

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 12<sup>th</sup> November, 2009

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.454*

CRITERIA FOR AWARD OF TENDER TO SUPPLY ELECTRICITY POLES

**Mr. Deputy Speaker:** Mr. Mbugua is not here!  
Next Question!

*Question No.029*

LIST OF FATALITIES DURING *SABA SABA*  
RIOTS/POST-ELECTION VIOLENCE IN KISUMU

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

(a) to table before the House a complete list of persons injured and/or fatally shot by Police in Kisumu Town during the *saba-saba* riots and the whole duration of post-election violence in 2007/2008; and

(b) what steps he is taking to ensure the victims and/or their families are, as a step towards reconciliation, paid ex-gratia compensation and to settle suits now pending before various courts in Kisumu resulting from the above events.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to give me time to look for the files on the *Saba Saba* riots of 2004. I have consulted the Questioner and he has no objection.

**Mr. Olago:** On a point of order, Mr. Deputy Speaker, Sir. I think the Question was not understood. I wanted the details of the cases filed in respect of the *Saba Saba* riots of 2007 and the one of "*Haki yetu*". So, the Assistant Minister does not have to go back to 2004.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, if you look at the Question, it is

different from what he is saying. However, I have no problem with that. Would I be in order to seek the indulgence of the Chair to defer this Question in order for me to---

**Mr. Deputy Speaker:** Mr. Assistant Minister, the Chair observes that this is Question No.29. It is a very old Question!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Yes, it is an old Question.

**Mr. Deputy Speaker:** You have already had a long time to look for the files and answer this Question!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, in order for me to reply adequately, I need more time to get---

**Mr. Deputy Speaker:** You must be serious with it because you have had much more time than you would need to reply to this Question adequately. I do not know how much time you need when it is Question No.29! I do not know how old it is.

Mr. Olago, when did you file this Question?

**Mr. Olago:** Mr. Deputy Speaker, Sir, I filed the Question early this year.

**Mr. Deputy Speaker:** This Question was filed at the beginning of this year and we are now going to the end of the year!

Mr. Ojode, you have had close to one year to get the files on the Question!

**Mr. Olago:** Mr. Deputy Speaker, Sir, the Assistant Minister talked to me in the morning and I thought he sounded genuine. It would be good to give him a little more time.

**Mr. Deputy Speaker:** Questioner, how genuine would one be to take a whole year to answer a Question?

**Mr. Olago:** He sounded very genuine on the phone this morning.

**Mr. Deputy Speaker:** Assistant Minister, the Chair gives you until next Wednesday morning to answer this Question. Failure to which, the Chair will have no option but to take certain punitive actions against your Ministry! This is not taking the business of the House seriously.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I do not want to dispute your ruling but by Wednesday I will be out of the country. Could I do it on Tuesday the week after?

**Mr. Deputy Speaker:** Mr. Olago, are you okay with that?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): That is fine with Mr. Olago!

*(Laughter)*

**Mr. Deputy Speaker:** Let it be the last time!  
Next Question by Mr. Jeremiah Kioni!

*Question No.196*

DISMISSAL OF MR. JOHN WACHIRA KIHIA

**Mr. Speaker:** Mr. Kioni is not here!  
Next Question!

*Question No.233*

ESTABLISHMENT OF LEATHER INDUSTRY  
IN NORTHERN KENYA

**Mr. Chachu** asked the Minister for Industrialization what plans he has to establish a leather industry in Northern Kenya to process the abundant hides and skins which are currently going to waste.

**The Minister for Industrialization** (Mr. Kosgey): Mr. Deputy Speaker, Sir, I beg to reply.

The Government attaches a lot of importance to the development of the livestock sector. The leather sub-sector in particular is one of those we have targeted under the Vision 2030. The Government is promoting value addition in this sub-sector.

The Ministry of Industrialization through its parastatal, the Kenya Industrial Research Development Institute (KIRDI) plans to establish mini-tanneries in high livestock potential areas. These areas are in arid and semi-arid areas including the North Eastern Province or northern Kenya. In the northern Kenya, my Ministry has identified Garissa, Wajir, Kapenguria and Mararal for establishment of mini-tanneries.

The following will be done by KIRDI to support potential investors:-

- (i) Technology for establishing a mini tannery.
- (ii) Skills- training in running the tannery.
- (iii) Support in linkages to the market.

Mr. Deputy Speaker, Sir, in Garissa we have already started Phase I and an entrepreneur has been identified and signed a Memorandum of Understanding (MoU) with KIRDI for implementation which has already started.

In West Pokot, a similar MoU has been signed with an individual. In Meru/Chuka, a community-based organization has been identified. A site at Kaamba/Ng'ombe has also been identified and civil works are going on.

In Wajir, enquiries from Ewaso Nyiro North Development Authority (ENNDA) have already started and we are collaborating to set up a mini tannery in Wajir Town and studies have already commenced.

In Maralal, KIRDI is working with a community-based organization known as Meloni Cooperative Society to upgrade the existing rural tannery.

Mr. Deputy Speaker, Sir, the Member who asked the Question is from Marsabit and I know at the moment we have not started any programme in Moyale or Marsabit. However, we will be willing and ready to collaborate with any investor; whether individual or community-based organization, to start something there.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, this is a resource that is being totally wasted in northern Kenya. The Minister has identified four areas; two in North Eastern Province and two in the Rift Valley Province. The whole of Upper Eastern Province has totally been neglected. What criteria were used in identifying those four areas?

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, we have not left out the whole of Upper Eastern Province as alleged by the hon. Member. As I said, this is Phase I. In keeping

with our Vision 2030, we have identified value addition as one of the process or programmes we want to undertake in order to industrialize this country. We have other products like pyrethrum, coffee, coconut and so forth. But with respect to North Eastern Province or northern Kenya, leather is one of those we are targeting. As I said, we have started in those four areas; Wajir, Garissa, Moyale and Marshabit. As soon as we are able to identify an investor; whether it is a community-based organization or an individual or a company, we will be willing to work with it.

In case of a mini tannery, we actually give a prototype which can be expanded. The investment involved here is small. So the investor will see that this can be done. If they are serious, they can then expand it and make it a medium-sized industry.

**Mr. I.M. Muoki:** Thank you, Mr. Deputy Speaker, Sir. I happen to come from the same province with the Member for North Horr Constituency. This is one region which has been neglected in the past. What affirmative action is the Minister taking to make sure that he taps the potential in arid and semi-arid areas which have been neglected for a long time? What deliberate efforts is he putting in place to encourage investors to invest in those areas?

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, we do not want to neglect or marginalize any area. In fact, that is why the Ministry of State for development of Northern Kenya and other Arid Areas exists to create a focus on this particular area!

**Dr. Eseli:** Thank you, Mr. Deputy Speaker, Sir. Development is not an accident neither is industrialization. The Minister has told us where they have decided to put up these mini tanneries, but hides and skins are found all over the country. In fact, in my constituency, there is a place with that same specific name called Kamasero because of the abundance of hides and skins. Could he tell us whether there is a master plan on how to harness the leather products in this country rather than in those few specific areas he has mentioned?

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, I said from the beginning that the leather sub-sector is one of those sectors that we, as the Government, has attached great importance in industrialization of this country. At the moment, there are about 14 tanneries existing in the country with a very large capacity. I do not want to mention the names of the 14 tanneries which are operating. Most of these tanneries, including the ones that we are starting, have not been able to process leather up to the finished goods. We want to encourage them to actually process leather up to the end product. They have been doing what they call wet blue. Wet blue really is not the way to go. So, apart from encouraging new tanneries like we are doing in the North Eastern Province, we want them to process up to the finished goods such as leather jackets, leather bags and so on. That is what we want to see when we establish many tanneries. For example, if you visit our factories or research centres, you will see they will show the full range from the skin or hide to the end product.

**Mr. Lessonet:** On a point order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Are you on a point of order Mr. Lessonet? What is your point of order?

**Mr. Lessonet:** Mr. Deputy Speaker, Sir, I want to believe we are not in this House to just pass time. The Minister has been asked for a master plan. He went ahead to tell us there are 14 tanneries in the country. I do not know whether that is the master plan!

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, I would not like to actually challenge my friend, Mr. Lessonet. However, we have an overall master plan for industrialization. Indeed, all sectors are addressed under this master plan. If you are looking for a master plan for one sector or one product, it is not there. But in the overall industrialization master plan, the livestock sub-sector is covered.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, since the Minister confirmed that his Ministry attaches so much importance to leather, recently the Minister for Livestock Development carried so many animals to Nairobi and in the process some died due to poor body condition. Could he tell the House if hides were realized? If any, what was the tonnage?

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, Dr. Nuh as well as all hon. Members of this House actually saw that when the livestock died in Athi River, they were buried without skinning. Those that died in the dry areas, there was no attempt to skin them before they died. Therefore, I cannot answer adequately that question. It is safe to say no skins were recovered from the dead animals.

**Mr. Shakeel:** Thank you, Mr. Deputy Speaker, Sir. The Minister mentioned that many of the 14 tanneries only go up to wet blue stage. Could he confirm that there was three industries that were carrying on leather to full processing? One of them was the Leather Industries of Kenya. However, many of them closed down because of disproportional taxes that actually favoured the exportation of wet blue. It made more viable for wet blue to be exported rather than to be processed here as the end product.

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, actually it is the opposite. We changed the tax laws and this House passed them; to encourage processing up to the finished goods. There are still five tanneries, and not three, which actually process up to the finished product. We are trying to encourage them now to actually improve the quality, so that the finished product is as good as any other in the world.

**Mr. Deputy Speaker:** Last question, Mr. Chachu!

**Mr. Chachu:** Mr. Deputy Speaker, Sir, for the Ministry to be effective, it must have some physical presence in our districts. I know that this Ministry is relatively young, but could the Minister consider posting his technical staff to our districts, so that they can work with community groups and enable us to realize this potential?

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, the Ministry is not that young actually. It has been existing as the Ministry of Trade and Industry. Before I became Minister, there were officers called District Industrial Development Officers and I did not know that they existed. So, I will check because there could actually be an officer in Marsabit. But if there is none, I will post---

**Mr. Chachu:** On a point of order, Mr. Deputy Speaker, Sir. I come from Marsabit North and there are now five districts in the larger Marsabit. My question is specific to Marsabit North and not Marsabit Central.

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, I was just saying that there may be an officer in Marsabit. I know that there is no officer in North Horr, for sure. To be specific to the hon. Member, I will post a District Industrial Development Officer to that area.

*Question No.234*

MEASURES TO ENSURE CORRECT USE OF FERTILIZERS BY FARMERS

**Dr. Eseli** asked the Minister for Agriculture:-

(a) what measures he is taking to ensure that farmers use the correct fertilizer at every planting season;

(b) what the recent soil analysis results in areas with high agricultural potential such as the Rift Valley and Western Kenya are as well as the recommended fertilizers for this region; and,

(c) what the procedure for individual farmers to access the results of soil analysis for guidance on fertilizer use is.

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

(a) My Ministry is taking the following measures to ensure that farmers use the correct fertilizer at every planting time:

(i) It undertakes prudent inspection of fertilizer before shipment and at the port of landing and subsequently, carries surveillance on stockists countrywide to ensure that fertilizer quality is maintained.

(ii) Prior to planting, Agricultural Extension Officers prepare farmers for the next seasons through training activities that include field days, demonstrations and exhibitions.

(iii) Through field visits, Agricultural Extension Officers advise farmers on the correct use of fertilizer and how to obtain the same information from the print and electronic media. (iv) Farmers get technical advice from more than 1,500 information desks that the Ministry has established countrywide.

(b) The recent soil analysis results in the areas of high agricultural potential such as the Rift Valley and western Kenya indicate that the soils are moderate to highly acidic, low in phosphorus and nitrogen and adequate in potassium. The fertilizer types recommended are based on specific soil conditions and type of crop grown.

(c) Farmers wishing to access results of soil analysis can get them at the nearest agricultural office at a prescribed fee.

**Dr. Eseli:** Mr. Deputy Speaker, Sir, definitely, the Assistant Minister has misunderstood my Question. This is because it was about the use of correct fertilizers and not the quality of the fertilizer. You have gone ahead to tell us that the Rift Valley and parts of Western Province have been shown to have high acidity and low phosphorus. Why are you dumping Diammonium Phosphate (DAP) fertilizer in Rift Valley and Western Province when it is not suitable? What measures is the Ministry taking to ensure that farmers get the correct fertilizers, because the yield of maize per acre has gone down from 34 bags to 14 bags and this country is starving? What exactly are you doing to ensure that we get the correct fertilizer?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, in fact, we have several centres where farmers are getting their soil tested for a very small fee. For example, if one wants to get his soil tested, he can take it to the Kenya Agricultural Research Institute (KARI) where he will pay just Kshs1,000. We have many more stations---

**Dr. Eseli:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to evade my question? I think my question is very clear and in plain English. You have also said it, in your answer, that the soils in the Rift Valley and Western Province are acidic. So, why are you dumping DAP fertilizer in those areas, because that

is not the correct fertilizer? What is the correct fertilizer that should be used in Rift Valley and Western Province?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I am also answering in English. So, I would like the hon. Member also to take note of that.

It does not mean that you cannot use DAP fertilizer in the entire Rift Valley. It depends on the agro-ecological zone. You might find one area using different types of fertilizer. But the Ministry is emphasizing to the farmers that even if there is DAP fertilizer in the Rift Valley, it is not a must that it should be used. They should make sure that before they plant, they know exactly, from the agricultural officers, the type of fertilizer that is favourable to their soil. This is because soils vary even if they are in one area.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, it is, indeed, very sad to see the Assistant Minister stand up here, mislead the whole country and expose his misunderstanding of fertilizer chemistry. He has first of all summarized that Western Province and Rift Valley have uniform soil. That is wrong. The issue is that the fertilizer being used now is not appropriate. Look at Calcium Ammonium Nitrate (CAN) fertilizer, if used in low altitudes, where there are alkaline soils, it will cause dispersal of these soils. That means that soils become like flour and subsequently permanently unproductive. Other types of fertilizer will cause permanent filtration of nutrients, such that those soils become useless. It is clear – and looking at the answer – that the Assistant Minister does not understand the Question and magnitude of this problem. I would really urge that he goes back and comes with a proper answer to the Question that has been asked, because he is putting all the farmers in jeopardy.

**Mr. Deputy Speaker:** What is your question?

**Mr. Mututho:** Mr. Deputy Speaker, Sir, my question is: When will the Assistant Minister withdraw all the bogus fertilizer that they have supplied to the farmers and supply them with the appropriate fertilizer across the country?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I think the hon. Member is making a very terrifying statement. We are not saying that everybody who is planting in Rift Valley should use DAP fertilizer. We have facilities where one can take a sample of his soil to be analyzed, so that he can be told what type of fertilizer he can use.

**Mr. Deputy Speaker:** Is that facility in Nairobi alone or also everywhere else in the country?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, they are all over. Could you allow me to read the stations? One of them is KARI with branches in Kabete, Kitale, Njoro, Kisii, Embu and Muguga. There is also the Kenya Plant Health Inspectorate Services (KEPHIS) here in Nairobi. Those are some of the areas where we have facilities.

**Mr. Deputy Speaker:** Are those all the centres?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, even if those are the only centres, if the Agricultural Extension Officers come to your farm and you want a sample of your soil to be tested, you will give it to them and they will take it to the nearest centre. The soil will be tested and you will be told what type of fertilizer you can use in your *shamba*.

**Dr. Eseli:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to run through a whole list of centres he purports to be soil testing centres when we know them as collection centres and the soils are taken to the central laboratory? The

Assistant Minister is implying here that those are soil testing centres; they are not! They are collection centres and the testing there takes place forever!

**Mr. Deputy Speaker:** Hon. Assistant Minister, you know that you are accountable to the truthfulness of the statements you make on the Floor of the House?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I cannot and I have no any intention at any given time to come here and lie and to say anything that is not truthful. I would refuse the answer in the first place. Even if those are collection centres, their work is to make sure that what you give is taken where it is supposed to be taken and tested and you get the results.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, the Assistant Minister has spoken of a testing fee of Kshs1,000 and said that it is a small fee. Yes, that is a small fee for large scale-farmers. But the small scale-farmers for whom we represent here in the House and who are the majority of the farmers, Kshs1, 000 is everything. What plans does the Ministry have to annually, as Government, do the testing and ensure that the field extension officers advise the farmers on what fertilizers and what specific seeds to use?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, the Kshs1,000 I talked of is fees for soil testing only by KARI. Other institutions charge Kshs600 and others Kshs200. So, the fees vary from institution to institution. I also agree with the hon. Member that, if we had the money, I would have said we do it for free; but we cannot because we do not have enough funds.

**Mr. Baiya:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister did not respond to the question that Dr. Khalwale asked. Quite clearly, the hon. Member asked; what system the Ministry has to ensure that the farmer has sound timetable. For instance, when it comes to maize, you have divided the country into various ecological zones where you advise them to use specific seed varieties. Why do you not do the same way with fertilizer, instead of leaving it to individual small-scale farmers to do the soil testing for themselves?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, that is really a valid point. I would like to take and pass it to the technical officers so that we can see whether we can do that.

**Mr. Deputy Speaker:** Hon. Member for Kandara!

**Mr. Maina Kamau:** Thank you, Mr. Deputy Speaker, Sir. What is the Ministry doing to see to it that this information is given in *barazas* because most farmers in the villages attend these *barazas* and that is where they can receive this information, so that the farmers may get proper advice on the type of fertilizer to be used in different areas?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, before the current planting season started, the Ministry held over 200 *barazas* and exhibition activities which we have visited. I went to some and my colleagues went to some, the Minister went to the others and the others were attended by the directors. This is exactly the area where we are passing this information; telling farmers not just to use any fertilizer that a neighbor uses. They should make sure that the type of fertilizer they use is suitable for the soil. So, that is going on.

**Mr. Deputy Speaker:** Dr. Eseli, can you ask the last question on this. The Chair has deliberately given more leeway on this Question because of the importance of agriculture to this country.

**Dr. Eseli:** Thank you, Mr. Deputy Speaker, Sir, for that observation. It is indeed, a very sad day because, this country is starving and, we cannot produce enough maize for

ourselves. We have the potential, but this Ministry consistently supplied the wrong fertilizer and, encourages people to use the wrong fertilizer! Recently, they were giving wrong fertilizer for free; like 18460, which is a form of DAP! Where did you get the test results that showed that this was the right fertilizer?

Mr. Deputy Speaker, Sir, I would say, perhaps, this Ministry should be charged for crimes against humanity. The cause of starvation is squarely on the shoulders of this Ministry. When will the Ministry come out with clear-cut guidelines to farmers of this country as to what to plant where and with which fertilizer. That would show a lot of the policy we are having here. When is the Assistant Minister going to do that?

**Mr. Deputy Speaker:** But I thought, the hon. Member, you have information that the ecology of a particular soil might vary from one farm to the other. It does not have to be one ecological zone that may need one type of fertilizer. Under those circumstances, how do you expect, Dr. Eseli, the Ministry to have knowledge of all the zones?

**Dr. Eseli:** Mr. Deputy Speaker, Sir, I expect the Ministry to have guidelines of each zone, what fertilizer they should use and when. Like right now, in my district, Bungoma North, they should actually be liming the soil to make it less acidic. But this Ministry has got no clue even on the ground, and that is what is happening. That is why I am accusing the Ministry of a crime against humanity.

**Mr. Deputy Speaker:** Fair enough! Hon. Assistant Minister. I thought you should be asking for more testing centres of the soil. Anyway, proceed.

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, in fact, I want also to correct the hon. Member. This Ministry has done a lot. It is only that nobody is ready to appreciate. We do not only use DAP, we have 2020, and 1770. There are so many different types of fertilizer which have been supplied on that other side. But, what we are saying is that, if you are a farmer and you want to know exactly what fertilizer to use, please, do not just use any fertilizer; make sure that your soil is tested and then you will be told and advised what type of fertilizer you are supposed to use. That idea of the hon. Member saying that this Ministry is misleading the farmers is totally misplaced because we have really done a lot.

**Mr. Deputy Speaker:** Order! Order! Next Question by Hon. Peris Chepchumba! Question No.238

*Question No.238*

IRREGULAR SALE OF GOVERNMENT HOUSES

**Ms. Chepchumba** asked the Minister for Housing the following Question:-

(a) why several Government Houses meant for junior employees were sold to senior officers; and,

(b) what steps are being taken to ensure that the irregularly sold houses are restored to their rightful owners.

**The Minister for Housing** (Mr. Shitanda): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry of Housing and, indeed, the Government, is not aware of any sale of junior staff housing to any senior officer of the Government in any of the districts

outside Nairobi. The Government had indicated its intention to offload some of the non-strategic houses in 30 districts to serving civil servants as contained in a circular issued by my Ministry on 24<sup>th</sup> January, 2007. However, the sale was subsequently cancelled by the Cabinet and the process stopped in all the 30 districts. This was communicated in July 2008, by a circular, and through the Press to interested parties, particularly the civil servants. The matter was laid to rest at that stage and no Government house was sold.

(b) Following the findings of the Ndung'u Commission on grabbed and alienated Government Houses, it emerged that a number of Government houses in various town were irregularly alienated and allocated to private developers during the period of 1990 to 2002. In this Ministry's endeavor to protect public property, a few high grade houses were repossessed by way of denying the would-be private developers access to the vacant houses. These properties are still being occupied by civil servants. Repossession of irregularly alienated houses can only be legally carried out if recommendations of the Ndung'u report are implemented.

**Ms. Chepchumba:** Thank you, Mr. Deputy Speaker, Sir. Could the Minister explain why he decided to repossess a few high grade houses meant for senior civil servants and ignored the junior staff in the Ministry?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, we have not repossessed any house meant for senior civil servants or junior civil servants. What we did was to stop the sale of so-called non-strategic houses in the districts outside Nairobi. So, the houses have not been sold and they are still being occupied by civil servants. Government houses are categorised into three grades, namely; Middle Grade (MG), High Grade (HG) and Low Grade (LG). So, a junior civil servant is entitled to occupy a Low Grade house. However, where junior civil servants in some districts are occupying High Grade houses, we ask them to vacate them for the senior civil servants or ask them to pay rent that is commensurate with that grade.

**Mr. Shakeel:** Thank you, Mr. Deputy Speaker, Sir. Could the Minister tell us what action he has taken in respect to the New Nyanza General Hospital houses that have been grabbed? Those houses are occupied by doctors and the hospital's critical staff who are now being harassed. We have written letters to the Minister on a number of occasions, informing him that those houses have been grabbed by some influential people.

**Mr. Deputy Speaker:** Could you ask your question, Mr. Shakeel?

**Mr. Shakeel:** Mr. Deputy Speaker, Sir, I have already asked the question. Could the Minister tell us what action he has taken in respect to the New Nyanza General Hospital houses that have been grabbed? The doctors and the hospital's critical staff who live in those houses are now being thrown out.

**Mr. Deputy Speaker:** That is a specific question and it is not the main Question. You are not doing justice to the Question that was asked!

**Mr. Shakeel:** I had said that this is a supplementary question, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. Minister, you are at liberty to respond.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, Kisumu's case is a sad one in that a total of 170 Government houses have been grabbed. My Ministry is in the process of finding out how the titles issued to those Government houses can be cancelled. As you know, that can only be done through a court process. We are still going through the process together

with the Ministry of Lands and the Attorney-General's Office in order to have those titles cancelled so that those houses can revert back to the Government.

**Mr. Chepkitony:** Thank you, Mr. Deputy Speaker, Sir. The Minister has indicated that they have not sold junior staff houses outside Nairobi. This means that they have sold junior staff houses in Nairobi. Why has he sold junior staff houses in Nairobi?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, we did not sell houses meant for junior civil servants in Nairobi. What happened was that the Government decided to offload what we considered to be non-strategic houses in all the urban areas. Phase I involved offloading the houses in Nairobi, where a total of 1,200 mainly middle level houses were sold in estates like Rubia, Kileleshwa, Upper Hill and Westlands. In fact, the houses for junior civil servants in Nairobi were not touched. These houses are mostly found along Jogoo Road in Eastlands. These houses are still being occupied by civil servants. My Ministry is developing about 600 new housing units for junior civil servants in the Ngara area of Nairobi.

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, could the Minister tell this House the remedial action he has taken with regard to the grabbed houses as indicated in the Ndung'u Report so that Government workers do not continue to suffer?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, the Ndung'u Report has not been implemented. If you go through the Report, you will find that the recommendations that are contained therein were to be implemented by another Ministry and not my Ministry. I am also eagerly waiting for the implementation of the Ndung'u Report so that we can have the Government houses which were grabbed revert back to the Ministry.

**Mr. Mwiru:** Mr. Deputy Speaker, Sir, you will realise that most of the housing projects that the Minister has referred to are located in the major towns of this country while a number of civil servants are based in the rural urban centres. What action has he taken to ensure that those civil servants too enjoy the services of Government housing?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, we have written to the Office of the Deputy Prime Minister and Ministry of Finance to avail some funds so that we can put up houses for civil servants in all the more than 250 districts that we have now. In fact, according to the initial estimates, we require about Kshs25 billion to put up adequate houses for departmental heads in all the new districts.

**Mr. Olago:** Mr. Deputy Speaker, Sir, the Ministry is not taking any proactive steps to ensure that civil servants are protected from the grabbers of Government houses. In Kisumu, civil servants are being thrown out by the grabbers and yet nothing is happening. The Minister has said that this is happening because the Ministry is selling the non-strategic houses. The offer is very strategic in some of the institutions. What does the Minister mean by selling high grade and low grade houses because they are non-strategic and yet this is causing a lot of suffering to civil servants? What is strategic?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, houses that belong to hospitals are categorised as strategic and, therefore, are not subject for sale. We have advised the civil servants who live in those houses in Kisumu to report any cases of harassment from the grabbers. In fact, the civil servants have been advised not to move out of the Government houses they occupy but have been grabbed. We are still going through the due process of the courts to have the titles issued against those houses cancelled. I advise my friend, the Member of Parliament for Kisumu Town West to advise those civil servants not to succumb to any form of harassment from any grabber.

**Mr. Olago:** On a point of order, Mr. Deputy Speaker, Sir. It is not for the Member of Parliament to act the way the Minister has advised. Is he willing to put what he is saying in writing so that we can take action?

**Mr. Shitanda:** I can do that, Mr. Deputy Speaker, Sir.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, could the Minister tell us how much money was realised from the sale of the so-called non-strategic houses in Nairobi? Could he also tell us how affordable and adequate are the houses they want to construct for the civil servants?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, the sale of the non-strategic houses realised about Kshs1.2 billion which was used to start the civil servants housing scheme. That scheme has an asset base of about Kshs5 billion and we are putting up more houses using those funds. Right now, about 800 houses are coming up in various parts of the City.

**Mr. Deputy Speaker:** Ms. Chepchumba, ask the final question!

**Ms. Chepchumba:** Mr. Deputy Speaker, Sir, is it rational to sell houses in Nairobi which are termed to be non-strategic as per the Minister and yet the demand for these houses is high in this City?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, the demand is very high. We were trying to create "seed money" for the development of more houses. The money obtained from the sale of 1,200 houses has been used to put up about 800 houses which have already been occupied. Another 800 houses will be ready for occupation by February next year. Finally, another housing project of 2,000 units will commence in Starehe Estate. So, we were trying to use an intervention that will help us put up more Government houses.

**Mr. Deputy Speaker:** Next Question by Mr. Mututho!

*Question No.243*

TABLING OF MULTILATERAL TRADE AGREEMENTS

**Mr. Mututho** asked the Minister for Trade:-

(a) whether he could table all the multilateral Trade Agreements in force and state their long and short-term implications to Kenya;

(b) whether he could provide a breakdown of all trade tariffs under negotiations, their respective time-frames and net effects to Kenyan farmers; and,

(c) what is the status of patents in agriculture affecting pyrethrum, coffee and other industrial crops.

**The Minister for Trade** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There is only one multilateral trade agreement which is administered under the World Trade Organization (WTO) and it covers three main areas of international trade which are mainly the trade in goods, services and trade related aspects of intellectual property right, otherwise known as "TRIPS".

The short and long-term implications of these multilateral trade agreements or the sum of all those agreements can only be summarized. If I go through each of the text, I will be on this Floor for the next five years. But, allow me to summarise the broad implications which are mainly:-

(i) Increased market access and export opportunities. Within the agriculture and industrial sectors, we see potential benefits expected to accrue from the substantial improvements in market access which will ensure increased export opportunities for Kenya's agricultural goods as well as the industrial goods.

(ii) The agreement is also supposed to lead to fairer competition in the international market and the pricing of the export subsidies and trade; distorting domestic support by the developed countries will obviously lead to fairer competition to Kenyan farmers at the international market.

(iii) The third aspect is the preservation of Kenya's food and livelihood as security and rural development needs. Negotiations on agriculture are expected to address Kenya's food and livelihood security as well as the rural development interests.

(iv) On high quality and cost-effective services, in the services sector the commitments undertaken by the country will result in the provision of high quality and cost-effective services.

(v) On the prohibition of unfair trade practices, the WTO multilateral trade agreement prohibits unfair trade practices arising out of dumped or subsidized imports that impact negatively on the domestic producers.

Mr. Deputy Speaker, Sir, allow me to table the document which is the legal text of the result of Uruguay round of multilateral trade negotiations which is basically the multilateral Trade Agreement.

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

I hope that by the time the hon. Member goes through that document, he would have all the answers on the implications. After that, we can probably enter into the next level of debate.

(b) The tariffs under-negotiations at the WTO include those on agriculture as well as the industrial goods. The conclusion of the negotiations on tariff reductions can only be achieved if all the tariffs are eventually phased out. At this juncture, let me point out that there are thousands of tariff lines and if we were to table them, it is a huge documentation. Most of the information is in the document that I have tabled.

Mr. Deputy Speaker, Sir, the tariffs that are being negotiated have different effects to Kenyan farmers, depending on how you view them. From an import point of view, once the tariffs are lowered, the country's agricultural goods will be exposed to international competition but Kenya would not be adversely affected by tariff reductions in agriculture since about 50 per cent of the country's agricultural products would be designated as special products due to their contribution to food and livelihood security as well as rural development concerns. These products would also not be subjected to tariff reductions.

In addition, the Government, through the Vision 2030, is also emphasizing on value addition and improving competitiveness in Kenya's products. From an export point of view, when the tariffs are lowered in the export market of Kenya's interest, protection in these markets will be reduced and thereby, leading to increase in Kenya's agricultural exports. Tariff liberalization will, therefore, result in enhanced market access in our export market due to reductions in high tariffs as well as tariff escalation. Tariff reduction within the export markets where Kenya enjoys preferences, for example, within the

European Union (EU) and the United States of American (USA), i.e., what we negotiated under the Economic Partnership Agreement for the EU and the African Growth and Opportunity Act (AGOA) will affect the country negatively. Tariff reductions in these countries will expose Kenya's exports to competition from more efficient producers particularly, from the new emerging countries of Brazil, India, China and Russia. Kenya and other preference receiving countries particularly, within African, Caribbean and Pacific region, are, however, actively negotiating for provisions to cushion them against the negative aspects and effects of the preference erosions.

(c) I would like to state broadly that every patent affects the field in which it belongs as long as the owner of the patent is working on it. Even patents that are not directly related to agriculture could impact on agriculture because they could be using agricultural products as raw materials and could be means of processing agricultural products or could impact on environment that could affect agriculture. So, what we have attempted to do is to extract those patents in agriculture that affect pyrethrum, coffee and other industrial crops as we understand it. I would like to table that list for hon. Members to peruse.

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

That is all I have to say in response.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair in this matter because as you can see, those agreements, tariffs and patents form a huge amount of reading. Now that we have the documents, could I be in order to request that the Question is deferred for about a week so that I can have time to, at least, digest it? Even if I peruse through the documents, I will only see international companies. This means that we have already mortgaged our rights on pyrethrum or all these things if they are the ones which are very important. So, could I be in order to request you to defer this Question for seven days so that I can be able to respond appropriately?

**Mr. Deputy Speaker:** Hon. Mututho, your request cannot be granted by the Chair. This is a Question. If you wanted an elaborate, in-depth and participatory debate on this thing, you would have come in another form. You can bring it in form of a Motion, where you will have ample time to interrogate this and do the kind of research that you need to include what you have to study now. The presumption of the Chair is that when you are asking this Question, this is a public document. It is not a document that is only in the domain of the Government. You should have made the efforts to be able to acquaint yourself with the content of it. But nonetheless, the Minister will have to answer it. If you have supplementary questions, you can now ask.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, Ruiru 11 is a variety of coffee that has been exported from Kenya to Rwanda. Pyrethrum is also now being grown in China. They are outdoing our own market. Are we getting any royalties because these are Kenyan products based on patents in force?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, you will appreciate that is a totally different question that I will need to consult with the Ministry of Agriculture in terms of where they are on the Ruiru 11. Also, I would like to consult with them in terms of what agreement there is between Kenya and Rwanda; Kenya and China in terms of the technology transfer before we just reduce it to a commercial transaction.

**Mr. Deputy Speaker:** In the same vein, hon. Minister, we do not trade with a lot of products in this country. We are an agricultural country that exports its tea and coffee. Ideally, as the Minister for Trade, that is the information you should have on your finger tips.

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, I am aware that the exportation of the technology on the Ruiru 11 is part of a technology transfer rather than a sale of Kenya coffee grown under the Ruiru 11 technology. So, we are talking of two different things. The sale of coffee grown under Ruiru 11 technology is part of trade. The use of technology to grow Ruiru 11 seedlings in Rwanda, China and other places is part of technology transfer. It is not a sale of our seedlings. It is not part of trade. It is part of the technology transfer. Those are captured under different regimes.

**Mr. Mututho:** On a point of order, Mr. Deputy Speaker, Sir. I hope I will be useful to the Minister to inform him that coffee can be grown even around the Coast Province. But the difference between coffee and coffee is the location under which that coffee is grown. When Ruiru 11 is grown in Rwanda, it will have the taste of that coffee which is the same one in Kenya. That means we have already lost our rights for that particular aspect. All the coffee that we will sell under Kenya, we will have now to pay royalties to Rwanda. The pyrethrum now being grown as a short crop in North China is the same crop that we have here. The net effect of it is that we will now have to pay royalties to China, so that we can sale our pyrethrum. What is the Ministry doing to make sure that all these patents are securely in place? Is the Minister in order to continue responding to this while he admits that he does not have enough ammunition to respond to all these issues?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, I have clarified the distinction between the aspect of the research and its application in China, Rwanda and all other countries that are growing the same variety of Ruiru 11 as, indeed, other products developed elsewhere are being grown here. That is a totally different thing from trading in the same products. Trading our coffee is my primary concern. Where China sells its coffee, it is their concern. Where Rwanda sells its pyrethrum, it is their concern. My concern is to ensure that we have as much of Kenyan coffee being traded on the international market, and as much of Kenyan pyrethrum being traded on the international market. The sharing of technologies between different countries does not fall under the mandate of the Ministry of Trade. That is why I would have wanted to consult further with the Ministry of Agriculture to see whether there is any agreement in terms of the sharing of the proceeds of sale of products originated here and being grown elsewhere.

**Mr. Twaha:** Mr. Deputy Speaker, Sir, the short and long term implication of this is on trade agreements. The main thing that rich countries prevail upon us to do is to open our markets for their goods and services. They have a comparative advantage in producing industrial and agricultural goods whereas Kenya is very efficient in producing children. Could the Minister assure this House that in the next round of trade negotiations, he will press for those developed countries to open up their labour markets, so that our children can go and work there because we are opening our markets for their goods and services?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, indeed, that is what we are pushing for under the current negotiations. At the end of this month, we will be at the next Ministerial meeting looking at this issue. Kenya has been a very active participant in the

negotiations; basically, our major concern has been how we can enhance in terms of goods and services access to other countries. We are trying to force them to open more, especially to the developed countries, while we also shield ourselves from the negative impacts of the wider liberalisation.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I want to appreciate the Minister. This is a fairly technical Ministry and I want to thank him for the way he has grasped the issues there. But the concern that we have as Kenyans is that there are many tariff negotiations, particularly in agriculture. What is the capacity of this Government to negotiate? I know for a fact that when we go for the negotiations, and I am a fairly technical man in that area--- Let me not boast here. A country like the USA would send 40 negotiators to negotiate one tariff agreement. But you will find that Kenyan sends very few people, if at all. In fact, we have very few people posted to our embassy in Geneva for the purpose of the World Trade Organization (WTO). I want to ask the Minister whether we have the capacity and whether he has actually put it in the Budget to deliberately develop capacity. Do we have enough people being given scholarship to train in international trade and development? Do we have this facility? Has he thought about this because we do not want our country to continue being disadvantaged? So, where are we in terms of development of capacity?

**Mr. Kimunya:** Thank you, Mr. Deputy Speaker, Sir. That is a very valid question and concern by the House.

Mr. Deputy Speaker, Sir, let me just start by saying that we actually do have limited capacity on the ground, partly because of budgetary constraints and also because of the protracted nature of the negotiations. And it is not a problem that is unique to Kenya; it is a problem that has been shared by all the developing countries. The developed countries have the capacity, the time and the resources and whether it is part of their deliberate way of winning over the negotiations by stretching out our limited resources, but we have taken the route of negotiating together within the African group. Just two weeks back, we had a meeting in Cairo to work out the African position. As I speak here today, there is a meeting going on in Brussels, which is now bringing together all the African, Caribbean and Pacific Countries again to agree together, because our problems are similar and share out our limited capacity by putting it out together so that no single country is actually negotiating individually but negotiating as a bigger group; the developed versus the developing and least developed. For now, that is the most we can do. I do agree there is need to build that capacity and we have been pressing our case to build that capacity and we do hope with the support of this House, we will actually have more funds allocated to develop that capacity for negotiation.

**Mr. Deputy Speaker:** Hon. Mututho, ask your last question!

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

What is your point of order, Mr. Mungatana?

**Mr. Mungatana:** I am sorry, Mr. Deputy Speaker, Sir, but the Minister has not addressed the Kenyan capacity. Specifically, when we were in class of the international trade and development law at the masters' level, none of those people were sponsored by the Government. Has the Minister considered doing this? It is a very direct way of developing capacity for Kenya, because you cannot compare the Kenyan economy with

the rest. Why has the Minister not just done a simple thing like saying: We will produce three scholarships for LLM students in this area? Can the Minister consider this? It is a small thing.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The Minister said if you vote for sufficient resources, he will be able. But, then, you need to make a firmer undertaking on this one, because it is a serious issue.

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, like I said, we are addressing the issue of capacity. We have identified their needs and we are doing it through a series of ways. There is something we are doing as Kenya; there is some capacity we are building at the East African Community; there is some capacity we are building as COMESA; there is some capacity we are building as the African Council of Ministers and there is some capacity we are building at the ACP, so that we have different levels of building that capacity. As Kenya, I believe right now, we have some very competent staff in Geneva who are actually being looked upon by the other countries to help them in the negotiations. So, we are not doing that badly in terms of the capacity, but we need to build a bigger pool of negotiators than the current few that we have. Obviously, the suggestion by the hon. Member will come in handy in the future.

**Mr. Deputy Speaker:** Hon. Mututho, can you ask your last question?

*(Dr. Khalwale stood up in his place)*

Hon. Member, are you on a point of order or do you want to ask a question?

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I want to ask a supplementary question.

**Mr. Deputy Speaker:** You know that this Question has taken too long, but proceed!

**Dr. Khalwale:** Thank you, Mr. Deputy Speaker, Sir. In part “a”, the Minister was asked to table all the trade agreements and he has given us only one and yet Kenyans know that among the East African Community countries, we have a trade agreement where, in fact, Kenya has given in serious concessions leading to trade asymmetry between Kenya, Uganda, Tanzania and the others – Rwanda and Burundi. Could the Minister tell us the implications of this trade asymmetry that does not favor Kenya, given that now, Uganda has joined Tanzania in Tanzania’s reluctance to move towards the Customs Union, which was a reason why Kenya was giving those concessions in the first place?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, just to clarify, there is only one multilateral trade agreement; there is only one – that is the one being administered by the World Trade Organization (WTO). The agreement the hon. Member is talking about is the bilateral or the regional economic agreements, like we have for the EAC, which basically is captured within the East Africa Customs and Management Act and what will, eventually, in the next two weeks or so, as we launch the Common Market for East Africa--- So, that is a totally different thing. It is, therefore, not just for trade; it is a whole issue of the economic agreements between the East African Community countries and, indeed, the neighbourhood.

But coming to the next point, Mr. Deputy Speaker, Sir, I do not believe – and I want to clarify this - that, one, Tanzania has not been reluctant to join the Customs

Union. Indeed, Tanzania has been one of the biggest supporters of the integration of the East African Co-operation. Quite contrary to what has appeared in the Media at times, Tanzania has been very supportive and continues to be very supportive, especially being the seat of the East African Community. Uganda has been very supportive and, indeed, most of the negotiations on the Common Market have actually been taking place within Kampala, with President Museveni coming out very strongly in support of the EAC and integration. So, I do not believe any of the countries has been faltering or stepping aside in terms of the full integration, which we expect to achieve by the 20<sup>th</sup> of November, this year, which is just in another eight days. From then on, we will just be one giant trading block.

**Mr. Deputy Speaker:** That is fair enough!

Hon. Mututho, can you ask your last supplementary question on this issue?

In the meantime, I think, Mr. Minister, it would be fair that you also honor your undertaking that you are going to liaise with the Ministry of Agriculture on the issue of the concern that was raised by hon. Mututho for the benefit of the House.

**Mr. Mututho:** Thank you, Mr. Deputy Speaker, Sir. The patent that you have given us; 125 which, I believe, you are the one who may have granted or if you were still in office in 2008, is to accompany in the USA, in the document that you have tabled and this is to do with insecticidal formulations. There is also 237, which is also having the same effect and it is just 2007.

Mr. Deputy Speaker, Sir, can he confirm that these two particularly do not touch on the already existing patents which are in the process of being prepared by the Pyrethrum Board of Kenya (PBK) and that we have not lost the patent of pyrethrum through these two patents?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, based on the information I have, I can confirm.

**Mr. Deputy Speaker:** Next Question---

Hon. Questioner, I understand that the Minister has indicated that he will not be in today to answer the Question and that he has communicated the same. There seems to be an understanding between you both. Can you confirm that?

*Question No.254*

ESTABLISHMENT OF HIGH COURT IN NORTH EASTERN PROVINCE

**Mr. Affey:** Yes, indeed, Mr. Deputy Speaker, Sir, I can confirm that the Question will be answered on Thursday, next week. But I just want the Minister and the Government to be aware that there is no High Court in North Eastern Province. The answer he had given---

**Mr. Deputy Speaker:** Under the circumstances, the Chair directs that the Question appears on the Order Paper on Thursday afternoon, next week!

*(Question deferred)*

**Mr. Deputy Speaker:** Let us go back to the first Question!

*(Dr. Machage stood up in his place)*

**Mr. Deputy Speaker:** Order! Order, Dr, Machage! Order! Hold your horse, Dr. Machage!

Question No. 280; hon. Ombui!

*Question No.280*

NUMBER OF CLASSIFIED/TARMACKED ROADS IN BORABU DISTRICT

**Mr. Deputy Speaker:** Is hon. Ombui out of the country on parliamentary business by any chance? It is not to the knowledge of the Chair.

The Question is dropped!

*(Question dropped)*

*Question No.454*

CRITERIA FOR SUPPLY OF ELECTRICITY POLES TENDER AWARD

**Mr. Deputy Speaker:** I thought I saw hon. Mbugua?

**An hon. Member:** Yes, he was here!

**Mr. Deputy Speaker:** He has decided not to ask the Question? Does he know the consequences of not asking a Question after having a Question appear on the Order Paper

*(Mr. Deputy Speaker consulted with the Clerk at the Table)*

Order! Order! It has been brought to my attention--- You should have stood in your place and indicated the same! I am told that hon. Ombui is out of the country on official parliamentary Business in Singapore. For that reason, Question No. 280 is deferred to a date when he will be around himself. And I hope the Minister takes note of that!

*(Question deferred)*

Next is Question 454 by Mr. Mbugua!

There is a relevant Standing Order that will help me give a ruling on the matter of Question No.454

*(Mr. Deputy Speaker consulted with the Clerk-at-the-Table)*

Hon. Members, Standing Order No.46 clearly states:

“It shall be disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a Question listed on the Order Paper without the leave of the Speaker.”

It is apparent that hon. Mbugua knew that this Question is on the Order Paper. He, indeed, appeared in the House and the Chair took note of that. Is that also shared by hon. Members?

**Hon. Members:** Yes!

**Mr. Deputy Speaker:** Actually, he was here. Under the circumstances, the Chair will meditate and decide on what action to take against the said hon. Member. The decision will be communicated from the Chair.

In the meantime, we will proceed to Question 196 by Jeremiah Kioni.

*Question No.196*

DISMISSAL OF MR. JOHN WACHIRA KIHIA

**Mr. Deputy Speaker:** Indeed, there is communication with us that the Minister and the Assistant Minister will both be out. It is not, therefore, the mistake of hon. Kioni for this Question not to be asked today because this information has been communicated to him. Under the circumstances, this Question is deferred to a date when the Minister will be in a position to answer it.

*(Question deferred)*

**POINTS OF ORDER**

FREEZING OF GOK ACCOUNTS AT CROWN AGENCY  
BANK IN LONDON

**Mr. Affey:** Mr. Deputy Speaker, Sir, I rise to seek two Ministerial Statements. I seek the first one from the Deputy Prime Minister and Minister for Finance on the circumstances surrounding the Freezing of 11 bank accounts at Crown Agency Bank in London on 23<sup>rd</sup> October, 2009 following a court order.

In that Statement, I would wish the Minister to respond to the following clarifications: How much money is held in these bank accounts? For what purposes did the Government put that money there? Which companies have taken the Government to court? Why did they find it necessary to go to court? I would also like him to reassure the country that the Kenyan High Commission in London will not be threatened by any such court action(s) emanating from these cases.

DECONGESTION OF TRAFFIC IN NAIROBI CITY

I seek the second request for Ministerial Statement from the Minister for Nairobi Metropolitan Development on the steps he is taking to decongest traffic in the city of Nairobi. What possible obstacles is he facing in his efforts? When does the Minister intend to table the Bills establishing the relevant bodies to facilitate the provision of better services for the residents of the metropolis?

**Mr. Deputy Speaker:** Can you make an undertaking, Mr. Ojode?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I undertake to inform the respective Ministers. The Statements will be ready on Thursday, next week.

Mr. Deputy Speaker, Sir, I promised on Tuesday, this week, that I would be issuing a Statement which was sought by hon. Mungatana. We have since agreed with him that I issue this Statement next week on Thursday.

**Mr. Deputy Speaker:** Hon. Mungatana, is that the state of affairs between yourselves?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I confirm that it was supposed to be Tuesday, next week because the Government Ministers should be back by Monday, next week. I thought it was to be given on Tuesday.

**The Assistant Minister, Ministry of State for Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I wanted to issue the Statement on Thursday, next week because I will be out of the country. If he wants it issued on Tuesday, whether I am in or not, then, that is fair enough. I do not have any problem with that. I will be out of the country until Thursday, next week.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. I am just seeking clarification on the issue of a Member and a Minister agreeing. I thought when a Member seeks a Ministerial Statement and the Minister undertakes to issue the Statement, it is to the House and not to the person who sought the Statement. Therefore, it is not for the two of them to determine whether it should be changed!

**Mr. Deputy Speaker:** Mr. Imanyara, it is understandable, but it is also the tradition of the House that the indulgence of the Chair is sought. It is presumed that the hon. Member really wants the Statement. The Assistant Minister is willing, but there is an understanding between them that, essentially, the Assistant Minister should be given more time. There is some leeway and it is nothing out of the tradition.

However, as you put it, this is the property of the House and it is important that Ministers take this with all the seriousness that it deserves. Under the circumstances, it is directed that the Statement be issued on Thursday, next week.

## MOTION

ADOPTION OF SESSIONAL PAPER NO.2 OF 2009 ON  
NATIONAL POLICY ON OLDER PERSONS AND AGING

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

*(The Assistant Minister for Gender, Children and  
Social Development (Mr. Keya) on 11.11.2009)*

*(Resumption of Debate interrupted on 11.11.2009)*

**Mr. Deputy Speaker:** Hon. Affey, you were on the Floor. You have 16 minutes to conclude your contribution.

**Mr. Affey:** Mr. Deputy Speaker, Sir, yesterday, as I was contributing to this Sessional Paper, I said that it is critical that we fast-track it. I thank the Government for thinking about it. I said that this policy ought to have been in place a long time ago.

The senior citizens of this country, to whom this national policy will accrue benefits, are an important component of our society. We are lagging behind in this region in this regard. Quite a number of countries in the East African region and beyond have already developed this kind of policy. I happen to belong to the Departmental Committee on Equal Opportunities and I hope that the Minister will give us an opportunity to consult with them before the Bill is brought before the House. Through this House, I would like to urge those Kenyans who want to inform the Bill in a positive way to write to Parliament and seek audience with us so that we can empower it. The idea behind this Bill is to help the elderly in our society.

Officials from Rwanda, a country which has just emerged from the effects of genocide, came to Kenya and, in fact, visited the National Hospital Insurance Fund (NHIF) to determine how it works. They have gone a step further than us by giving a universal health cover to all Citizens in that country. That is matter we are still grappling with in this country.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, it is sometimes painful for a country like ours in this region, which is expected to play a leading role in most of these activities, to begin to learn from countries that have just emerged from civil wars and difficulties associated with conflict. So, I wish the Minister could also invite his counterpart in Rwanda to understand how they have done it successfully there. Rwanda is a case study to look at very carefully.

On the issue of the age bracket, even though it is universally accepted that the entry point is 60 years, in Kenya, we have people who retire at the age of 60 years. It is imagined that at the age of 60 years, one is still strong. So, there is a kind of contradiction in this case. Initially, the retirement age in Kenya was 55 years but the Government has since reviewed it to 60 years.

Mr. Temporary Deputy Speaker, Sir, in this Policy Paper, the Minister is saying that if you reach 60 years you are old, and that you cannot work and yet the Government has pushed the retirement age to the level of people who are supposed to benefit from this kind of scheme. So, it looks like there is some contradiction. However, I wish that the Government fast-tracks this policy and brings a Bill for this House for discussion because the elderly people in society have got substantial challenges.

I hope that as the Ministry brings the Bill to Parliament, it will undertake a study in all the provinces in the country and do a mapping of the actual number of older people above the age of 60 years. We need to have that data through the Ministry of Planning, National Development and Vision 2030, so that as we discuss the Bill, we will be able to understand what number of the Kenyan citizenry we are talking about. We need to

establish their percentage and know whether the monies we are going to give them are sufficient.

Mr. Temporary Deputy Speaker, Sir, the other day the Prime Minister rolled out a plan to help people in this category, living in Nairobi. There is need to expand this programme to cover the whole country because elderly people live in all parts of the country. That way, elderly people in North Eastern, Coast and Nyanza Provinces, as well as those living in all other provinces of Kenya, aged 60 years and above, can enjoy this comfort from the Government.

The Government must also consider engaging elderly people in our society. These people are a reservoir of knowledge, experience and patriotism that might even be lacking in the younger generations. They have it because they have seen it all. There is need, therefore, to organise them in the provisional settings and use them to resolve conflicts and mentor the younger generations. If we do not give them attention, or we fail to support them in meeting their nutritional and medical needs, we will lose a very important asset.

Mr. Temporary Deputy Speaker, Sir, some of these senior citizens can even come and sit in the Senate, if the expected new constitution provides for that organ. Some of them are retired Permanent Secretaries, retired Ambassadors, or even retired politicians, who can be re-utilised to play a very substantive role. So, we need to have a very deliberate policy of taking care of them in all ages. It is very apparent that there is a silent understanding between a child and his father: For the father to take care of the child when the child is young, and the child to take care of his father when the father is old.

This is not stated anywhere. It is a very silent understanding. Everybody wishes the best for his parents. If your parent is old, you would want him to have very good medical care and live in a very good environment. The same should be for other elderly people in our society.

Mr. Temporary Deputy Speaker, Sir, without belabouring the point, I strongly support this policy. I urge the Minister to appear before us, so that we can enhance this policy and develop it into a Bill, so that he can bring it to the House for adoption.

With those remarks, I beg to support.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, thank you so much for giving me the opportunity to also contribute a little bit to the National Policy on Older persons and Aging.

I want to thank the Minister and join those who have congratulated her for bringing this policy to the Floor of the House at this time. I want to agree with those who have said that this policy ought to have come to Parliament a little earlier because the population of Kenya is aging.

More people are growing older and it is like we have not been prepared to take care of them. The strength of any society is judged by how well it takes care of its most vulnerable segment. The older people in our society are amongst the vulnerable segment. I want to thank the Minister because she has particularly specified the Ministry of Medical Services on page 10 of this Policy Paper, even though the relevant paragraph does not really say much. So, I would just propose a bit of enrichment to this paragraph.

When I used to serve in that Ministry, we had specific policies that were children-friendly, including the policy of free immunization of children, and free treatment of malaria for children under the age of six years, amongst other policies that helped and

encouraged society to take care of that vulnerable segment of society called “children”. Today, every District Hospital has a Paediatric Wing.

Therefore, if we are to make this policy a reality in Kenya, we need to set up specialised departments to take care of the medical needs of old people. Care of the old people is something that is completely lacking in Kenya. Today, only wealthy Kenyans are able to get specialised care for some of their medical needs through nursing undertaken by private practitioners, who visit their homes to inject them with insulin, do some physiotherapy on them, administer on them certain necessary drugs, make sure that they take their vitamins, or take care of them when they become forgetful about taking their medication.

For the aged people in the villages we come from, there is no such arrangement. That is why I am specifically proposing, in order for this policy to benefit the people who elected us to this House, and to whom we go for blessings when we seek electoral offices, that we should create special wings for the elderly people in every District Hospital, just like we have Paediatric Wings. This is one very practical way to ensure that the Policy gets to the people who need it most.

Mr. Temporary Deputy Speaker, Sir, in terms of social welfare programmes, I also see a paragraph in this Policy Paper that has mentioned old people. But, again, there is no practical thing that has been put down in order for this policy to make sense to the people in the village from my constituency in Garsen. An ordinary Pokomo, Orma or Wardei man from my constituency would graduate into adulthood and then into the council of elders. The only thing they would be doing is to decide on cases of social nature that are brought to them or to their attention when they sit as the GASA or other elders to determine social issues. However, there is nothing you can say is a deliberate Government programme to engage the old people.

There is no particular suggestion under the social welfare programmes that the Ministry has come up with. I suggest that in terms of making this policy a reality on the ground, I propose that in every constituency, we should have not only district hospitals or constituency based healthcare but also an old persons’ home.

Mr. Temporary Deputy Speaker, Sir, I used to see some old persons’ homes *ama Nyumba ya Wazee* which were run by catholic missionaries in Mombasa where we used to live and in Nairobi. The old persons’ homes have people who are trained. They live there and have games that occupy the old people. They have sedentary activities that occupy the old people. They have days when they arrange for them to be visited by children from schools and people from other places. This is done specifically in coordination with the Ministry of Education. I remember when I was in high school I was fortunate to be in a school that was concerned about such activities. They impressed those values upon us as youngsters.

On Tuesdays we used to be asked to visit a home of the aged. We had to specifically hug and listen to some of their stories. It was a very nice experience. I propose that in order for this policy to be a reality, in every constituency, we should have the Government spending money on *Nyumba ya Wazee* which is constituency-based and run from this Ministry. It will have the capacity and all the things I have talked about. I am glad the Minister is listening to me.

Mr. Temporary Deputy Speaker, Sir, the third and probably final thing that I want to mention is about the family. We know traditionally that the family has been the

primary caregiver to the old people. For those of us like other hon. Members, people my age and myself who may have the fortune of having their parents still alive, we know that it is our primary responsibility to take care of our parents. However, it would be good to note that in the coming years and with the generations that we are bringing up, our children, for our generation, we know that we have to take care of our own insurance arrangements because we do not know how these children are coming up.

Looking at 2025, 2030 or 2040, if we will still be there, the generation that is coming up is more westernized and probably not like our generation. It would be very useful to make practical suggestions that would help someone know that if you stay with your mother or if you can prove that you are taking care of your father, then you get a certain benefit from the State. This is a practical way that will ensure that a child who goes to live in Nairobi and I am retired back in Garsen, will have a desire to try and take care of me. This is where, as a practical measure, I am proposing that any family unit that will prove that apart from being husband, wife and children, they are also taking care of the parents, should have a clear tax incentive. I am thinking of tax relief measures that should be given to such families that are able to declare and show practically to the Kenya Revenue Authority (KRA) that, in fact, we always transfer money to our parents and we are practically taking care of them. This would create a sense of responsibility in a practical manner. The Government can even be able to account, in a practical manner, how much money is transferred by way of support to the aged, just the same way we account for the monies sent from the diaspora.

Mr. Temporary Deputy Speaker, Sir, I think in general, this is a good policy and without belabouring what other Members have already said, I want to give my wholehearted support to this policy. I would like to congratulate the Minister again for thinking about it. I would also like to support Mr. Affey who said that the Bill should be brought here. We need a Bill that will create some of these things that we are suggesting in a practical manner, so that it becomes law. We can then be able to say that 40-plus years after Independence, we have been able to take care of one of our vulnerable segment of society. Therefore, we are developing.

I beg to support.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy, Sir, I want to support this National Policy on Older Persons and Aging. I am speaking after my former Assistant Minister, Mr. Mungatana, who has made a wonderful contribution which I listened to while coming in here.

I have come specifically to speak on chapter three of the National Policy on Older Persons and Aging, related to health and active life. This is really the first time that the Government is coming out very explicitly to support old persons in a policy document that I hope will be reduced into law to guarantee old persons proper healthcare and services.

Mr. Temporary Deputy Speaker, Sir, if you look at all insurance companies in this country, except for the National Hospital Insurance Fund (NHIF), you will realize that most of them will not cover an individual if he or she is not working in paid employment once he or she is over 70 years old. If you went and sought to take up an insurance policy, you will find that it is so expensive that it becomes counter-productive to be insured, if at all an insurance company is willing to give it. This means that when old people are admitted to hospitals, the bills that they pay are prohibitive.

Mr. Temporary Deputy Speaker, Sir, this is what I call age discrimination. It is age discrimination in the sense that somebody lives to over 60 years; during those 60 years, he contributed productively to the life of the society.

Mr. Temporary Deputy Speaker, Sir, we must realize that our African societies which had in-built mechanisms for taking care of old age have rapidly changed in the last 60 years. Societies are highly urbanized. Children stay in urban centres, in paid employment while their parents stay in rural areas, seeking lives as peasant farmers, or as retired civil servants. In those rural areas, there are not always facilities to provide proper health care for everybody. An elderly person depends on the younger persons who are their offspring to remit money to the rural areas to take care of them. That is the only insurance they have. In many cases, this insurance is not enough because the cost of health care, particularly private health care, is very high.

Mr. Temporary Deputy Speaker, Sir, at the moment, we are working on a social health scheme. Just this morning, I met our team working on health financing, preparing a position paper to be presented to a meeting in the Prime Minister's office under the auspices of the National Social and Economic Council, to look at the issue of health financing. A component of that health financing is social health insurance. What we are proposing as social health insurance is to insure people; either from their paid employment or purely as individuals, so that they can have access to health care.

I am very happy to see that one of the principle objectives of this document is to promote individual responsibility to lifelong healthy life. Promote responsible and positive living, particularly among the youth and in childhood, expand and enhance community based health services and empower communities to take care of the of their older persons' health needs, increase accessibility to appropriate health services and facilities, encourage and support research in relation to health and ageing and, among other things in terms of strategy, legally constitute and guarantee older persons rights to appropriate health care.

Mr. Temporary Deputy Speaker, Sir, I hope that private insurance companies take that strategy seriously. That it is the responsibility of the Government to lay down the regulatory framework that will require that anybody offering insurance should not discriminate against old age. That phrase legally constitutes and guarantees older persons the right to appropriate health care. This must be underlined. If an older person chooses to take up health care insurance from a private insurance provide, he should have a right to buy that insurance. There should no funny little process in that insurance document discriminating against the older person.

Secondly, as we go towards the older age, and that is why my friend, Mr. Mungatana is luckier than I am, he still young. He may not been feeling these things much more personally than I am. Old age infirmities begin to set in. You do not know how effectively your heart is going to beat until you are 80. It may slow down. You do not know how well your kidneys will be performing, they may equally slow down. So, certain ailments which are associated with old age begin to set in. When they set in, and insurance companies begin discriminating against covering those diseases, this is called age discrimination. We, as a Government, must put down a legal framework that stops anybody from refusing or failing to cover old age ailments because, as it were, they are expensive. It is again our responsibility as a Government to ensure that treating of these ailments is not expensive.

Currently, in India, and I have just been to India a couple of weeks ago. I visited several hospitals in New Dheli, Hyderabad and Bangalore. My take is that in India you can have haemodialysis for anything between Kshs1,400 and Kshs1,800. Here in Kenya, haemodialysis cannot cost you less than Kshs9,000. There are only two places where you can have haemodialysis much cheaper. That is at the Lions Hospital in Loresho where, because of their humanitarian concerns, they will give you dialysis for about Kshs4,000 or less. Again, at the Mary Hill Hospital in Eldoret, where the proprietor of that hospital has brought in dialysis machines less costly and is offering that service for much less than Kshs8,000. Elsewhere, because of the monopoly of dialysis machines by a few facilities, it can cost you a lot, especially if you are to dialyze once weekly or even more frequently.

Mr. Temporary Deputy Speaker, Sir, diabetes is a life-threatening ailment. Nobody invites diabetes to visit them. Sometimes it is as result of lifestyle or old age. I am determined as the Minister for Medical Services to ensure that these dialysis machines are available in Government hospitals from the sub district hospital upwards, so that their scarcity does not lead to their being costly when dialysis services are offered to Kenyans.

Again, I notice in terms of strategy that this document says the National Hospital Insurance Fund (NHIF) is to be transformed into a national health insurance scheme that covers all Kenyans within which older persons should be non-contributory members. This is right spot on. We are making proposals to the Government to amend the NHIF, so that it can cover non- members. At the moment, there is what I call special members. On the 30<sup>th</sup> of November this year, I will be launching in Mumias, the first trial of NHIF covering out patients. This will be carried out in about 12 facilities, some in Mumias, some in Nairobi, for a period of two months so that we can learn, through experience, how we can extend the services of NHIF to out-patients. We shall also, through that experiment, see how we can cover non-contributory members, particularly the poor. Fortunately, some of our development partners have agreed to contribute to the coverage of non-contributory members, before we change the law. Sometimes non-contributory members are called indigents. Those who cannot afford will be covered by the Government.

Mr. Temporary Deputy Speaker, Sir, when this Bill comes to Parliament for establishing a comprehensive social health insurance scheme, I appeal to members to give it full support. I know that when this was tried in 2005, the President did not sign it into law for two very good reasons.

One reason was that the proposal was to make the Social Health Insurance Scheme compulsory and this was resisted by employers who already were giving insurance to their members. That is quite understandable. Secondly, there was not very good provision on how the Government was going to cover the poor. Thirdly, it was not very clear, at that point in time, how the scheme was going to be implemented progressively until it covers all Kenyans.

Mr. Temporary Deputy Speaker, Sir, this time, after very careful preparation, one, we are intending to extend it, as this Policy Paper here says, to all Kenyans progressively, with the idea that by the year 2017 we shall have covered the majority of Kenyans. Secondly, with regard to the poor, the Government is going to take up the commitment to

set up some resources, to put at the disposal of the Social Health Insurance Scheme, to pay for extending the services to the poor.

Thirdly, and this is why I am appealing to the House and Kenyans as a whole, at the moment I contribute Kshs320 per month to the National Hospital Insurance Fund (NHIF) and my driver contributes the same. This is not equitable, because my income is much higher than that of my driver. From Sessional Paper No.10, this nation committed itself to the philosophy of mutual/social responsibility; in other words, that we must be our brother's and sister's keepers. So, if I have more money, I should bear more social responsibility of extending health care to the poor than my driver who earns less. We are also proposing in the new policy to contribute to the Social Health Insurance Scheme in terms of a graduated contribution based on a percentage of one's salary, so that if I pay one per cent, one per cent of my salary is very different from one percent of my driver's salary. In other words, I will pay more in terms of shillings and cents than my driver. In that regard, because I know that I am covered by AON Minet, I will cede my contribution to the Social Health Insurance Scheme to cover the poor. In other words, we intend to remove the proposal by health providers; that when I am sick in hospital and I am a contributor to the Social Health Insurance Scheme and I am also covered by AON Minet, they will first take some money from my contribution to the Social Health Insurance Scheme before they take something from AON Minet. If I am covered by AON Minet, I should be covered by them fully when I am at Nairobi Hospital and I leave my contribution to the Social Health Insurance Scheme to be used by the poor. I think this is what is called mutual/social responsibility.

Mr. Temporary Deputy Speaker, Sir, I would like to give this document my full support and that of the Ministry of Medical Services. I would also like to appeal to Kenyans; that there is nothing more important than taking care of the health of the people. Somebody once said: "We may think that education is expensive; try ignorance." We may think that paying for insurance is expensive, try doing without it and then we end up where we are today. When people are sick at the Kenyatta National Hospital (KNH) you and I are called upon to go to *harambees* and contribute towards their hospital bills. We end up spending more money out of our pockets to redeem sick people in hospitals. The tragedy goes further; that when they die, we are equally compelled to organize *harambees* at Garden Square to raise money to redeem dead bodies from the City Mortuary, where even as I speak today, there are many more bodies which have stayed there longer than they should because they have not been paid for.

Mr. Temporary Deputy Speaker, Sir, I intend to approach the Mayor of Nairobi City Council together with the authorities of KNH, so that before Christmas this year, any body which lies at the City Mortuary or the mortuary at the KNH, should be released to their relatives, so that we stop the unnecessary congestion at the mortuary at KNH or the City Mortuary. This is because it is counterproductive to pile dead bodies at the City Mortuary and make it almost impossible to be managed, because bills are not paid. The longer they stay there, the more expensive releasing them becomes.

Mr. Temporary Deputy Speaker, Sir, I have been extremely agonized by reports at the KNH as well as Pumwani Maternity Hospital. We have many patients who have been cured and treated but they cannot go home because they cannot pay their bills. That is the more reason why we should be in a hurry to enact the Social Health Insurance Scheme, so that we do not meet the travesties in our health facilities.

Mr. Temporary Deputy Speaker, Sir, without much ado, I beg to fully support this Policy Document.

**Mr. Musyimi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I, too, beg to support this Motion. I think this is a very noble policy and one that deserves our full support.

Every once in a while, my mind goes back to words spoken by the former President of Zambia. He came to Kenya after retiring and I remember an interview by one of the newspapers. He was asked what was the one thing that he regretted, that given another chance, he would have done differently. He said: "The one mistake that I made in Zambia as President was, instead of subsidizing production, I had a policy of subsidizing consumption." What does that tell us? It tells us that it is important to take care of the old and young and also have a very clear social policy to support those that are vulnerable. But it is even more important, as a country, to make sure that we invest even more in production and not merely in anything that looks like consumption.

So, if we are to do these noble things that we want to do, I think it is very important to come back to Vision 2030 and ask ourselves the pillars that underpin it. Regrettably, that Vision is yet to come to this House although we have asked elsewhere that it be discussed here and owned by this House. I am not sure to what extent it is owned by the Kenyan people or whether Vision 2030 is merely a document of the Executive. So, it is very important to interrogate and own the pillars of Vision 2030, so that we agree together as a country on the kind of economy we want and what will drive it. It will mean that we invest in the youth even more aggressively than we are doing. This is because this same youth will be old people tomorrow. It is these youth who, through their hard work and investments, will be able to provide the national wealth that will look after them after they are 60 years old and above. It will be necessary not only to make sure that our economy is on a solid footing, but also as we all know it is even more crucial or equally important that we sort out our politics. That as we know, is the burden of Agenda Four. I do not know how much we will be able to give the required careful attention to this very important Agenda Four. I do not know whether we will rush through it and not give it the sort of approach that we ought, so that we can lay the foundations that begin to heal this nation, bring it together, reconcile our people with each other and come up with structures through the Constitution, of organs of Government that are not going to become the burden that the current organs are. We need organs, institutions and agencies of state that are functional, viable, affordable and lend themselves to efficient management of the resources of this great nation.

Mr. Temporary Deputy Speaker, Sir, it is going to be very crucial even as we support this Motion to make sure that the decisions and weighty matters that lie ahead of us as a nation and, especially as the National Assembly; the issues of the Constitution, Land Policy and all the other weighty matters are given fair and serious attention, and as much as possible, so that we look at the future of this country in a manner that is more responsible. If we do not sort out the politics and come up with laws that will assist this country, land policies and other policies that we want to see, it will be very difficult to have the foundations that make it possible for us as a country to support the older people. If we cannot even provide jobs for the young people, how are we going to be able to support the older persons?

Mr. Temporary Deputy Speaker, Sir, not long ago, I made a tour of all secondary schools in my constituency; that is Gachoka Constituency. I wanted to see all the Form Four students who are currently sitting for their examinations and I managed to do that. One of the things that struck me was the fear in the eyes of these young people. I kept asking myself, what is this fear telling me? Eventually, I concluded that it is the fear of the examinations. Obviously, nobody likes examinations. But, it is also because of the fear of the future that lies beyond the examinations because these young people have seen other young people before them sit for examinations and after the results are out, they have no future. The young people have no future.

Mr. Temporary Deputy Speaker, Sir, the other day, I saw a very worrying footage in one of our constituencies of young men who have this problem of drinks and miraa and so on and so forth. The women are now complaining about how they are going to get children if our counterparts of the other gender are not able to look after themselves responsibly. It is all very well to sit here and accept this policy, but if we do not invest in the things that make it possible for this country to afford to look after the older people, it will not succeed - if we cannot look after the young people and give them a future today, how are we going to be able to give them a future tomorrow? So, I plead and I beg, let us subsidize production. Let us invest in production as much as we can because creation of wealth is what will make it possible for us to create the social net that we want. Let us interrogate Vision 2030, let us own it, let it not just be a document of the executive. Let it come to this House and go out to the private sector, to the civil society and other people so that they can own it. Let us invest even more in the youth and let us be more concerned about the state of our young people, let us sort out our politics; our politics with the poison of tribalism and suspicion that one has come to see in this country. We must somehow get that poison out of our body politic and come out with a Constitution that will lay the foundations for the future that is bright, a future that can support the aged and a future that gives promise to the young.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, I do not see anybody else wanting to contribute. Would you like to respond?

**The Assistant Minister for Gender, Children and Social Development** (Mr. Keya): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank my fellow hon. Members for their positive response and support which was exhibited when I moved the Motion on the Sessional Paper No.2 of 2009 on Older Persons and Aging.

I am grateful for the various comments and suggestions that hon. Members brought up for the purpose of improving the policy on older persons. For example, that older persons be exempted from NHIF contributions and that, homes for older persons and the aging and, all their facilities are taken into consideration instead of cash handouts.

Mr. Temporary Deputy Speaker, Sir, my Ministry will hold consultations with the relevant authorities to find the best way of addressing these issues. I also take note of the desire by the Committee on Equal Opportunities to meet my Ministry for further consultations before the anticipated Bill on Older Persons and Aging is brought to the House.

Mr. Temporary Deputy Speaker, Sir, the above are just but few examples of the contributions that my colleagues have made and I undertake to take these issues and many others which I have not mentioned individually here into consideration in the said

Bill, and the policy's action plan, as well as in the Ministry's programmes as may be appropriate.

With these remarks, I beg to request the House to adopt the Sessional Paper No.2 of 2009 on Older Persons and Aging, and seek the support of my colleagues in all matters relating to it.

Thank you.

*(Question put and agreed to)*

### ADJOURNMENT

**Mr. Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, on that note, there being no other business, it is now time for the interruption of these proceedings. Therefore, this House stands adjourned until Tuesday, the 17<sup>th</sup> of November, 2009, at 2.30 p.m.

The House rose at 4.45 p.m.