities, where they operate. County councils raise revenues from sand harvesters. So, this is an issue that the hon. Member can easily take up with the local authorities in his constituency.

Mr. Speaker, Sir, I agree with Mr. Konchella that urbanisation is a permanent phenomenon. The migration of people from rural to urban areas is not a temporary occurrence but a permanent one. It happened in Europe and Japan. It is happening in China, USA and elsewhere.

In this country, the mistake was made at Independence. Immediately after Independence, people began to migrate from rural areas to urban areas. There was a feeling that this was a temporary occurrence. The then President issued an order to the people to go back to the land. There was even a song that goes “*Mzee akasema rudi mashambani---*”

People went back to the land but they found nothing useful to do there. So, they quickly came back to town but there was no planning to cope with the influx of populations from the rural areas. The colonial systems had planned. You see the estates that were constructed during that time. In Nairobi, Kaloleni, Shauri Moyo, Makongeni, Ziwani, Pumwani, Kariobangi and Ofafa estates were all built during the colonial times.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, at Independence, the population of Nairobi was only 300,000 people. The population of Nairobi has since grown ten-folds but which new estates have been constructed? Zero! That explains the proliferation of slums in our cities. It is because the Government of the day refused to accept the realities of urbanisation.

We also need to address the issue of land use in our country. In Europe, following the industrial revolution, they went for land consolidation. People moved away from small pieces of land. Those small pieces of land were consolidated and became big farms. So, farming became mechanised. Large-scale farming then set in. So, people either worked in industries and earned wages or became farm labourers and earned salaries. That is the direction we must go.

Mr. Deputy Speaker, Sir, if you go to the rural areas, you find that land is being abused, instead of being used properly. Places like Kisii and Maragoli are rural slums. In some parts of Kiambu and Meru, the land has been divided into small parcels that are very unproductive and uneconomical.

We must wean our people from this attachment to small pieces of land, so that people can move and live collectively. That way, it becomes easier to provide services. We can then provide electricity, water and sanitation services to the people. Consolidating land is very important, instead of people insisting on having title deeds for half-acre or one-acre pieces of land. The current situation turns productive land into something that is not very productive.

Mr. Deputy Speaker, Sir, if we take that direction, we will be able to conserve the environment better. We will grow more trees. We will be able to have rangelands. During the drought periods, the Maasai people move into town with their cattle in search of

pasture. In the national parks, domestic animals are competing with wild animals for the little grass that is there. These are some of the issues that we must deal with.

I am happy that the New Land Policy, which has been developed through very extensive consultations with all the stakeholders, has been approved by the Cabinet and is coming to this House for debate. I would like to appeal to hon. Members to debate and approve the Sessional Paper on Land Policy that will be tabled here in the next two weeks.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** That marks the end of Prime Minister's Time!  
Next Order!

## POINTS OF ORDER

### SHOOTING OF MR. GITAU NJUGUNA

**Ms. Karua:** Mr. Deputy Speaker, Sir, I would like to request a Ministerial Statement from the Minister in charge of Internal Security on the state of security in Nairobi and countrywide in view of the recent incidents. One of the incidents is the execution of Mr. Gitau Njuguna in a busy Nairobi street which I am informed has CCTV cameras. Mr. Njuguna was executed on the 5<sup>th</sup> November this year in broad daylight.

There are very many executions of civilians within Nairobi since January this year. I would like the Minister to give details of any arrests or the status of investigations. There are not less than 30 cases reported in the media about executions within Nairobi this year.

Mr. Deputy Speaker, Sir, I would also like information about the many kidnappings in Nairobi. He should also spell out the measures, if any, the Government is taking to make Nairobi and the country secure for all Kenyans. He should also confirm whether the dreaded *Kwekwe* Squad, was in fact disbanded as the Minister had promised Parliament.

We need to feel secure and we do not need to continue losing lives in gangland style.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I will give a Statement on Thursday next week.

**Mr. Deputy Speaker:** It is so directed!

### STATUS OF TALKS BETWEEN THE PRESIDENT/PRIME MINISTER/ ICC PROSECUTOR

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I wish to seek for a Ministerial Statement from the Prime Minister on the state of the talks that were held between him, the President of the Republic of Kenya and the prosecutor of the International Criminal Court (ICC), Mr. Luis Moreno Ocampo during his visit to this country.

Mr. Deputy Speaker, Sir, I would like him to specifically address the following:-

- (i) What did our two principals tell Mr. Moreno Ocampo and what did he tell them?

- (ii) What were the concrete resolutions that were reached at these talks?
- (iii) Could the Prime Minister confirm that when indicted high ranking Government officials will immediately forfeit their positions of influence, power and authority?
- (iv) Could he also confirm that the Government is willing and in fact ready to hand over any suspects to the Hague if Mr. Moreno O'Campo would so make a request?

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I usually have the Prime Minister's Time and I have no problem addressing that issue during this time. However, I do not know if that is the way the Chair wants me to proceed. Is it that the Prime Minister would be asked for a Statement ordinarily just like Ministers are asked to make Statements? I only have time once a week but I do not mind addressing the issue next week.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, so that the Prime Minister does not think I am being disrespectful, in fact, I first advanced this as a Question to your office. However, I was directed by the office of the Clerk of the National Assembly that the Speaker had instead chosen that I raise it as a Ministerial Statement.

**Mr. Ruto:** On a point of order, Mr. Deputy Speaker, Sir. Further to the issues raised by the hon. Member for Ikolomani, could the Prime Minister indicate that as part of the said agreement they may have had with Mr. Moreno O'Campo, did the two principals indicate that they were willing to step aside for a short while, maybe six months, in case they also have to be investigated? If indeed, they have acquitted themselves, they could tell us what criteria they may have used to acquit themselves in the presence of Mr. Moreno Ocampo?

**Mr. Deputy Speaker:** Order! Mr. Ruto, I fail to understand how that becomes a point of order!

Dr. Laboso, please, proceed!

#### STATUS OF MANAGEMENT OF YEDF

**Dr. Laboso:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Youth Affairs and Sports on the ongoing saga surrounding the management of the Youth Enterprise Development Fund (YEDF).

Could the Minister clarify to this House who is the *bona fide* Chief Executive of the Fund? Why is there conflicting information from the Minister and the Board on this matter? What is the status of the YEDF in view of the foregoing?

**Mr. Deputy Speaker:** Before the Minister gives an undertaking on when that Ministerial Statement will be available, I wish to dispose of the Ministerial Statement that was sought by Dr. Khalwale.

Indeed, as the Prime Minister put it, he only has one day a week; Wednesday afternoons. I think the Chair will give a directive on how this is going to be done in future. Clearly, the Chair takes note of the fact that if every Member of the House would have the liberty of standing up and seeking a Ministerial Statement from the Prime Minister with the limited time he has, then we would not be doing justice to the issues raised.



Under the circumstances, right now for this issue, the Prime Minister has indicated that he will address it next Wednesday.

However, for future purposes, the Chair will have to give a direction on how such issues are going to be raised in future.

Minister for Youth Affairs and Sports, could you give an undertaking on when you will have the Ministerial Statement available in the House?

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): Mr. Deputy Speaker, Sir, we know this is a very critical situation and cultivating the interest of most Kenyans. We will, therefore, give the Statement next week on Wednesday.

**Mr. Deputy Speaker:** Morning or afternoon? We have two sittings on Wednesdays!

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): Mr. Deputy Speaker, Sir, Wednesday afternoon.

**Mr. Deputy Speaker:** It is so directed!  
Next Order!

## MOTIONS

### ADOPTION OF REPORT OF ELEVENTH SESSION OF PAP

**Mrs. Shebesh:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the 11<sup>th</sup> Session of the Pan-African Parliament held from 18<sup>th</sup> to 29<sup>th</sup> May 2009 in Midrand, South Africa laid on the Table of the House on Thursday, 4<sup>th</sup> June 2009.

Mr. Deputy Speaker, Sir, I would like to move this Motion on behalf of the Leader of the Delegation to the Pan African Parliament (PAP), Mr. Gitobu Imanyara. Members of the Pan-African Parliament from this House are; hon. Abdul Bahari, hon. Gideon Mung'aro, hon. Musa Sirma and myself; hon. Rachel Shebesh.

Mr. Deputy Speaker, Sir, the PAP is established in the protocol of the treaty establishing the African Economic Community (AEC). The Article of the protocol provides member states to establish a PAP whose composition, functions, powers and organization shall be governed by the present protocol.

The Report of the PAP deals mainly with two issues. It deals with the election of the Bureau of the PAP that was conducted during the session. It also seeks the transformation of the PAP to being a legislative body.

Mr. Deputy Speaker, Sir, I will begin with the election of the new Bureau of the PAP. A new Bureau was elected and the following are the members:-

- (i) President of PAP, Hon. Dr. Idris Ndelemusa of Chad.
- (ii) First Vice-President, Hon. Bethwel Amadi of Nigeria.
- (iii) Second Vice-President, Hon. Mary Mugenyi of Uganda.
- (iv) Third Vice-President, Hon. Larusi Hamy of Algeria.
- (v) Fourth Vice-President, Hon. Jorum McDonald of Zimbabwe.

These elections are meant to demonstrate the harmony of the regions that constitute the African continent.

Mr. Deputy Speaker, Sir, I want to speak what is more fundamental; that is, the transformation of the Pan-African Parliament into a legislative body. In the spirit of Pan-Africanism, it is important for us to note that Africa is becoming more and more in need of an African voice and position on issues that are critical to its growth. As an organ of the African Union (AU), the Pan-African Parliament (PAP) needs critically to be transformed into an organ that adds value to the African Continent in the manner that our National Assemblies add value to our governments. That is why during that Assembly, there was a suggestion of the review of the protocol and the functions and powers of the PAP. This is because we believe that if the PAP were given legislative authority on some critical issues in Africa, we would be able to deal with the conflicts that come up, disagreements even during elections that happened, especially in Kenya; the issue of human rights and people's dignity, promotion of good governance and rule of law, gender equity and other issues that we feel that, as Africa, we must speak in one voice. We have just been speaking about the issue of climate change. The issue of environment for Africa, as we know, cuts across the borders.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, in the adoption of this Report, the PAP delegation would like to ask for support from this House, as the Kenya National Assembly, to the PAP, so that it can be vested with legislative powers. These powers will allow us to pass laws that can transcend African states and members. This cannot be possible if the Members of the PAP also are not elected in a way that gives proper representation of the African people. Again, we are, therefore, recommending that Members of the PAP be elected by universal suffrage, and in the short-term, maybe, by an electoral college, so that they are more committed towards the work of the PAP, rather than serving two bodies like we are doing right now, where our National Assembly is represented in the PAP. Those were the two key issues that were addressed.

Mr. Temporary Deputy Speaker, Sir, most fundamental was the spirit of Pan-Africanism and the transformation of the AU towards us becoming a united states of Africa and the steps that must be taken. Therefore, we ask for the support of this Report, as Members of the PAP, because we believe that it is paramount for us, as the African Continent, to move towards becoming one Africa, one voice and one people. That can only be achieved through legislating laws that cut across borders.

Mr. Temporary Deputy Speaker, Sir, I beg to move this Motion and ask for the support of the PAP in the execution of its functions. I would like to ask my colleague, hon. Sirma, to second this Motion.

**Mr. Sirma:** Mr. Temporary Deputy Speaker, Sir, I rise to second the Motion on the Report of the 11<sup>th</sup> Session of the Pan African Parliament, laid on the Table of the House on 4<sup>th</sup> June, 2009.

Mr. Temporary Deputy Speaker, Sir, as Members representing this country, we are proud that Kenya is able to send a delegation to the PAP in time and without fail. The transformation of the PAP into a legislative organ is an issue which should be given the

support it deserves by Heads of State. This is because we are talking about one common agenda in terms of food security, conflicts and the development of this continent. If the PAP is transformed into a legislative organ, then we are going to have one Africa, one position and one united people of Africa.

Mr. Temporary Deputy Speaker, Sir, we have had occasions where we debate reports of the observer missions in various countries, including Kenya. At one time, possibly, we should table the HANSARD of the PAP, so that hon. Members can read the contributions of other Members of the PAP and know what they say about Kenya. This is because during an observer mission, there was a report which was debated in the PAP and Kenya's position was really looked into by all other countries. Therefore, it is important that Members of the National Assembly are also informed of the same.

Mr. Temporary Deputy Speaker, Sir, the Session respected the resolution of the Heads of State which had asked the PAP to fix a time limit on the tenure of the President of the PAP and also set rules of procedure. We achieved this by conducting elections and passing the report on rules.

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

*(Question proposed)*

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the adoption of this Report and congratulate the delegation that represented our country in the 11<sup>th</sup> Session of the PAP from 18<sup>th</sup> to 29<sup>th</sup> May, 2009.

Mr. Temporary Deputy Speaker, Sir, many organs, including the African, Caribbean, Pacific and European Union (ACP/EU) Joint Assembly and the PAP deliberate on very serious issues at international fora. We also have our own East African Legislative Assembly (EALA). They do focus on serious issues, given the connectivity of the serious Members nominated by Member states to these institutions, without any localized bias. The issues so discussed almost without fail, are adopted by this House.

Mr. Temporary Deputy Speaker, Sir, there are issues of reforms that have been suggested; that, this Report seeks to get endorsement by this House. More importantly, there is the question of adherence. After adoption of these reports, the process of executing the proposals carried in them is the main challenge, not just for this House, but also the Government. I remember, last year, the ACP/EU Joint Assembly meeting in Vienna, Slovenia, addressed the issue of Kenya very specifically in details. It did also focus on issues that we have thereafter discussed in this House and passed as either legislation or policies that are being carried out by the Government, including the issue of mainstreaming the youth and creation and spread of wealth, so that it can cover the largest and most critical of the segment of our population.

Mr. Temporary Deputy Speaker, Sir, the question of Kenya domesticating international conventions, and we have since done a number of issues in this House and in the Government by the executive to implement some of those issues. But the need for synergy, the need for Members of Parliament to actually be oriented and cultured on such important report as this 11<sup>th</sup> Session of the Pan-African Parliament that seeks to give a platform for the African focus that is necessary to bring the best potential in leadership

that needs to give a platform that would cultivate greater interest on what is happening in the North, South, Central, East and the West.

Mr. Temporary Deputy Speaker, Sir, there needs to be a system within the House, either through the communication that is established for Members of Parliament through their e-mails and through respective constituency websites and brochures so that wherever we speak as Members of Parliament, in Government or in the House, or even representatives of Committees or delegations like this that was very ably represented, we actually represent the voice of Parliament based on reports that we have adopted. It is very gratifying that this delegation, with their counterparts from the other countries of Africa, addressed the question of Africa moving toward one nation. They talked about the common markets. We are talking about creating architecture in the African Union, including the architecture for sports and re-constituting the Supreme Council. That means the heads of States giving endorsements and they have already given a go ahead that, that needs to be done. Therefore, restructuring the institutional mechanism of the African Union, the Pan-African Parliament, or the East African Legislative Assembly; being important organs that will make the African more proud and more benefitting from schemes of social or political or economic welfare, generated by the respective countries. That is why it is important for us, as a country, to appreciate that, as a continent, we have solutions to our continent, and those solutions cannot be demarcated to nations.

Mr. Temporary Deputy Speaker, Sir, we cannot say that we want to think as Kenyans when we are faced with questions from other African nations. We cannot say that we want to think as Kenyans when we are being focused and interrogated by the international community. I have heard a lot of colleagues from this House and from the Cabinet saying that we do not need foreigners to talk to us, yet we are members of the United Nations. In fact, the Mover of this Motion recently received accolades and awards at the UN level. These are Members of this august House representing Kenya in the United Nations, African Union organs and in the Pan African Parliament and yet you want to tell the rest of the world, as Government Ministers, as premier leaders in the executive that, Obama and Ocampo and Kofi Annan have no business speaking to us. Yet the National Accord that we seek to implement is the foundation and basis of the Grand Coalition that is implementing joint manifestoes, is from the work of the African Panel of Eminent Persons chaired by His Excellency Kofi Annan, former Secretary General of the United Nations.

Mr. Temporary Deputy Speaker, Sir, through our own reports in this House, the Kreigler Report, the Waki Report, which were unanimously adopted by this House; we invited international interrogation and investigation in order to redress questions which we ourselves have failed to handle maturely and ably.

Mr. Temporary Deputy Speaker, Sir, Kenya is the only country in the whole world that set aside a whole day, non-working to holiday and to party in honour and in celebration of the son of Kogelo, the son of Kenya; His Excellency President Baraka Obama. America did not do it! Kenya, through His Excellency the President, and the Right Hon. the Prime Minister, were the first nations, recently to celebrate and amplify their achievements of President Obama on being awarded the Nobel Peace Prize, not based on what he had done in the past, but based on his pedestal on focus to the future based on the crescendo he occupies today, and the President and CEO, of the only super

power in the world. And Obama is a replication of the intellectualism and the potential that comes from the Kenyan gene.

Mr. Temporary Deputy Speaker, Sir, while supporting the adoption of this Report, I also want to give a message to Members of Parliament, and particularly to those who serve in the Cabinet, to stop henceforth ignoring global wisdom to actually attempt to swim in the continentalism that was the foresight of Pan Africanists, like Tom Mboya, Kwame Nkurumah, Julius Kabarage Nyerere and our own founding father, Mzee Jomo Kenyatta.

In the 21st Century, it makes no sense to go from village to village dismissing important personalities in the world when Kenya is moving from city to city in Europe and North America and in Asia, with bowls begging for grains, the dine, the health sector, to address the question of HIV/AIDs, to capacitate the programmes of the youth in this country and to address questions on gender. More critically, to bring sense and sanity, rationality and logic into the minds of us, national leaders, because that is so required because many are the times that we have lost control of our senses and, therefore, invited foreigners to come and give us an injection that is envitable because we need to be sober.

Therefore, this Report carries important tenets. It has very key principles which when implemented, respected and endorsed by the executive and marketed by Parliament, will enable us as Kenyans, Africans or Pan Africanists, achieve a better position in the community of civilized citizens of the world.

Mr. Temporary Deputy Speaker, Sir, we are one, but while we are one, we belong to the community of nations as Africans. Kenya occupies a special place in leadership, particularly intellectual; we realised in making the Pan African Parliament and its report and its resolutions better received and better implemented in our neighbouring countries and also in the rest of the continent because we have able legislators or representatives that we see here and we need to take advantage of that special place we occupy in the international community.

I beg to support.

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, I share the privilege of being the leader of the Kenya delegation to the Pan African Parliament. Therefore, let me also take this opportunity to support what my colleague has moved and urge this House to adopt this report. As I do so, I notice that this Report probably ought to have been discussed early, because we have just come from the final session of the sitting of this year where the business that is outlined in the Report that was introduced by hon. Shabesh was discussed. We continued with it in this last session and, in fact, the membership of the Kenyan team played a key role and it was so recognized by being allocated key positions in the continental body's positions of leadership, with hon. Shabesh getting the position of the rapporteur of the gender community as well as being declared the champion for the climate change to represent the Pan African Parliament.

In addition, after the Report was done and the elections were carried out, as indicated in Ms. Shabesh's address to this House, we had the privilege of hosting the President of the Pan African Parliament in this Assembly when he paid a courtesy call on our Speaker. This was also reciprocated by an invitation of our Speaker to address the Pan African Parliament on the opening day, together with President Zuma of South Africa.

Mr. Temporary Deputy Speaker, Sir, as I say this, I stress and request this House to consider, when we are moving the Ministry of Foreign Affairs Vote, the special relationship that the Kenyan High Commission in South Africa plays with regard to hosting missions. We have a very hard working High Commission staff in South Africa. They spend a lot of time receiving Kenyan Ministers and dignitaries almost on a daily basis. When we attend the Pan African Parliament, the High Commission staff more or less shifts from the official office to Midrand, where the sessions of this Parliament are held and they spend a lot of their time and resources there. I request the Government to consider, when setting aside funding, to make a further allocation to the Ministry of Foreign Affairs with regard to the activities of the Pan African Parliament because the Kenyan High Commissioner in South Africa also serves as a representative of the Government of Kenya in the Secretariat that is represented in Addis Ababa. This is a consideration that is being urged in view of the demanding tasks that are made on our mission in South Africa, considering that they have to travel on a regular basis to Addis Ababa.

Having said that, I would also like to pay tribute to the membership of the Kenyan delegation to Pan African Parliament and particularly, to Mr. Bahari, who was recently elected as the Deputy Chair of the Finance Committee. Pan African Parliament has gone through a very difficult time financially with allegations of misuse of funds and abuse of office by serving officers. It is the work of Mr. Bahari and others that have led to the recent reforms that are likely to lead to the restoration of the good relationship between the Pan African Parliament and the African Union. The African Union is an important organ of the Pan African Parliament.

Finally, the elections of the new office bearers follows one item in the agenda which is the transformation of the Pan African Parliament from being a consultative body to a full legislative body with universal sovereignty as a means of electing, so that every African country will be electing Members of Parliament to serve in the Pan African Parliament directly. The Members serving the Pan African Parliament will no longer have to serve in their Parliaments. This is a similar fashion as that of the European Union.

As we move to that, it is important for us, as a House, to let the hon. Members know that we are moving towards ceding authority and part of our sovereignty to the Pan African Parliament. As we prepare for that, hon. Members of this House need to reach out to understand what goes on in other parts of Africa. This is because Kenya is being seen as an example.

Although during that period when the events in Kenya came up for discussion, we were not held in very high esteem because they could not understand how a loser and a winner of an election could govern a country. However, the events after that seemed to have changed the perception that we did not have anything to offer. The events in Zimbabwe and more recently, in Madagascar, clearly indicate that a proper functioning Coalition Government can be useful in resolving some of the problems that bedevil the African Continent.

As I urge hon. Members to adopt this Report, I commend and request that serious consideration be given to increasing the resources of the Kenyan Mission in South African. We should also increase the representation of our Parliamentary Secretariat staff at the Pan African Parliament. We have had the opportunity of providing leadership in regional assemblies; that is in the East African Legislative Assembly and more

importantly, in the Pan African Parliament where the first Clerk, Mr. Werunga is also a Deputy Clerk of the National Assembly of Kenya. Mr. Werunga's services were unfortunately terminated under circumstances that have been found by an *ad hoc* Committee of the Pan African Parliament to have been unlawful. So, it behoves us, as a Parliament, to get involved in the affairs of the Pan African Parliament particularly in ensuring that our members of staff who serve in that Parliament are not subjected to the kind of treatment that Mr. Werunga received in the hands of the leadership of the Pan African Parliament. The only way to do that is to ensure that we get our reports from the Pan African Parliament on a regular basis. I agree that the HANSARD proceedings of the Pan African Parliament ought to be made available to Members of the Kenyan Parliament so that they can update themselves and know that, that Parliament is dealing with issues very similar to the ones we are dealing with in this country.

With those few remarks, I beg this House to support and adopt this Report.

**Mr. Muthama:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also take this opportunity to support the adoption of this Report that was presented by Ms. Shabesh. Kenya was fully represented and the face of the country was seen in that meeting that took place in South Africa. It is good to recognize that this country is in the world map. Kenya is in the map of Africa and at the same time in the world map. This country is expected to provide leadership and come up with a great example to show that Kenya can lead and it has what it takes to be in the front to lead.

I know a lot was expected from the delegation that was in South Africa. However, there are issues that we need to raise, discuss and sort them out so that we can command worldwide respect. Leadership can be achieved in different ways. One is that for other countries to learn from us and respect us, we must come up with ideas that show that we are committed and that we can be followed. The Report that Ms. Shabesh presented made me think more about women leadership. Many debates are going on as we try to come up with a new Constitution. However, there is one thing that has never been raised. Let us recognize the fact that women are still underprivileged not only in Kenya but in the whole world. This is more so in Africa.

Mr. Temporary Deputy Speaker, Sir, a woman with leadership skills who is married to a husband who does not recognise them would not have the freedom to contest for a parliamentary seat. She would be stopped from the word go if she tried. So, to eliminate that and make sure that we give women a chance to prove that they can lead, we need to create, at least, 30 seats for nomination of Members of Parliament. Out of that number, women should take 25 seats. That will enable them to be in this House, compete, represent other women and show that they have the ability to lead. By doing that, we will show the world and Africa in general, that Kenya is in the forefront of coming up with leadership guidelines.

The other issue is on our ability to deal with issues. When we talk about foreigners coming here to help us achieve peace because we are fighting one another and people are being displaced, we do not command any respect outside. So, we need to work on issues that will earn us respect. If you look back, you will see that there was violence in this country in 1992. Kenyans were killed and many others displaced.

A commission of Inquiry was appointed, led by Mr. Kiliku. A report was written and recommendations made but no action was taken. Kenya cannot be seen to be under good leadership; if nobody was prosecuted, then we have nothing to show to the world.

We may go there, say sweet things and show our ability to lead but when one looks at the background of the country and the leadership itself, it is not reflected.

The same thing happened in 1997 and the “Akiwumi” Commission was put in place. The taxpayer in this country funded the Commission to come up with a report and recommendations on who should be prosecuted but nobody was prosecuted. Violence erupted again in 2002 but no commission was established and nobody was prosecuted. The same thing happened in 2007.

Mr. Temporary Deputy Speaker, Sir, when all these things have happened and the international community has come and said that we have failed to prosecute the people who committed crimes, we say that we have the ability to come up with a local tribunal. We should be at the forefront in maintaining law and order. We should also show good leadership. That is why we are saying that for this country to command respect in the world, those people who were involved in violence should be prosecuted. There are untouchables and there is no guarantee that the authorities here can prosecute those people. It will not be easy to go and arrest someone, put him or her in the vehicle and take him to court because there are channels to be followed. There were commanders who gave instructions for killings to take place. There were also those who received the instructions and implemented them. Those were killers. So, if a local tribunal is established, it will be extremely difficult to arrest some of those culprits. We are saying that in order to command respect in this world, charity should begin at home. That is why we want to start from here.

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

**Dr. Laboso:** Mr. Temporary Deputy Speaker, Sir, I also rise to support the adoption of this report. First of all, I would like to sincerely congratulate all the hon. Members of the Pan-African Parliament from Kenya for providing leadership in that continental body. I wish to sincerely say that we are proud of them for all the leadership roles that they have been given in that body. I also urge our Government to give more support to that Parliament because we have heard that it has been having a lot of financial problems. I also urge all the African Governments to support this body, which I believe should be strengthened.

I am very pleased to learn that it is thinking of becoming a fully-fledged Parliament with elective representation from all the countries and I believe that this is the direction to go. I also believe that if it is a fully-fledged Parliament, it will have more teeth because it will be a legislative body. That is what Africa needs. We need a body that is able to give direction and enact laws that can be followed by Africans. There is a lot of diversity in African countries. There are issues at times that, if there was another body within the continent that could give direction and legislation, we could move faster than we are able to do. I am thinking of an issue like gender and the under-representation of women in leadership positions. I am glad that my colleague has just talked about women leadership. As you are well aware, Kenya is one of the worst countries in terms of women being represented, particularly in the political arena. I believe that we will be able to borrow an example from other countries.

A country such as Rwanda has over 56 per cent of its parliamentarians being women. I think that even the 30 per cent women representation we have been unable to achieve in Kenya would come automatically through the Pan African Parliament.



Mr. Temporary Deputy Speaker, Sir, I would also like to say that another aspect that seems to be a barrier is language. Almost half of Africa is Francophone, whereas the other half is Anglophone. I believe that it is important that we also begin to be interested in learning a second international language so that we can participate actively in debates and issues that are presented in more than one language.

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

**Mr. Affey:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also contribute to this important Motion. At the outset, I stand to support the Report of the 11<sup>th</sup> Session of the Pan African Parliament. This is a very important organ of the African Union (AU). I am happy that the Kenyan Parliament has contributed some of the best brains that we have, not only in this Parliament but also in this country, to this very important organization in Africa.

Mr. Temporary Deputy Speaker, Sir, first of all, I begin by congratulating the hon. Members who represent us in this institution beginning from the leader of the delegation, all the way to the only and very important lady in this membership. The membership that we have sent to Pan African Parliament (PAP) has brought pride to this country. We are very proud of their participation. We gave them an opportunity as Parliament to participate in this very important organ. They were able to be recognised, by not only Africa, but by the world. Here, I congratulate hon. Shabesh who moved this report for being elected as the UN Champion for Disaster and Risk Reduction for Africa. This is not a mean achievement. But you know in Kenya, we have refused to accept that we have got people who are appreciated by the world. All the time, we continue in this country, particularly the leadership, to fall ourselves when we see foreigners with this kind of titles. When you have one of your own, you simply do not know that they exist. The other day, I was dismayed to see the kind of attention our leadership gave to the 200 metres world champion, Mr. Bolt. Yes, he is a world champion, but what kind of attention do we give to our own marathon champion, Wanjiru. Can you imagine how important it is if we had received that young man the way we received this fellow from Jamaica? The President of the Republic of Kenya was enjoying his comedy at State House. Yet we have got our own who has achieved world status. He is number one in the world marathon. The Assistant Minister for Youth Affairs and Sports is here.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Ambassador Affey in order to impute improper motives on His Excellency the President by saying that he was enjoying a comedy at State House when he received the 200 metres champion, Mr. Bolt, when he knows that he is a very serious economist and very executive?

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, he just took me out of context.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Affey! You need to be very careful in your contribution.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I had at no time wanted to demean the name of the President. I said the attention we, as a country, gave---

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Affey, could you then withdraw.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I have withdrawn those offensive statements and apologise. But I am saying this in good faith that we have heroes in this country. This is one lady who has now been recognised by the international

community, by the UN to be the champion. We have other champions like Wanjiru. We have got sportsmen and women in this country who are number one in the world. In this country, we have developed a culture of non-recognition of our own. We recognise foreigners more than our own. I will be very happy; the Assistant Minister for Youth Affairs and Sports who is here should be associated with the growth of young people in this country, particularly sports, if Wanjiru who has brought a lot of pride to this country, is given his rightful status. That is a message for him.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**Mr. Affey:** Do not interrupt me. I do not want your information. Wait, give it to me later.

Mr. Temporary Deputy Speaker, Sir, I am saying this from the bottom of my heart and I want to proceed. I congratulate this team. I congratulate the wonderful lady who is a member of this team for what she has achieved, not only for herself, but for the country.

Mr. Temporary Deputy Speaker, Sir, we need to review the protocol that has established the Pan African Parliament.

The African Union (AU) is a very important organization for us in Africa. Unfortunately, the AU has not been able to assert itself. One of the reasons why it has not been able to assert itself, particularly the legislative aspect is because the members are donated by member countries on short term engagements. They are Members of Parliament here. So, they go to South Africa and come back. If we had people who are dedicated to the cause of Africa and gave them full time engagement like we do in the East African Legislative Assembly (EALA), so that they represent the aspirations of Africa and discuss crisis of Africa there full time. I think we would have achieved globally. As we all know, the European Parliament is not composed of parliamentarians donated by Parliament of UK and others. It is a European Parliament that sits full time. I think that is the vision we have for Africa. The vision we have is to see our own parliamentarians from Africa debating African issues. Too many things are now happening around Africa. We have the leader of the AU, President of Libya who has grand plans for Africa to an extent where he has enlisted the support of traditional elders in Africa. I saw the other day in Uganda, Kenya was represented by one Kamlesh Pattni as a lead traditional elder. So, you see how situations are happening when this Parliament is not aware of what is happening outside. I am sure that our Parliamentarians in PAP will be well advised to seek this kind of engagement. If the leader of the AU wants to engage the traditional leaders, I particularly have some from my own constituency. There are very many others. The process must be very clear, so that we do not get pretenders to the throne; people who just assume they are leaders, but, perhaps, then at home, they are not. But here they are, they have a session with the head of AU and leaders in Africa and yet, we do not know how these nominations happen. They come from our country, but we have no idea how they were selected. These are things I would plead with my colleagues to see how best they can interrogate and see those who represent the face of Africa to really do so. So, there is need to review the protocol.

I do not know whether we do some contributions ourselves as a country in order to fund the processes and activities of our parliamentarians there. This parliament in South Africa is serviced by staff generated from member states in Africa. The member states in Africa are divided in regions. We belong to the East African region. Kenyans are

known throughout the world for being excellent workers and intellectuals. There is not a single institution where a Kenyan is working which has been associated with any form of failure or otherwise. Therefore, we are a bit disappointed that when one of our own gets an opportunity to work in the PAP Secretariat in South Africa, somehow his job got terminated even before his contract was over. These are the under-currents and politics we want our members to be very vigilant about. You represent the aspirations of the Kenyan people. We want to get our share of the staff that services the PAP in South Africa. If we can get more than our share, we will congratulate the team, but the very basic minimum, please, you must be vigilant to make sure that our share is safeguarded. We must be able to investigate why Mr. Werunga who I worked with in the Eighth Parliament when I happened to be a Member, he is an exceptional staff with very good credentials. I do not understand what happened. We want the Members who represent us there to make sure that this officer is not only reinstated, but proper explanation is given as to what might have happened.

Mr. Temporary Deputy Speaker, Sir, in the PAP, there are regional groupings. Kenya belongs to the East African region. Within those regional grouping, when the former USA President Clinton had a problem in Somalia, he wanted to have an African solution, particularly in the aspect of security. In west Africa, for example, they empowered ECOWAS. It was done with the tacit and full support of the American Government, at least military and financial support.

Mr. Temporary Deputy Speaker, Sir, this is what they are doing in the East African parts and here we have what we call The E-Brigade which is a force that is supposed to be vigilant in the security of the East African region. This is a group that is very critical that our members need to know how far they have gone in terms of its formulation, support, military capability and who, in fact, is in charge of the leadership. This is because we could be having these groupings but we do not want Kenyans to be given any raw deal in their management and leadership.

Mr. Temporary Deputy Speaker, Sir, Kenya is a giant, only that one time, a very good diplomat friend of mine told me that Kenya is a reluctant giant. It is a reluctant giant because in almost every sphere of our diplomatic engagements, we seem to be playing second fiddle to the others. Kenya is a country that is very powerful. If it is not for this Parliament, I think we would have been whitewashed long time ago. It is the Parliament of Kenya that has taken a very strong central leadership role by becoming vibrant and going out there and making the case for Kenya. Therefore, I will be quite happy if our members who are very good material, interrogate these regional organisations and groupings.

Mr. Temporary Deputy Speaker, Sir, finally, I want to say that we want to send a message at least from me to the Pan African Parliament (PAP) and our three representatives--- Of course, we created it to be domiciled permanently in one place but why do we not have rotational sittings? You know, I introduced a Motion where I said we need rotational sittings of our own Parliament so that our people can appreciate. They can go to Mt. Elgon and other parts of the country so that people can be able to see this PAP which sits in South Africa, whose Speaker and President we do not know and yet they represent us. It would have been very good if they got an opportunity to tour. They come to Kenya, we receive them here and interact with them. They can come to our galleries or even have one session here so that they can be exposed to this region of Africa. Of

course, when they come, you know tourism will follow them and they will also be able to understand our own dynamics here.

Mr. Temporary Deputy Speaker, Sir, finally, we want our representatives there to fight the culture of impunity anywhere in Africa the way we are fighting it here which is almost consuming Kenya. This is because today, there is so much impunity that I have just issued a fresh statement. We have got a Ministry called the Ministry of Youth Affairs and Sports whose Assistant Minister is here. There is a Board there which is supposed to manage funds with a Chief Executive Officer (CEO). This is money that was allocated to them by this Parliament. We have a situation where the Board disrespects the directive of the Minister. It is total disregard of the Minister, Prime Minister and President. So, this culture of impunity which we are speaking about here, we want our members in the PAP to speak about it. They should also speak about it everywhere else.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): On a point of Information, Mr. Temporary Deputy Speaker, Sir. It will be of use to you.

**Mr. Affey:** No! I have no much time. I just want to finish my few minutes.

Mr. Temporary Deputy Speaker, Sir, therefore they must fight. One country where impunity is happening is in Somalia. The African Union (AU) troops are in Somalia. In Somalia, they do not have the mandate. The mandate they have is so limited and I would be glad if the membership of Kenya takes this issue up because Somalia is affecting our economy and security. I do not think it is affecting South Africa or any other country. We should be the ones in the forefront to see to that because the Ugandan and Burundi troops who are in Mogadishu sacrificed substantial time and lives in order to make that country peaceful but their mandate is limited. The mandate of the AU troops must be changed and this can only be changed if our parliamentarians who sit in the AU and discuss these matters, particularly the Security Committee, see whether they not only have to review this but increase the membership to 8,000 because it was a promise to them. We thank Uganda and Burundi for being courageous to sacrifice their mandate and their size. They have got about 2,000 troops there. The requirement was for 8,000. We want to request them to push this agenda so that there can be peace and stability in Somalia because today, we were discussing the issue of pirates here.

The Kenya Government is making a very careless mistake by trying Somali pirates here. For how long will they continue to try them because they have been trying them for the last two years? Some of them are beginning to become pirates in order to come to Kenya because they think that Kenyan jails are more comfortable. This is because they know there is nowhere else they will be taken to. The Europeans and Americans have conspired to bring them here.

Mr. Temporary Deputy Speaker, Sir, so, I am saying that as far as our contribution to AU participation of troops in Africa and particularly in Somalia is concerned, the Kenyan delegation must be seen to be very strong and knowledgeable so that they can be able to tell them that the situation there is not only affecting Somalia because they have been affected already but continues to diminish our stability and, therefore, we need more participation.

With those few remarks, I once again congratulate hon. Shabesh for making all of us proud. *Asante sana.*

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, I thank you very much for the opportunity to also join my colleagues by adding my voice on some of the issues that have been raised.

First, I would like to thank the entire delegation for the effective manner in which they represented this Parliament. It was a delegation comprised of heroine and heroes of this nation. We can see the harvest of their labour at this Session. At the end of the Session, individually, all of them were given key positions to lead. This was really a big achievement for this House and country and pride for Africa. This is the spirit that we must exhibit wherever we are mandated to go and represent the interests of this House.

Mr. Temporary Deputy Speaker, Sir, the Pan African spirit was laid down by the founding fathers of this continent. You would recall the key roles that were played by the founding father of this nation, the late Mzee Jomo Kenyatta, the founding father of Ghana, Kwame Nkrumah and even Mwalimu Julius Nyerere and George Padmore of the Caribbean. This is the spirit that should be maintained to create greater unity for our continent and even to show the rest of the world that Africa is a serious continent. It can plan its own future well.

Mr. Temporary Deputy Speaker, Sir, when you look at certain issues in Africa, you stand baffled as to what we really should do. In Europe, for their own security, they have the North Atlantic Treaty Organisation (NATO), which is an alliance for those countries. In Africa, we should create a body of that nature so that when there are emerging security threats, it will address the same issues and contain unnecessary bloodshed like what happened in Burundi and Rwanda and even partly, what we experienced in 2007. So, a “smaller NATO” for the African continent is really important. We have resources that can be used gainfully to create that avenue.

When you look at the talents that our men and women have, you would wonder why we have continued to be mismanaged by the European countries. In athletics, we have produced great athletes like Kipchoge Keino and Robert Ouko. Why are our modern-day athletes like Samuel Wanjiru and others being managed by European managers? All that they earn is taken back to Europe. The African voice must be created through an African legislative body so that the ability and experience of our people are not being exploited by foreign bodies. We have great footballers like Samuel Eto’o and Abdou Diouf. What these great players earn is controlled in Europe by UEFA. Why can’t we create an “African UEFA”? We can only have that if we give support to this African legislative body.

We note that we have Kenyan Members of Parliament in the Pan African Parliament, but we do not have other nominated persons attending the same. We would like a provision made so that we have persons nominated outside Parliament because of their crucial experience and professionalism attending the Pan African Parliament. They should be allowed to attend these important meetings. We have qualified ladies in this country who can articulate critical issues and participate effectively in the Pan African Parliament. An example is Ms. Njoki Ndung’u. If that provision is made, the voice of Africa will continue to be strengthened.

Mr. Temporary Deputy Speaker, Sir, with regard to the plundering of African resources by foreigners, if we had a law to stem that, Africa would grow from strength to strength. The image of Africa is getting tarnished by pirates from Africa and not Europe.

This issue can be addressed properly if we put in place a law that would address the threat of piracy in our continent.

It is important, therefore, that I fully support this delegation and their Report that has already been presented in this House. With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kaloki): There is no other hon. Member would like to contribute. Please, respond, Mrs. Shabesh.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, first, I would like to thank all the hon. Members who have wished us well. I would also like to thank Members of the Pan African Parliament. I would like to fully assure them that we will continue to take our role at the Pan African Parliament very seriously. We will strive to represent this country well.

Many hon. Members spoke about the award I received on climate change in Africa. The correct title of that award is: "The UN Champion for Disaster-Risk Reduction in Africa". At this point, I would like to say that it is through this championship and the kind of work that we do at the Pan African Parliament that Kenya can benefit from the kind of negotiations that are going on globally. One of the pilot projects that I have been allowed to bring to Kenya as a direct result of my role as a UN champion is a water harvesting project. If we harvest rain water in this country, we would not have water shortage. The UN has agreed to pilot a project of water harvesting in the region around Kisii District – I can see hon. Members from that region now sit quietly after I have mentioned their region. It is important for us to recognize and appreciate the UN for not only honoring a Kenyan, but also allowing to pilot a project that would be an example to other Africans on how to harvest water in order to deal with the problems of climate change.

Mr. Temporary Deputy Speaker, Sir, I would also like to recognize the remarks made about the staffing issue. The issue of one of our own staff, Mr. Werunga, who was the Clerk of the Pan African Parliament, is actually now before the African Court of Justice. We believe that the method of his removal from office was not legal because due process was not followed. We hope that the African Court of Justice will look at this issue because as the Kenyan delegation to the Pan African Parliament, we were not happy at all with the way Mr. Werunga was treated.

I would like to speak about the reluctant giant called Kenya. Whenever we go outside this country, we easily take the lead. This is because of the Kenyan culture that we have inherited from politics and our own upbringing. Kenya continues to be the reluctant giant. We should be at the forefront of African issues. At the Pan African Parliament, even countries that are not comparable to Kenya are now taking the lead. As hon. Members support the adoption of this Report, they need to go further and seek that the Pan African Parliament be turned into a legislative body just as we have asked in our Report. That is the only way Kenya's role will be seen. We will be able to raise critical issues such as the Somalia issue. Indeed, it is a Kenyan issue because Somalia is our neighbor.

I thank you for your support and I beg to move.

*(Question put and agreed to)*

ON NATIONAL POLICY ON OLDER PERSONS  
AND AGING

**The Assistant Minister for Gender, Children and Social Development** (Mr. Keya): Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.2 of 2009 on the National Policy on Older persons an Aging laid on the Table of the House on Thursday 10<sup>th</sup> September, 2009.

According to the National Population and Housing Census Report, the population of persons aged 60 years and above was about 1.4 million, representing about four per cent of the total population. According to the demographic projections, it is expected to reach over 2 million by the year 2020. In terms of gender, the majority of older persons, in almost every country, are women, that is, 55 per cent globally and about 52 per cent in Kenya, with differences in gender ratios increasing with age, particularly, 65 years and above.

As population continues to expand, the number of dependants continues to rise. The demand created by a large dependant population, the younger and the older persons, particularly in terms of health, education and employment presents a major challenge.

In conformity with the AU and the UN definitions, older persons in Kenya would be defined as those of age 60 years and above. It was realized that there is need for a coherent and comprehensive overall framework to guide the different sectors and agencies involved in the development issues pertaining to older persons.

Existing policies and programmes for older persons are: The Sessional Paper No.7 of 1971. This provides some broad guidelines in the disbursement of limited budgetary provisions targeted at disadvantaged persons who include older persons. The NHIF encourages persons who have been contributors to continue their membership even in retirement at a minimum monthly premium of only Kshs160.

This is, however, subject to their ability to pay their premiums. A flexible upper age limit of 65 years is maintained to guide the entry of new members. This has been revised to include continuation of contribution and benefits by old members beyond the age of 65 years, and their dependants.

Mr. Temporary Deputy Speaker, Sir, the Pensions Department of the Ministry of Finance is responsible for processing and paying pensions, gratuities, allowances and other retirement benefits, in accordance with the law, to retired civil servants, teachers, military personnel as well as their heirs and dependants.

The Social Welfare Programme in the Department of Gender and Social Services provides financial assistance, referral and counselling services to individuals, organisations and institutions involved in addressing the needs of disadvantaged persons, including older persons. Civil society organisations support and care for older persons. These include healthcare and related services, feeding programmes, day care centres and homes for older persons, and recreational facilities and adult functional literacy classes.

They also provide support to older persons in refugee camps and disaster situations but the family remains the most important caring institution for older persons.

Mr. Temporary Deputy Speaker, Sir, poverty in all ages is as a result of many factors, some of the notable ones being the following:-

(1) Most old persons have not had the means or opportunity to contribute to pension schemes that would assist them in old age as these schemes only cover people who have worked in the formal sector of the economy.

(2) Poor health and nutritional status inhibits older persons' participation in income-generating activities.

(3) Many older persons are caring for those affected and infected by HIV/AIDS, which depletes any existing resources they may have.

Mr. Temporary Deputy Speaker, Sir, the strategies we intend to employ towards this end include putting in place a comprehensive social security scheme to cover all people from the age of 60 years and above, provide social assistance to poor older persons and other vulnerable groups through waivers to health services, make subsidized food items accessible to older persons and provide for concessions in transport.

Other strategies include promotion of resource mobilization among older persons through the co-operative movement, self-help groups and other income-generating activities.

Mr. Temporary Deputy Speaker, Sir, old age is not necessarily a disease, but health-related issues that affect older persons include impairment of mobility, taste, sight, hearing and mental health issues, including cognitive disorders and loss of memory. Problems related to HIV/AIDs, both as care-givers and people living with AIDS as well as lack of trained workers in the country to take care of older people pose a challenge.

Mr. Temporary Deputy Speaker, the strategy we envisage to employ includes the transformation of the National Hospital Insurance Fund (NHIF) into a national health insurance scheme that will cover all Kenyans, within which older persons should be non-contributory members. Provision of support to older persons involved in care-giving to HIV/AIDS patients and orphans within their families, as well as introduction of studies on care of older persons in institutions of higher learning, including medical training institutions, are a major component of this strategy.

Food security and nutrition-related issues of concern to older persons include changes in digestive system and dental problems, which commonly occur in old age. Other concerns include marginalisation of the older person from food relief programmes, inability to access, purchase, prepare and consume adequate diet for sustenance due to physical, economic and socio-cultural, emotional and environmental problems.

Mr. Temporary Deputy Speaker, Sir, so as to establish an appropriate institutional framework, we proposed that a Division of Older Persons and Ageing be established in the Ministry of Gender, Children and Social Development to co-ordinate implementation of the policy. The Division will also act as a focal point for advocacy, planning, training and administration within the Public Service to ensure that the interests of older persons are mainstreamed in national development programmes.

The Council will have membership from Government and civil society organisations. It will support the Ministry in development of policies and their regular review, as well as in legislation and enforcement of mechanisms in the interests of older persons. In addition, the Council will solicit for financial and other support, including technical expertise, material, other services and facilities.

A permanent Fund will be established to be expended for the benefits of older persons. The funds shall be administered by the Council, in conjunction with the Division



of Older Persons. The initial costs of setting up the National Council on Older Persons is estimated to be about Kshs30 million, which will cover Recurrent and Development Expenditure.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to plead with hon. Members to pass this Motion for the adoption of this Sessional Paper.

With those remarks, I beg to move.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, who is seconding your Motion?

**The Assistant Minister for Gender, Children and Social Development** (Mr. Keya): Mr. Temporary Deputy Speaker, Sir, the Member of Parliament for Kuria will second the Motion.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, there could not have been a more noble Motion for this House to support than the one before us today. The vision of this Motion is to create a national policy on older persons and the ageing, so as to have an environment in which older persons can be recognised, respected and empowered to actively and fully participate in societal development. This House will get blessings if this Motion is passed.

Indeed, this should have been done yesterday, and not today. Many countries in the developed world have this policy in place, where the aged are actually taken care of. Our definition of the aged in this country is 60 years above. I would have made a different definition, maybe, by virtue of my training. There are people who show older qualities at an early age of even at 45 years. Some people remain young even at the age of 80 years. I think this aspect will be looked at later.

For the purposes of today's Motion, the age provided is okay, only that there are different capabilities that will be presented by these people at this age. So, care has to be taken on the qualifications as to who is to receive support and who is to be used to give support. This is a talent that remains untapped. I am glad that the policy of this country has now increased the retirement age from what it used to be to 60 years. Maybe, we are moving to a situation where we will be able to recognise that talents or education is a cumulative process where people accumulate knowledge over the years, and then we waste all that knowledge.

Mr. Temporary Deputy Speaker, Sir, I am more concerned with the capabilities of older people at this age viz-a-viz their medical status, where the old are usually neglected because of poor financing.

The Ministry only requested for Kshs30 million, it may be put aside for the development of this Policy. I think that money is not too much for the older people. The Ministry has given us the rationale for their Policy. The Assistant Minister has tried to give us different solutions from different Ministries. He has given us issues that affect older persons and their probable solutions. He has given us a few organizations that have attempted to look after the older people including the National Hospital Insurance Fund (NHIF) which makes a mistake of demanding payment of Kshs160 per month. Most older people stop the payment of this insurance.

Mr. Temporary Deputy Speaker, Sir, he has reminded us of the requirements of the food and nutrition of older people especially the bone aging, easy fracturing and so on. He has reminded us of poor housing, ventilation problems which affects their general health. Although the Ministry of Medical Services has given some little space on

payments for some communicable diseases like tuberculosis and malaria, it is more tuned to children under five years old. I think this should be looked into in order to take care of the aged.

Mr. Temporary Deputy Speaker, Sir, we have only one decision to make today. Let us support this Policy that has been presented to this House as Sessional Paper No.2, to be approved.

*(Question proposed)*

**Mr. Njuguna:** Thank you Mr. Temporary Deputy Speaker, Sir, for giving me another chance so that I speak on this very important Sessional Paper. I would think that Kenyans would be very happy if after 46 years of independence, the aging and older persons are to be remembered. It is therefore, a very important Sessional Paper that should be given the necessary support.

Mr. Temporary Deputy Speaker, Sir, I note that a council will be formulated. It will be managing the funding for this facility. The money that is likely to be allocated to the same, will amount to about Kshs130 million. I would, therefore, think that the members of this council must be people with a heart of patriotism. They should be people who would sacrifice and consider the welfare of other people. That council will be constituted of people appointed from the all the regions of this nation.

The aging people in this nation and old people have been neglected for so long. One segment that has been neglected are those who liberated this country. These are people who sacrificed their lives to make sure that this country is liberated. They have been forgotten. Some of them have no food, shelter or health care. Therefore, with the passage of this very important Sessional Paper, we will carter for the needs of these people.

Mr. Temporary Deputy Speaker, Sir, clear criteria should be developed so that liars will not be considered for this very important innovation. There are people in this nation who are young but when you look at them they look very old and would be considered for this scheme. The lazy people who look aged will not be given recognition to enjoy this facility.

I would therefore, think it is high time this Sessional Paper is given due attention and support.

With those few remarks, I fully support.

**Mr. Mututho:** Thank you Mr. Temporary Deputy Speaker, Sir, for recognizing me standing because I am the only person who has given notice for the Senior Citizens Bill. It is there and has been in the process for the last three months to six months.

Even young men like my brother the Chief Whip know that he will grow old one time. The fact that you are going to grow old tells you two things; you are not only near going to heaven but if in Kenya, you are also going to face hardships which are worse than what you would face if you decide to go to Lucifer's kingdom. This will include discrimination in the sense that you cannot board a bus because of the way they are designed, their speed and comfort. They are designed such that old persons are eliminated from using them. That is discrimination by itself.

Old people cannot make the long queues in hospitals. This automatically eliminates them from getting that available medical care. It might not sound good, but

even for famine relief distribution, old people cannot get food even when it is available because they are limited by their health.

Mr. Temporary Deputy Speaker, Sir, looking at the process of aging as defined by the making of men and cells, it does not incapacitate somebody's thinking. The difference between us and animals is our brain. For example a mosquito can stand on a ceiling without any problem, an elephant would push a shanty down without being scathed, a whale can swim across the continents because they are powerful. That brain, even when aged, is intact. Most of these old people have developed very stable brains and brain power. What they are not able to do is taking action. In the process of doing the good things in life, they broke a limb or because the air was so polluted they have one lung missing. However, the brain is intact. We cannot sit here and pretend that all these people are destined for garbage. We cannot sit here and imagine that just as it was in those old days, young people today are going to take care of old people.

This is because as it is, it is the old people who take care of the young people. I like the law in India. It provides that - and I hope the Minister will borrow from it - if you, John Mututho, are a person of means, you are bound by law to take care of the old people. You are supposed to take care of them because we know you did not come running. You took their resources and developed that far. It is practiced so that we do not have so many old people dependent on the State while their sons and daughters are riding high in the society. That, in itself is recognizing the very fact that these old people require help.

I like Australia because in their laws, a senior citizen, as it may be, enjoys free medical services for real. He can walk into any Government-funded hospital and get free medical services. You have to stop 50 meters from the zebra crossing if a senior citizen is crossing. Even if there is no zebra crossing and a senior citizen crosses the road, you have to stop 50 meters away otherwise you will be stopped by the police if you are a motorist. You do not have to hoot.

There is no provision for hooting at old people or senior citizens. They are our fathers and grandfathers and should be respected.

Mr. Temporary Deputy Speaker, Sir, if you look through this Motion, you will come to only one conclusion; that we must support this policy and wish that they do not stop here. We should talk. I am prepared, because we have gone very far, to sit with the Ministry so that we can have something more juicy called "The Senior Citizens Bill," which will encompass all these things. I could talk and talk but all I am saying is simple; that senior citizens deserve respect and this Motion is timely.

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

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to contribute to this Motion. It is historic that the Ministry is bringing to the House a Sessional Paper to take care of the old people.

Marcus Garvey, the civil rights leader in Jamaica, once said that a people without a culture are like a tree without roots. Even if we are flowering, creating wealth and have good harvests among the young generation, it will not be sufficient to give us political stability and even economic opportunities that we can enjoy. This is for the simple reason that we need more of social cohesion as a foundation for our political system, which gives us the governance necessary to improve on wealth and job creation. Therefore, I

want to congratulate this Ministry for this bold step to create institutions that, for the first time, will captivate even stakeholders in the private sector as they are engaging in their corporate/social responsibility programmes, to think of the old people who have given contributions, parentage and worked for this country. In my constituency, for example, when I call a meeting of the education sector, I find that many children are being taken care of by their grandparents because of misfortunes of life, including the HIV/AIDS scourge. Many children are orphaned. In Mukurweini, every time we have a school event or a prize giving day, we always without exception and failure, recognize the oldest person in attendance. We even do better recognition for those whose grandchildren or great grandchildren have attained top marks in their classes. This is a way of telling the old people that when their children leave their offsprings, it means that we have a social obligation.

Mr. Temporary Deputy Speaker, Sir, in order to reciprocate what the old people have given us and continue to give, this Sessional Paper will create institutions, including a division of older persons and the ageing and a Special Council for the older and ageing persons. It will also create a special fund, the National Development Fund for the older persons.

Mr. Temporary Deputy Speaker, Sir, many good things are happening in this Government, not just in terms of infrastructure, Constituencies Development Fund (CDF), Rural Electrification Programme and expansion of our highways, but also social welfare at the grassroots. Two days ago, I had the privilege to host the Permanent Secretary in this Ministry, in Mukurweini, to recognize and disburse funds to women groups in the constituency for investment. The officers within this Ministry are not just sitting at the headquarters and allowing their district officials and provincial directors to do the work. The Minister, Assistant Minister and Permanent Secretary are on the ground across the country, even implementing the pilot projects that recognize the home-based aged.

Mr. Temporary Deputy Speaker, Sir, one issue that needs urgency in order to ameliorate some of the problems facing the old people, is for this House to take over the agenda, which should emanate very fast from the Cabinet, on the universal health insurance programme. It was brought in the Ninth Parliament but was frustrated by the private health providers. The people who were profiteering and making millions and even retaining dead bodies in private morgues, because poor people cannot afford to pay, came together to frustrate the introduction of universal health care. His Excellency, President Barrack Obama, in his campaign, promised universal health care. There were hurdles and pessimism that it would not happen. Today, in America, a milestone has been achieved. There is a universal focus on health care and medical insurance for the very vulnerable groups.

As a country, as we create wealth, we need to synergize that wealth creation with coverage for our most vulnerable. The Ministry needs to create a system of recognizing and awarding those very old people in clearly demarcated areas, who have engaged in exemplary contributions to social welfare, including the old people who are endowed financially; who are giving part of their income to home-based programmes and even homes for the aged. There are also those old people who are hosting and taking care of many orphans and other children who are vulnerable within their homes. I say this because in my constituency, I know of a group of women who are hosted by the

Presbyterian Church of East Africa in a Parish called Muhito. They are taking care of many orphans including 36 of them who are in a youth polytechnic. They are clothing and feeding them. Now, they have invited partners including the United States Agency for International Development (USAID) and Afya Two Programme for full tuition cover, so that those orphans can realize opportunities in life.

Mr. Temporary Deputy Speaker, Sir, there is need for us to appreciate that there are old people who may appear a little better off because they have had an opportunity of formal employment and engagement and they are doing a lot of good things. I would like to recognize the work that is being done in this country by the retired Olympians, who recently brought to the fore a historic marathon which is being hosted at the end of this month in the historic Maasai Mara Reserve. These are individuals who have had the opportunity to represent Kenya in Olympics in various continents and have big names. They have also been managing Olympics in Beijing and the World Championships in Berlin this year. They are now coming back to give to Kenya the best deal and advice. The best investment that this Tenth Parliament can give is that recognition, empowerment and ring-fencing our old people, so that they can be the granary where we go to seek wisdom and pick the grains that will correct us when we go wrong.

Mr. Temporary Deputy Speaker, Sir, I support this Motion because it deserves our total endorsement.

**Mr. Muthama:** Asante sana Bw. Naibu Spika wa Muda. Nasimama kuunga mkono Hoja hii inayohusu wakongwe na wazee wa nchi hii. Nataka kumshukuru Waziri na Wizara yake kwa mambo muhimu sana walioweza kuyajadili na kuyaleta mbele ya Bunge hili ili yaweze kuungwa mkono, huku tukizingatia na kufahamu kwamba wazee wameteseka sana katika nchi yetu. Nchi zingine duniani haswa zile ambazo zimeendelea, zimeweka mikakati ya kuwasaidia wakongwe. Wahenga walisema kwamba palipo wazee hapaharibiki jambo. Kwa hivyo, tunastahili kuwalinda wazee wetu kwa kuwafanyia mambo yanayofaa.

Bw. Naibu Spika wa Muda, ninataka kumuuliza Waziri kwa unyenyekevu, aangalie zaidi pesa anazotoa; Kshs1,500. Ikiwa Serikali italipa watu milioni moja na nusu, pesa hizo zitakuwa nyingi sana kwa kila mwezi. Pesa zinatatiza sana na zina tamaa! Mpango ambao anatarajia kutumia kugawa pesa hizo unaweza kuleta madhara makubwa sana, na wale ambao wanatakiwa kufaidika kutoka kwa pesa hizo wanaweza kukosa. Hii ni kwa sababu tumeona kwamba, kupeana pesa tu kupitia Wakuu wa wilaya na tarafa, ni jambo limekuwa ngumu sana.

Bw. Naibu Spika wa Muda, unakubaliana nami na Bunge hili kwamba, hata kutoa chakula cha msaada imekuwa ni shida. Chakula kinatolewa, lakini hakiwafikii watu kule mashinani. Kinapotelea hapa katikati. Chakula hiki hakipotei kupitia kwa raia bali kwa wakuu wa Serikali. Kwa hivyo, ningemhimiza Waziri ajenge makao ya wazee. Pesa hizo ni nyingi mno; na ukichukua Kshs1,000 katika kila mwezi kutoka kwa pesa ambazo zinatolewa kila mwaka, zinatoshia kujenga makao katika kila mkoa; iwe ni makao mbili au ni moja ambao inamudu watu kati ya 300 na 500. Makao hayo yatasaidia sana kwa sababu Serikali itaweza kuwapatia wazee chakula wakiwa pamoja; na pesa zile hazitapitia katika mifuko ya watu na kupotea.

Bw. Naibu Spika wa Muda, vile vile, katika makao hayo, kunawezwa kujengwa hospitali. Hospitali hazitakuwa za kusaidia wale wazee tu, bali zitawahudumia

wanaokuja, wachanga na watu wa umri wa kati, ili tuweze kuleta tabasamu ya kupendeza katika utumishi wa Taifa.

Bw. Naibu Spika wa Muda, ukiangalia mambo yale tunapatia kipaumbele, wakati mwingine, hatuyachunguzi sana. Tukubaliane kwamba Kshs1,500 kwa kila mtu ni pesa nyingi sana. Pesa hizi zikiwekwa pamoja zinaweza kufanya kazi kubwa sana. Lakini zikiwa zinagawa na kupeanwa, zitaweza kupotea hata kwenye upepo. Kwa hivyo, ninataka Waziri afikirie sana, hata kama amechelewa kufanya hivyo mwaka huu; mwaka ujao, anaweza kujenga makao ya wazee na wasiojiweza ili waache kutaabika. Watu hawa wanasumbuka sana. Katika nchi yetu na Bara la Afrika, sisi hatuzingatii mambo ya wazee; wanadhulumiwa na kunyanganywa mali yao, wengine wanawauliza watakufa lini ili wachukue mali yao. Kwa hivyo, ninataka Waziri achunguze sana mambo hayo.

Kwa hayo machache, napenda kuchangia

**The Minister for Public Works** (Mr. Obure): Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all, I want to thank Mr. Keya for the eloquent manner in which he presented the Sessional Paper.

Temporary Deputy Speaker, Sir, this is an important day for Kenyans. The fact that a Motion of this nature has come here at this time is a major recognition of the fact that the Coalition Government recognizes the plight and the predicament of the vulnerable group; the aging group in our society. I think this is important. It is also a recognition of the fact that we are now becoming a caring society and that we can think of the vulnerable group in our midst.

Mr. Temporary Deputy Speaker, Sir, we are talking about 1.4 million people. That is a very sizeable segment of our society. These are people who are there and, who have become vulnerable because of no fault of theirs at all. Many of them are in that state because of the process of aging and many others are in that state because, even though they may have been employed before, they were not able to save money to enable them to look after themselves later in their lives.

Some of them were taken care of by members of their extended families; especially those who have not had jobs in their lives. We also know that many of them are going through severe difficulties because they do not have enough food to eat, leave alone having a balanced diet. Many of these people have no shelter and cannot access medical services. Therefore, I welcome the initiative by the Ministry of Gender, Children and Social Development to bring this Paper before this House for adoption. This is a very significant step being taken by the Government and it is very good news for people who fall under this category. Therefore, I support this initiative.

Mr. Temporary Deputy Speaker, Sir, I think that we should have a big Social Affairs Department in the Ministry of Gender Children and Social Development that caters for people in the slums and those in the rural areas. That department should identify the individuals who fall under this category. We should know who they are, where they are, their status and what they need so that we can take care of them.

We need to provide decent housing and I believe that this Government has the capacity to do this. It is very important that we provide housing for this category of people. It is also important that they get access to medical services and are given preferential treatment in market places, townships, when they board buses and so on. We know that some of them provide important services to the society because they take care

of HIV/AIDS patients and orphans. Therefore, they need to be supported in every respect. It is for this reason that I urge my colleagues in this House to support this important initiative.

For the first time, we are beginning to realise what is important to us. I think taking care of the disadvantaged in our society is a very important social responsibility and state function. We should support this Motion and introduce health services and schemes which should be non-contributory to this category of people.

For once, I feel that we are moving in the right direction and I support this Motion.

**Prof. Kamar:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion which is timely. I congratulate the Ministry for coming up with this policy that takes care of older persons and the ageing. I really like reading the issues that are being addressed by this policy. This policy says that it will facilitate the enjoyment of quality life before and during old age.

The other aspect that really attracted my attention was that it will ensure that older people will have access to safe, durable and affordable shelter. This is excellent. We have changed our way of living. The cultural set up that we lived in is behind us, where people used to take care of their elderly. Today, you will find that the poorest person in a village is an elderly person. These are people who cannot afford to buy anything. We have left our culture but we have not set up a new system that enables us to support these people.

Mr. Temporary Deputy Speaker, Sir, the people who cannot access medical cover are the elderly. So, to get even Kshs20 to buy a card in a public health centre is a nightmare to these people. Our elderly have become victims of the changes in the society where we are not taking responsibility the way we used to do. Culturally, Africans were brought up to take care of their elderly. So, we do not have a system where the Government takes responsibility and neither do we take the responsibility.

There have been changes in the development of our country. The economic development has shifted to gainful employment for purposes of developing ourselves. Coupled with that, unemployment is rampant. So, there are families whose sons have gone to towns to look for jobs and have not been able to go back because they have not got proper jobs. The kind of jobs that they have cannot even enable them to travel home. If they do, then the first people they have to deal with are their children. Even the free education has not helped the smaller families.

We can categorise and know that the elderly are the poorest when we attend a *baraza* as Members of Parliament. They are malnourished because they do not have enough food to eat. They also do not have clothing and worse still, if they are hospitalized, they form the majority of those people we hear have been detained in hospital because they cannot afford healthcare. It is true that they have been detained because, as hon. Members of Parliament, we have been involved in fundraising for the elderly and their families say that they do not know who should take responsibility. So, this Sessional Paper is timely because the Government must take up that responsibility. We must make a decision that part of our tax must go back to these people. I would like to say that it is their right to get that because when they buy clothes, matchboxes or kerosene, they pay tax. There is no way in which this tax goes back to them. Those of us who drive use our taxes on the tarmacked roads but those people do not. Those people do not even enjoy clean water or free education. So, they contribute tax but do not enjoy

anything. This policy will rescue them and all of us from the shame of an elderly population that is not taken care of.

Mr. Temporary Deputy Speaker, Sir, I do not want to belabour this point because I know that all of us will pass this Motion unanimously because it will save us. I encourage the Ministry, as it does this, to come up with figures that will help the elderly have and maintain good shelter, as it has said in one of its objectives. The Ministry should also maintain a feeding programme for the elderly. In fact, the elderly should be members of the National Hospital Insurance Fund (NHIF). They should be given a medical cover within this package so that they are well taken care of.

With those few remarks, I support this Motion.

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, I also rise to add my voice in supporting this Sessional Paper. We are on the right course because we are all ageing. At some point, we will also need some assistance. In our employment or youthful days, we contributed to what the future generation enjoys. However, in most cases, when people get old even after having contributed so much for the welfare of future generations, they are forgotten. So, for this Ministry to come up with a Sessional Paper like this, I must congratulate it.

Mr. Temporary Deputy Speaker, Sir, in the olden days, the elderly were taken care of by the family members. Today, the family fabric has changed so much; it is not the same as the time we all used to live together as a family. These days we get children, educate them and they go their own way. Some live in Kenya while others live abroad with their families. Unfortunately, if you do not have enough wealth, you are left to suffer. It is a pity that you are the one who educated them and contributed so much to the welfare of this country, but you end up suffering. So, this policy is looking forward to rewarding people who really contributed to the welfare of the country.

Mr. Temporary Deputy Speaker, Sir, as you know, I have been involved in insurance. The aged are the ones who are vulnerable. In most cases, they get sick and yet, they do not have a lot of money to spend on health care. So, this policy has come at the right time. Medical insurance firms, particularly the National Health Insurance Fund (NHIF) which is a Government body should have a scheme whereby the aged people pay half rates or even Kshs50. Those who cannot pay should be exempted. The State should be able to recognise the contribution by those people.

With those few remarks, I beg to support this Sessional Paper.

**The Assistant Minister for Co-operative Development and Marketing** (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir.

I want to take this opportunity to congratulate the Minister for Gender, Children and Social Development, hon. Mathenge and her staff for coming up with this Motion. Considering the hard time that many Kenyans are going through, it is so difficult for any working class person to save for themselves, family and ageing parents. This Motion will relieve the burden on the working class who have to support their ageing parents who always fall sick.

Looking at the rate of unemployment in our country, most youth get *Kazi Kwa Vijana* or casual labour jobs. How can they save when they hardly get enough to sustain them? It is embarrassing when those who have worked so hard to pay taxes in this country and contribute to the GDP, when they retire, they are given a jembe and spade. It is a shame. This will be the best gift for them after working for so many years.



We all know that whether somebody is working or not, he pays Value Added Tax (VAT) in this country. Most of the time, the VAT is used for development. The Government should save some percentage of it, to take care of these people when they grow old. We should also increase funds from the National Social Security Fund (NSSF) knowing that, at the end of day, people must be supported in their old age.

With those few remarks, I support this Motion.

**Mr. C. Onyancha:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. This Sessional Paper is very important for our country. I want to thank the Minister for thinking about this policy paper. I just want to highlight one or two issues which will go a long way in support of this Motion.

The first one is that the Sessional Paper has not taken into account the issue about the rich. There are many people who are over 65, but very rich. I think they should be excluded from this policy. I hope the Minister is noting this because there is no need to include them, however old they are. We should let the little resources be shared among the poor.

Mr. Temporary Deputy Speaker, Sir, secondly, I would have loved that this policy goes along with the implementation of a scheme that would involve the construction of homes for the aged across the country, hopefully in each constituency because we are coming to an age where some of these old people do not even have homes, dependants or support from their children. Some of them actually do not even have children.

Thirdly, I would like to propose that since some of these people who are over 65 years of age are still very able, they should be deployed wherever possible in support programmes in this context of supporting the aged.

With those few remarks, I beg to support.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I would like to thank you for giving me an opportunity to contribute to this Motion. We must all rise and support this Sessional Paper because it is an idea whose time has come. For that reason, I would like to congratulate the Minister because it is just a matter of time before all of us find ourselves in a position whereby we are unable to earn a living.

Mr. Temporary Deputy Speaker, Sir, I am privileged to come from a family that lives for many years. So, as I support this Motion, I want to acknowledge that I will definitely be a beneficiary of this particular programme because my father died at the age of 89 and my mother at the age of 84. This is important and given that at that time when they were dying I was a doctor of medicine, I remember what my income contributed to make sure that they do not die earlier or that even as they lived in old age, they were not living miserably. There are a lot of good people. There are grandparents of our schoolmates and age mates who did not make it in life who would need that we support them from this kind of fund.

Mr. Temporary Deputy Speaker, Sir, if we actually pass this law, it means that many of the people who hang in politics will leave it for the younger people. We have a lot of old people in Cabinet, as Ministers. We also have Assistant Ministers and Members of Parliament who are so old that even when they walk through the doors, you wonder why they are struggling. If they know that the Government has started thinking in that direction, then they will throw in the towel and opt to leave room for younger people to work.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the issue of the cut-off age. As we decide who is going to be paid, it is important we ask ourselves: "What will be the cut-off age?" It will be my submission that when the Bill is actually being drafted, they consider that it is wrong to pay a woman the same as a man. This is because under our rural lifestyles, our women, because of the stresses of giving birth, going to the stream to look for water and firewood, going to the farm to dig, bear the greater damage of aging. For that reason, I am suggesting that as we start paying off people, we divide these people into two groups; people who have evidence that in their lifetime they had gainful employment and those who had no employment whatsoever. For the people who were in gainful employment, I propose that men start earning from this fund from the age of 70, over and above whatever retirement benefits they might be having. On the other hand, the women should start earning from this fund at the age of 65, over and above whatever pension they were earning. As for those who are totally unemployed, I would propose that men start benefitting from the age of 65 and women from the age of 60.

Mr. Temporary Deputy Speaker, Sir, before I conclude my remarks, I am alive to the fact that the Prime Minister only last week announced that the Government has introduced a special social welfare fund to the tune of around Kshs600 million and he came out clearly that this money will be paid out to people who live in slum areas.

He told us that they will be starting with Kibera slum, Korogocho slum and then some slums in Mombasa and Kisumu. This programme could very well be matched with this one because the real deserving people, even in those slums, are the elderly people.

It will be wrong for us to open up social welfare to the youth who are in their prime age of working. If we do that, we will have the American example where you get a lot of young energetic people just sitting idle. They have refused to work because they know they will live on welfare. Whereas people who are in employment might consider a payoff of Kshs1, 500 to be too little, there are some youth who would consider that amount of money to be a lot and, therefore, just sit back and refuse to work.

It is because of that point that I would like to appeal to the Government to come out clearly and tell us the criteria that was used to start off with those particular slums. After all, if you go to certain places in this country, say, Kakamega and Kisii--- Because of the high population density in those rural areas, they are actually the equivalent of slum dwellings. So, if there is money meant for slums, then the densely populated rural areas should also benefit from it.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I would like to support this Sessional Paper No.2 of 2009.

**Mr. Affey:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important policy statement. I would like to suggest to the Assistant Minister to see to it that he has a session with the Departmental Committee on Equal Opportunities – it is a fairly new Committee – so that we can inform this Sessional Paper before a Bill is brought to Parliament. It is important that they interact with the senior citizens of this country so that when the Bill eventually comes to this House it is one that reflects the needs of the beneficiaries of this scheme. They need to participate in the formulation of the Bill.

It is disappointing that after very many years, we are only able to think of this policy now. Kenya should have led the region. I have just returned from Rwanda where I

realized that they are first amongst equals. Not only have they shown the world that they are so gender sensitive – 66 per cent of Members in the Rwandan Parliament are women – but also established health care for all the Rwandese, whether old or young.

Mr. Temporary Deputy Speaker, Sir, for a country like Rwanda to achieve what they have achieved even just after emerging from genocide about a decade ago, it is marvelous. Kenya ought to have led by example. Now we are learning from Uganda and Rwanda instead of the people from those countries coming over to learn from us. I would like to plead with the Government to take this matter very seriously. They need to see how they can enhance the spirit of consultation so that the senior citizens of this country--

### ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Affey! You will have 15 minutes when this Debate resumes.

Hon. Members, we have come to the end of today's sitting. This House, therefore, stands adjourned until tomorrow Thursday, 12<sup>th</sup> November, 2009 at 2.30 p.m.

The House rose at 6.30 p.m.