

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 25th November, 2009

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### QUESTION BY PRIVATE NOTICE

#### RENEWAL OF M/S DE LA RUE CONTRACT

**Dr. Khalwale:** Mr. Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) Under what circumstances was the contract for printing of new currency notes by M/s De La Rue renewed and/or extended and what other options were explored?

(b) Was the current contract materially different from the previous one, and if so, how?

(c) Did the award of the tender occasion any loss of public funds?

(d) Was the renewal in conformity with the Public Procurement and Disposal Act and, if not, why has the Minister not ordered an audit of this tender?

Mr. Speaker, Sir, I wish to beg that since the Assistant Minister has not given me the written answer, and since I am asking this Question in my capacity as the Chairman of the Public Accounts Committee (PAC), I be given the written answer and the Chair allows me to go over it because the matters involved are extremely complex.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, we have already sent some copies of the answer to Parliament.

**Mr. Speaker:** Order, Assistant Minister! Given that the hon. Member does not have the answer, how many copies of the answer do you have now in the House?

**The Assistant Minister for Finance** (Dr. Oburu): Mr. Speaker, Sir, I only have one copy of the signed answer. The one which is unsigned is---

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

**Mr. Speaker:** Order, hon. K. Kilonzo! We are just trying to resolve the situation. It is a simple one. Could the answer be passed to the hon. Dr. Khalwale and we will revisit that Question a little later? Next Question by hon. Outa!

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

**Mr. Speaker:** Order, hon. Kilonzo! Please, allow this matter to rest for the moment.

## ORAL ANSWERS TO QUESTIONS

*Question No.443*

UTILISATION OF FAO GRANTS IN WEST KANO/AHERO  
IRRIGATION SCHEMES

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

(a) to explain how the Food and Agricultural Organisation (FAO) grants to West Kano and Ahero Irrigation Schemes worth Kshs25 million each totaling to Kshs50 million was utilized;

(b) to table the names of all the beneficiaries of the grant; and,

(c) to explain why the money was not given directly to the respective farmers' co-operatives for proper accountability.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker Sir, we have sat down with the hon. Member of Parliament and are in agreement that there are several issues that are fundamental and that require to be addressed. Therefore, we have decided not only to look at the issues in our office but also to visit the ground and be able to ascertain what is really happening there. I believe the hon. Member concurs with me.

**Mr. Speaker:** Hon. Outa, do you agree?

**Mr. Outa:** Mr. Speaker, Sir, I agree with the Assistant Minister.

**Mr. Speaker:** Mr. Assistant Minister, then we will defer this Question. When is it convenient for you?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, we are not disagreeing on the issues. What we have agreed on is that we go and sort out those issues. We do not have to come back to Parliament.

**Mr. Speaker:** This Question is now the property of the House as you very well know. The House will be entitled to know how you have resolved the matter. So, you must report back to the House.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, it is the discretion of the hon. Member whether we can sort out the issues that Parliament would like to interrogate here and then we go to the ground. I am ready and I can still offer the answer.

**Mr. Speaker:** Order! In the circumstances, I will defer this Question to 9<sup>th</sup> December, Wednesday, for the Assistant Minister to make a report to the House as to how you will have dealt with the matter. If the House will be satisfied, then it will release you from the obligation to answer it.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Thank you, Mr. Speaker, Sir. Since the agreement was by both sides. We are ready on our side. He wanted further clarification. That is the way to go about it so that everything is cleared. I oblige.

**Mr. Speaker:** Very well, Assistant Minister. I have given directions which bind you. This Question will appear on the Order Paper on the 9<sup>th</sup> December.

*(Question deferred)*

Next Question by Mr. Mwakulegwa!

*Question No.045*

REHABILITATION OF VOI DISTRICT MORTUARY

**Mr. Mwakulegwa** asked the Minister for Medical Services:-

(a) what steps he is taking to rehabilitate the mortuary at Voi District Hospital which lacks adequate facilities; and

(b) when he will provide facilities and personnel in health institutions in Voi Constituency.

**The Minister for Medical Services** (Prof. Anyang-Nyong'o): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry of Public Works has inspected the Voi District Hospital mortuary and given a report that the Ministry needs Kshs1.5 million to rehabilitate four chambers for three bodies each in the facility. The Ministry of Medical Services has already allocated Kshs22 million to the hospital for construction works and repair of the mortuary in the Financial Year 2009/2010, that is this financial year.

(b) In the current Financial Year 2009/2010, the two ministries of health, that is medical services and public health and sanitation, have four key interventions that will benefit Voi Constituency as follows:-

(i) The Ministry of Medical Services has allocated Kshs20 million to Voi District Hospital for the construction of a maternity unit with its own theatre, and for upgrading the water supply system in the facility. Once that is completed, the unit will improve mother and child health within the catchment population.

(ii) From February 2010, the Ministry of Public Health and Sanitation will roll out the Health Sector Services Fund (HSSF) for all health centres and dispensaries. Under this Fund, all health centres and dispensaries will operate bank accounts into which the Ministry and development partners will channel funds for operations and development. Under this Fund, the health facilities will become accounting units managed by facility committees that will have community representatives. The aims of the Fund are to improve flow of funds to help facilities, empower local communities to take charge of their own health and build the capacity of the communities to manage resources for health. Health centres and dispensaries in Voi Constituency will benefit under this new arrangement like all other constituencies in the Republic of Kenya.

(iii) Under the Economic Stimulus Package announced by the Minister for Finance when reading the Budget for the current financial year, a health centre will be constructed in every constituency. Similarly, 20 health workers will be recruited for every constituency. Again, Voi Constituency will benefit from this Kshs5.7 billion national Economic Stimulus Package like other constituencies countrywide.

Mr. Speaker, Sir, I understand from several hon. Members that in cases where they want to use that Economic Stimulus Package for upgrading their Sub-district hospitals or health centres, that discussion should be carried out in the Ministry of Finance or it can be taken to the Departmental Committee on Health of Parliament, for further discussions with the relevant authorities.

(iv) The Ministry of Public Health and Sanitation has already launched the Community Health Strategy where community health units each composed of a group of 50 households, roughly equivalent to a sub-location, will be facilitated to carry out disease prevention activities as well as treatment of minor ailments with technical assistance by the Ministry. The strategy is being implemented in Voi as in other constituencies countrywide. By the end of the current financial year, the Ministry will operationalize four community health units. Three others will be made operational in the subsequent year.

Mr. Speaker, Sir, apart from these specific interventions, Voi Constituency will continue benefitting from drugs and medical supplies distributed by the Kenya Medical Supplies Agency (KEMSA) as well as from additional staff deployments whenever recruitments are done.

Thank you.

**Mr. Mwakulegwa:** Thank you, Mr. Speaker, Sir. I would like to take this opportunity to thank the Minister for providing a very comprehensive answer. What I would like the Minister to clarify is; now that these works will be undertaken this year, what is he going to do as a matter of urgency--- We have an emergency casualty ward which has been put up but it has no equipment and Voi being situated along the Mombasa-Nairobi highway, is prone to accidents. What can he do, as a matter of urgency to equip the emergency casualty ward?

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, since the money has already been allocated and the Appropriation Bill has been passed by Parliament, there is nothing stopping the Ministry from moving with speed to equip the emergency accident wing at the Voi District Hospital. It is in the interest of the Ministry as well as the people of Voi to do that.

Further, I would like to inform the hon. Member that Voi is one of the centres along the major auto route from Mombasa to Busia that we have considered for putting up what we call a trauma centre so that we can respond to the road carnage that always occurs around that area. Several people have lost their lives along that route and we know them; the late George Mkangi, among others. So, we are very conscious of the very critical place that Voi plays along the auto route from Mombasa to Busia and *vice versa*. So, I think the hon. Member is right. We shall move with speed to make sure that this financial allocation is first and foremost used for equipping that particular facility that he has mentioned.

**Mr. Mwakulegwa:** Mr. Speaker, Sir, I would like once again to thank the Minister for that undertaking. I have two ambulances allocated to two health centres in my constituency; Kasigau Health Centre and Tausa Health Centre. These vehicles are dormant just because they lack Government drivers. Could the Minister deploy the two drivers so that those vehicles can be used by my constituents?

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, I will pass that information to the Permanent Secretary in the Ministry of Public Health and Sanitation because the mobilization of staff to the health centres and dispensaries is the responsibility of the Permanent Secretary.

**Mr. Speaker:** Hon. Member for Gatundu North!

RE-SETTLEMENT OF IDPS  
IN KYENI FOREST

**Mr. Waibara** asked the Minister of State for Special Programmes:-

(a) if she is aware that there are thousands of Internally Displaced Persons who have been camping in the Kyeni Forest, Gatundu North constituency for 17 years, following the 1992 post-election violence;

(b) what measures she is taking to ensure that they are resettled in their original homes or given alternative land so that they may rebuild their lives and when will it be done; and,

(c) when she will also resettle hundreds of other IDPs affected by the 2007 post-election violence in various camps in Gatundu North constituency and make arrangements to provide them with basic living necessities.

*(Applause)*

**Mr. Speaker:** Where is the Minister of State for Special Programmes? Who is holding brief for this Minister? Prof. Anyang'-Nyong'o, where is your Minister of State for Special Programmes?

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speak-----  
-----er, Sir, my Minister for Special Programmes is having special problems.

*(Laughter)*

**Mr. Waibara:** Mr. Speaker, Sir, I had earlier asked this Question last week and it shows that this Minister is taking this Question for granted while my people are still suffering in the cold.

Could Mr. Speaker give direction on this?

*(Applause)*

**Mr. Speaker:** Hon. Members, this is actually a maiden Question for the hon. Member for Gatundu North.

*(Applause)*

The least that I would have expected from the Executive is that they would rise to this Question with a lot of zeal so that this hon. Member feels appreciated and acknowledged. But that notwithstanding, the Minister of State for Special Programmes is acquiring notoriety for failing to be in the House to answer Questions when they appear on the Order Paper. I think every week we have an incident in which the Minister is not present and the House is not about to encourage this trend. So, the Minister will have to decide really what she wants to do and say it to the House. If she is not interested in

discharging the responsibilities of a Ministry, which include accounting to Kenyans through the House, then she should say so and I will be expecting her to make a response on this line when she is next available in the House.

We will defer this Question to Tuesday next week.

Mr. Waibara, please, keep your arsenal burning!

*(Question deferred)*

The hon. Member for Ol-Kalou!

*Question No.491*

RE-CARPETING OF GILGIL-NYAHURURU ROAD

**Mr. Mureithi** asked the Minister for Roads:-

(a) if he is aware that the road from Gilgil to Nyahururu (C77) is in very bad condition, particularly after the recent heavy rains; and,

(b) what plans he has to re-carpet the highway considering that it also serves the Northern Districts like Laikipia West and Samburu, which are tourist destinations.

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

(a) Yes, I am aware that the road from Gilgil to Naivasha, that is Road C77, has deteriorated especially after the recent rains.

(b) My Ministry has already awarded a contract for rehabilitation of the road and we expect the contractor to mobilize in the next few days.

The order to commence works was given on 23<sup>rd</sup> October, 2009, and, therefore, the works should be able to start as soon as possible.

Thank you.

**Mr. Mureithi:** Mr. Speaker, Sir, whereas I want to thank the Assistant Minister for Roads for an answer well done, I would like to inform him that after I had asked the Question, the contractor moved on site. Is he now going to assure us that the contractor is going to continue and not stop after the answer has been given by the Assistant Minister?

**Mr. Kinyanjui:** Mr. Speaker, Sir, the contract was signed and the order to commence works was given on 23<sup>rd</sup> October, 2009. It is supposed to last a total of 18 months and it will cost Kshs931 million.

The duration for the contract is clearly stipulated in the contract and will go according to the schedule.

**Mr. Mureithi:** Mr. Speaker, Sir, now that they have started mobilizing resources to do the road, I would like to request the Assistant Minister to draw workers from the same constituency. They should not get people from far because they need to create employment for the local people. In addition, they must consider gender balance when employing the workers.

**Mr. Kinyanjui:** Mr. Speaker, Sir, I want to assure the hon. Member that the employment of persons to work on the roads is, indeed, the responsibility of the contractor. As far as possible, we would like to leave that to him. We would like to urge

him to ensure that he employs people from that region. However, the Ministry has no responsibility over who is employed for the contract.

*Question No.482*

*EX-GRATIA PAYMENT TO FORMER  
MEMBERS OF PARLIAMENT*

**Mr. Kapondi** asked the Deputy Prime Minister and Minister for Finance if he could provide the names of former Members of Parliament who have received *ex-gratia* payment as recommended by Justice Cockar Tribunal, the total amount involved as well as the status of the tax deducted from each of the recipients.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, this particular Question was asked last week. However, we are not the accounting officer for Parliament. The Chair referred it to the Leader of Government Business, but since he is not there, it was referred to the Office of the Prime Minister. The Prime Minister is going to respond to it this afternoon.

*(Mr. Speaker consulted the Clerk of  
the National Assembly)*

**Mr. Speaker:** Order, hon. Members! I have been posted on what transpired previously. As you may recollect, my able Deputy was presiding as the Chair on that occasion. This Question was deferred to be answered today and for the Prime Minister to co-ordinate and give directions as to how it will be dealt with. I am made to understand that the Prime Minister has subsequently given directions that this Question be answered by the Deputy Prime Minister and Minister for Finance. All the requisite information has been channeled to that office. So, Mr. Assistant, Office of the Deputy Prime Minister and Ministry of Finance, could you, please, prepare to answer this Question on Tuesday next week?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Thank you, Mr. Speaker, Sir. We shall seek information from Parliament.

**Mr. Speaker:** Fair enough.

*(Question deferred)*

Minister of State for Special Programmes, I notice that you came in late after your Question had been deferred. Maybe you have an explanation to make.

**The Minister of State for Special Programmes** (Dr. Shaban): Mr. Speaker, Sir, I beg to apologize for coming late because I had to wait for some information which was coming from the DC's office in Gatundu North. It finally arrived and so I was able to rush here. I am so sorry for having not been here when the Question was called.

**Mr. Speaker:** Fair enough. Hon. Minister, the Chair is satisfied with your explanation. At least you had not chosen to be deliberately absent. In fact, you were

trying very hard to be in the House. I want to encourage you to try even harder. According to our record on the HANSARD, every week we have a problem with your Ministry not being here on time. It is not a very good reputation for a good lady like you who is highly qualified. Let the matter rest there.

(Laughter)

### QUESTION BY PRIVATE NOTICE

#### RENEWAL OF M/S DE LA RUE CONTRACT

**Dr. Khalwale:** Mr. Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) Under what circumstances was the contract for printing of new currency notes by M/s De La Rue renewed and/or extended and what other options were explored?

(b) Is the current contract materially different from the previous one and if so, how?

(c) Did the award of the tender occasion any loss of public funds?

(d) Was the renewal in conformity with the Public Procurement and Disposal Act and, if not, why has the Minister not ordered an audit of this tender?

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

(a) The Central Bank of Kenya is vested with mandate to issue Kenya currency in both bank notes and coins. To fulfil this mandate, the bank has to ensure that at all times it holds adequate stocks sufficient to meet the country's currency requirements to avoid any stock outs and to forestall any shortages that can lead to a financial crisis in the country.

In August, 2008, pursuant to its aforesaid mandate and after evaluating the stock levels held *vis-à-vis* the country's regular currency requirement, the Bank established that it required to re-stock by procuring 450 million pieces of bank notes in various denominations to cover its demand up to September, 2010. Taking into account the lead time for production and delivery of bank notes and given the urgency and necessity to re-stock prior to exhaustion of stocks held as at August, 2008, the Bank entered into a contract with M/s De La Rue Currency and Security Print Limited on 17<sup>th</sup> June, 2009 to print 450 million pieces.

(b) There was no material difference between the current contract and the previous ones.

(c) No loss of public funds was occasioned by the current contract.

(d) The procurement of the 450 million pieces was in conformity with the Public Procurement and Disposal Act of 2005. The Bank sought and obtained approval from the Public Procurement and Oversight Authority (PPOA) to use the procurement method provided for in Sections 74 and 75 of the Act. The contract, which is ongoing, is also subject to audit under the scope of audits provided for under the Central Bank of Kenya Act, Cap.491, Laws of Kenya.

**Dr. Khalwale:** Mr. Speaker, Sir, in response to parts (b) and (c), the Assistant Minister has answered in the negative. The House will recall that when the former Minister for Finance came across this contract with M/s. De La Rue Currency and



Security Print Limited, he cancelled the contract. The reason was that the contract that had been floated and which he cancelled, the intention was to print newer currency that was more secure and three times cheaper. When he canceled that contract, it means that, from 2004 to date, the public has been losing that much money. The contract he cancelled would have been three times cheaper.

The two answers immediately lead to (d) which seeks to know why the Minister has not ordered for an audit. I would like the House to know that this matter was seized by the Public Accounts Committee (PAC) which asked the Controller and Auditor-General to carry out an audit dating from 2004 to 2009. However, the Controller and Auditor-General declined saying that he was stopped by the provisions of Central Bank of Kenya Act, Cap. 491, Laws of Kenya. I am requesting the Chair to ask the Minister not to hide under the Central Bank of Kenya Act.

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

**Dr. Khalwale:** Mr. Speaker, Sir, I am losing my thoughts.

**Mr. Speaker:** Order! Order! Prof. Kaloki, just allow Dr. Khalwale to conclude and then I will take your point of order.

**Prof. Kaloki:** Mr. Speaker, Sir, what is---

**Mr. Speaker:** Order! Order, Prof. Kaloki! Can you, please, conclude, Dr. Khalwale?

**Dr. Khalwale:** Mr. Speaker, Sir, the Controller and Auditor-General refused to attend to our request, citing the Central Bank of Kenya (CBK) Act, but the Public Accounts Committee (PAC) found that the Controller and Auditor-General hid in the CBK Act and overlooked the provisions of Section 105 of the Constitution of Kenya, which requires that the Controller and Auditor-General looks at all public accounts. So, because the Constitution is superior to the CBK Act, the PAC would like this House to order that the Controller and Auditor-General audits those particular accounts, so that we can establish whether there was any loss of public funds; and whether this contract was materially different from the other ones. The ones that were cancelled were meant to produce more secure currency, and they were three times cheaper. Surely, that means they were materially different.

**Mr. Speaker:** Fair enough, Dr. Khalwale! I have had to be very patient with you because it was important that the House hears what you have to say about this; more so because you said you were asking this Question as the Chairman of the PAC. Now, you have, among other things, said that you made findings, as PAC. Did you make those findings in a Report of the Committee?

**Dr. Khalwale:** Mr. Speaker, Sir, we did not reduce our findings to a Report of the Committee. We wanted to make the Report upon being informed by the findings of the Controller and Auditor-General. So, what we have to date is merely the verbatim recording, on HANSARD, of the proceedings of the meetings that found what I have told the House.

**Mr. Speaker:** Dr. Khalwale, in which case, this matter is still under inquiry?

**Dr. Khalwale:** Mr. Speaker, Sir, theoretically, that would be the case but, given that the Controller and Auditor-General---

**Mr. Speaker:** Dr. Khalwale, it cannot be any other way. If you have not yet concluded your Report and tabled it in the House, as the rules provide, then it will mean that this matter is still under investigation by the Committee.

**Dr. Khalwale:** Mr. Speaker, Sir, that is true but we have reached a point whereby we are unable to make progress. In order for us to make progress---

**Mr. Speaker:** Order! Order, Dr. Khalwale! The right thing to do is to make a Report to the House; either as a final Report or an interim Report, and bring to the attention of the House the difficulties that you have, so that the House can help by an appropriate resolution to empower you to get to the logical conclusion of this matter. So, in those circumstances, this Question is premature.

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

**Mr. Speaker:** What is it, Mr. Ogindo?

**Mr. Ogindo:** Mr. Speaker, Sir, I rise to seek your guidance. Much as the PAC is doing its routine duty of looking at the accounts, is this House not entitled to the answer to the Question, as it is?

**Mr. Speaker:** The answer is simple: First, the PAC does not carry out any routine investigations. The PAC discharges the statutory duty that it owes to the country – to examine accounts. So, there is nothing routine or mundane about it. Every inquiry by the PAC is unique in its own way.

Secondly, if a matter is under inquiry by a Committee, it cannot be the subject of a Motion, Debate or Question until that inquiry is completed. That is the position.

Yes, Prof. Kaloki!

**Prof. Kaloki:** Mr. Speaker, Sir, currently, the Departmental Committee on Finance, Planning and Trade is carrying out an inquiry into the same matter. The matter falls under our mandate. We are about to complete investigations into the matter as it relates to M/s De La Rue company. So, I need your guidance, because our Committee is also working on this same matter.

**Mr. Speaker:** Hon. Members, in view of what has transpired this afternoon; I will defer this Question until such a time that the two Committees complete their inquiries. The PAC is at liberty to table an interim Report. In that Report, the PAC should capture the difficulties they may be encountering with a view to convincing the House to assist by an appropriate resolution on how they can resolve those difficulties.

With respect to the Departmental Committee on Finance, Planning and Trade, they are at liberty to complete their investigations and table their Report.

That should settle the matter because those directions are fairly clear. So, please, oblige, Dr. Khalwale.

**Dr. Khalwale:** I am most obliged, Mr. Speaker, Sir.

*(Question deferred)*

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

**Mr. Speaker:** What is it, Mr. Olago?

**Mr. Olago:** Mr. Speaker, Sir, I rise to seek your guidance. Hon. Haji is quite smartly dressed this afternoon but is his headgear proper dressing for this House?

**Mr. Speaker:** Hon. Haji, can you, please, be upstanding, so that we are able to ascertain?

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

Hon. Haji, you may resume your seat.

*(Mr. Haji resumed his seat)*

Hon. Members, I find that, that mode of dressing accords with the Speaker's Rules and, therefore, passes the test of proper dressing for this House.  
Next Order!

### MINISTERIAL STATEMENTS

**Mr. Speaker:** The Minister for Forestry and Wildlife will come first.

*(The Prime Minister consulted the Chair)*

Order! Order, hon. Members! We were just referring to matters of etiquette but sometimes circumstances dictate that you do not necessarily refer to etiquette, if it is not a hard and fast rule. So, we will take the Rt. Hon. Prime Minister's Statement first.

### PRIME MINISTER'S TIME

#### PRIME MINISTERIAL STATEMENT

##### *KAZI KWA VIJANA: THE WAY FORWARD*

**Mr. Speaker:** You may proceed, the Rt. Hon. Prime Minister.

**The Prime Minister** (Mr. Raila): Thank you, Mr. Speaker, Sir. I stand here today to update the House on the status of the Kazi kwa Vijana Programme and the plan of the programme in the coming months.

Since its launch on 12<sup>th</sup> March, 2009, the programme has generated excitement and enthusiasm among the youth. It contributed to ameliorating social tension and reducing crime. The programme has one praise for its simple and yet innovative design from both the local stakeholders and the development partners. The "KKV", as it is now known, is now a key element of Government's reform agenda.

More concretely, the KKV has already employed a total of 297,861 youths. Once the current phase of the programme is completed in a few months, the target of employing 300,000 youths will certainly be exceeded. The Treasury released a sum of Kshs2.64 billion for the *Kazi Kwa Vijana* (KKV) in the last financial year. Out of this total, Kshs2.5 billion was utilized for KKV. About Kshs1.4 billion, that is 68 per cent, was paid as wages to the youth, 21 per cent went into purchasing tools, equipment and seedlings, while 11 per cent went into administrative costs.

The KKV has covered a number of areas and has been implemented by a number of Ministries. The largest share, nearly one half of the funds, was utilized for routine maintenance of the national road network countrywide. The programme in these areas was implemented by the Ministry of Roads and over 143,000 youths were employed. The KKV activities also included water dams, water pans, water kiosks, subsidiary works for boreholes and rehabilitation of irrigation schemes. The activities in these areas were

implemented by the Ministry of Water and Irrigation and the Ministry of Regional Development. They employed over 80,000 youths.

Mr. Speaker, Sir, the KKV has also been directed to enhance planting of trees. For this, over 50,000 youths were employed through the Ministry of Forestry and Wildlife and Ministry of Youth Affairs and Sports. In addition, the Nairobi Rehabilitation and Restoration Programme has been executed under the KKV by the Ministry of Environment and Mineral Resources, employing 20,000 youths.

Finally, through the Ministry of Local Government, garbage collection, cleaning of clogged dams and slum clearing in major towns have been undertaken.

Mr. Speaker, Sir, the KKV largely came to a standstill over the last few months because of lack of funds. The problems stemmed principally from the fact that the financial year 2009/2010 Budget did not make explicit budgetary provisions for the KKV activities. Indeed, there was no direct coding in the Budget in this regard.

I am happy to report that these problems have now been resolved. The Treasury agreed to allocate Kshs2.3 billion for KKV and the line Ministries agreed to rationalize the programmes in their budgets to save Kshs4.3 billion for KKV. In addition, the Treasury has re-voted about Kshs800 million that was released and left unspent in the last financial year. This brings the total amount for the current financial year to Kshs7.4 billion. The Treasury has already released Kshs3.1 billion to line Ministries.

Mr. Speaker, Sir, the KKV for this financial year has now begun in full steam. As you will recall, the KKV programme was initially conceived as an emergency initiative with the twin objective of alleviating the severe drought and hunger situation through gainful employment of the youth. Therefore, we began implementing the programme as soon as it was feasibility possible. As a result, we have encountered several administrative weaknesses. Members of Parliament, Councillors, elders and other local leaders were not fully involved at the community level for implementation despite the original intentions to do so. Monitoring was insufficient and there were reported cases of misuse.

Mr. Speaker, Sir, I do not wish to minimize the importance of these weaknesses but I have accepted them as teething problems. This has been a learning process. I have directed the staff in my office and the other Ministries to take measures to correct the shortcomings and go forward. In the coming phase of the KKV, there will be full community sensitization and participation of Members of Parliament and other local leadership in the design and implementation of the KKV programmes at the local level. We will integrate the implementation arrangements for KKV and those of the Economic Stimulus Programme to ensure community level participation and maximum efficiency.

In addition, there will be improved monitoring and evaluation of the programmes to guard against the alleged malpractices that have been reported during the first phase.

Mr. Speaker, Sir, in going forward with KKV, we shall incorporate employment of skilled youth and the training of un-skilled youth for sustainable employment. The World Bank has already come on board with the proposed Kenya Youth Empowerment Project amounting to approximately US\$50 million. The project has three components:

- (i) Enhancing the effectiveness of the efforts already underway within the KKV programme.
- (ii) Enhancing the employability of youth through training and work internships to the private sector.

- (iii) Support for improved governance, policy development and institutional strengthening programme.

In addition, we are in discussions in the ways of partnering with the Business Alliance for Chronic Hunger, an alliance of the business community that works towards applying sustainable business debt solutions to reduce chronic hunger in Africa.

Mr. Speaker, Sir, the Government shall continue to mobilize more resources for the KKV programme to ensure that it remains sustainable and contribute to a lasting solution to the youth unemployment. I, therefore, call upon Members of this august House to support the KKV programme to contribute to effective implementation by identifying suitable projects and overseeing their implementation. I suggest that Members of the House take time to review the KKV manual, liaise with the Ministries concerned and sensitize their constituents on the programme.

**Mr. Speaker:** Any clarifications?

**Mr. Kigen:** Mr. Speaker, Sir, could the Prime Minister tell us how much money was set aside last time for KKV projects? Could he also explain to us how he has made efforts to address the weaknesses that were discovered?

**Mr. Wamalwa:** Mr. Speaker, Sir, I am glad that the Government has realized the weaknesses in the KKV programmes, particularly lack of involvement of the local leadership; the area Member of Parliament, councilors and other grassroots leader. To cure this weakness, could the Prime Minister consider channeling these funds through the CDF structures where we have the Member of Parliament, councilors, teachers and the entire community to ensure transparency and accountability?

*(Applause)*

**Mr. Ruteere:** Mr. Speaker, Sir, could the Prime Minister inform us who compose the monitoring team and whether Members of Parliament can get the monitoring reports once done and evaluation completed?

**Mr. Ethuro:** Mr. Speaker, Sir, I wish to commend the Prime Minister for continuously appraising this House on this important programme. However, I want to remind him that the youth of Kenya are continually being taken advantage of by being given empty promises.

When you look at the Kshs15 billion that was initially allocated to KKV, does the Prime Minister know the impact of that amount? This is an amount that is more than the allocation to the CDF?

Is the Prime Minister satisfied that failure to account for Kshs15 billion can be attributed to teething problems of implementing a programme?

Finally, Mr. Speaker, Sir ---

**Mr. Speaker:** Order! Order! You had one clarification; we have been generous and let you get away with two. Somebody else.

**Mr. Ethuro:** The final one, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Ethuro!

Mr. Kivuti!

**Mr. Kivuti:** Could the Prime Minister explain to us the distribution of these funds on an constituency basis? It is apparent that in constituencies some of these funds

were not received. It would be good for us to know what was the distribution per constituency.

**Mr. Speaker:** Hon. Prime Minister, you will bear with us; because of the level of interest in this matter we will allow two more clarifications, and we will take Mr. Njuguna, Member for Lari.

**Mr. Njuguna:** Mr. Speaker, Sir, we hail the Prime Minister for making a very credible Statement to this House. I would urge him to indicate to the House how much money has been misused, or misappropriated, and what action he is taking against the culprits to deter further misappropriation of the same and create confidence in the Kenyan people.

**Mr. Waititu:** This programme has generated a lot of interest in people in our constituencies. Could the Prime Minister consider interchanging the groups? The group that serves for two months can be replaced by another group for, say, another two months, so that the vacancies can benefit more people.

*(Mr. Ruto stood in his place)*

**Mr. Speaker:** Rt. Hon. Prime Minister, you can now respond. Member for Chepalungu, I am afraid you are out of the net.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, to respond to hon. Kigen, I stated clearly that the Treasury released a sum of Kshs2.64 billion for the KKV Programme in the last Financial Year. I said out of that total Kshs2.5 billion was utilized to fund KKV, about Kshs1.4 billion, or 68 percent, was paid as wages to the youth while 21 percent went into purchasing tools and equipments and seedlings, while 11 percent went into administrative costs.

The weaknesses that were identified were administrative ones. This was because it was a completely new system, or set-up, which was untried. What we have done right now is to align it with the economic stimulus programme administrative machinery, which has been discussed very extensively by the Treasury and hon. Members of Parliament. That is now the machinery that is going to be used and it will work very closely with the CDF committees.

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

**Mr. Speaker:** What is it Dr. Khalwale?

**Dr. Khalwale:** Mr. Speaker, Sir, the Prime Minister is telling us that this matter has been merged with the Economic Stimulus Fund, and that the matter has been discussed extensively with the CDF Committees. The truth is that the Prime Minister is misleading us, because the CDF Committee has only engaged with the Deputy Prime Minister and Minister for Finance on matters of economic stimulus but not on the issues of the KKV Fund.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I wish the hon. Member would care to listen when somebody is talking. I said that we have agreed with the Treasury, which falls under the office of the Prime Minister, that the same machinery that is used for economic stimulus programmes is also going to be used for KKV. What is the contradiction about that?

So, Mr. Speaker, Sir---

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

**Mr. Speaker:** Order, Mr. Ethuro! Please relax.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I guess by extension I have also answered the question from hon. Member for Saboti, because that was his concern.

But Mr. Ruteere wanted the Members of Parliament to be involved in monitoring. That is exactly what I have said, that the first phase did not involve MPs and local leadership, and that was the reason why we had these problems. And---

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

**Mr. Speaker:** What is it Mr. Ruteere? Rt. Hon. Prime Minister, there is a point of order!

**Mr. Ruteere:** I think the Prime Minister did not hear me properly. I said MPs get reports from the monitoring teams, and not that they be involved in monitoring.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I, in fact have, also by extension, answered that question. I have said that the Economic Stimulus Programme is working very closely with the CDF committees, where MPs are involved; if the MPs get reports on the monitoring of the CDF funds, they should obviously get the same reports with regard to implementation of the programmes under this KKV.

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

**Mr. Speaker:** What is it, Mr. Ethuro?

**Mr. Ethuro:** Mr. Speaker, Sir, it is not my pleasure to interrupt the hon. Prime Minister of the Republic of Kenya, but it is my pleasure to ensure that this House, and this country, gets the proper information. Is it in order for the Prime Minister to persistently mislead the House that KKV is going to be part of the Economic Stimulus Programme, a programme that we have discussed with the Deputy Prime Minister and Minister for Finance, agreed on the guidelines and the procedures while the KKV has never been part and parcel of that discussion? Is he in Order?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I do not know why the hon. Member would not want to understand what I have been implying. What I am trying to say is that we have already agreed with the hon. MPs on how the Economic Stimulus Programme funds are going to be spent and the modalities for implementation. That is also being supervised from the office of the Prime Minister; I am saying that the same machinery that is being used is also going to be used in implementing the KKV programme. I hope that answers the question.

**Mr. Ruto:** Mr. Speaker, Sir, the funds are separate

**Mr. Speaker:** Order! Mr. Ruto!

**The Prime Minister** (Mr. Raila): The funds are clearly separate, but the machinery for implementation is the same.

**Mr. Speaker:** What is it Mr. Ruto?

**Mr. Ruto:** Mr. Speaker, Sir, the Prime Minister has not clearly shown, or demonstrated, that KKV has been put together with the same programme on economic stimulus. We have got the documents from the Treasury; we have pamphlets from the Treasury, which do not have the KKV. Members have been meeting with the Deputy Prime Minister and Minister for Finance, and at no stage has he ever tabled any document from the office of the Prime Minister, indicating that KKV would be part of the economic stimulus.

If, indeed, the Prime Minister has done that, we want evidence to show that he has written to the Treasury to that effect. Otherwise, he should tell us that he talked to him on phone so that we can ask whether that is how the Government works.

**Mr. Speaker:** Order, Mr. Ruto! You have made your point.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, all that I am saying is that the funds for the *Kazi kwa Vijana* Programme were delayed. That is why they were not discussed jointly as the Treasury was talking to hon. Members with regard to the Economic Stimulus Programme. I am trying to inform the hon. Member that this matter has been discussed within the Government and it is the responsibility of the Prime Minister to co-ordinate and supervise functions of the Government. I am basically informing hon. Members of what we have already agreed on. There is no question about that and nobody will issue a statement contrary to what I am saying in this House.

**Mr. Speaker:** That does it, Mr. Prime Minister! Have you responded to all the clarifications that have been sought?

**The Prime Minister** (Mr. Raila): No, Mr. Speaker, Sir. Mr. Kivuti wanted to know about the distribution of these funds per constituency. The *Kazi kwa Vijana* Programme funds are not distributed per constituency. The programme is implemented by specific Ministries which have infrastructural programmes. These programmes vary in terms of dimension from constituency to constituency. The only breakdown that can be given here is how the last amount of money that was spent was distributed countrywide but we have not yet designed a formula for equitable distribution of these funds per constituency. The programme deals with specific projects some of which are not available, for example, in urban areas like in my constituency, Langata.

Mr. Njuguna wanted to know how much was misappropriated and I do not want to talk about this. I have said that there was over-spending in procurement and this is still a subject of investigation. So, I am unable to say how much was misappropriated.

Finally, Mr. Waititu wanted to know whether it is possible to inter-change the youths in these programmes. That is the responsibility of the Ministries involved. We try to employ as many youths as possible and it is the responsibility of the youth organizations in the respective constituencies to identify the youths who are employed in these projects. That is their discretion and the Government does not want to get involved in them.

Finally, an hon. Member has talked about Kshs15 billion. That was the global figure that was put when this programme was launched. That money would be spent over a period of time but not all the money was availed for the initial phase of the programme. Only Kshs2.6 billion was made available in the last financial year and not all of it was spent during that financial year. I would like the House and the country to know that the figure of Kshs15 billion was not the real figure which was allocated for spending and, therefore, could not have been stolen by anybody. Basically, those were major reports which had no basis whatsoever. We have taken steps to streamline this programme so that it can be sustainable the whole of this financial year and possibly, in the next financial year.

Thank you.

**Dr. Khalwale:** Mr. Speaker, Sir. I rise on a point of order to address an issue of procedure. I am disturbed that the Prime Minister has confirmed that already Kshs3.1 billion has been released and yet the Constituencies Development Fund (CDF)



Committee has told this House that they have never met to agree on the regulations and guidelines governing this money. As a matter of procedure, could I request that we ask for a special audit of those funds so that we can see the actual value for the Kshs3.1 billion that the Prime Minister has already alluded to?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I do not know where the hon. Member has got the figure of Kshs3.1 billion from because I have talked about the Kshs2.6 billion which was given in the last financial year. The Kshs3.1 billion the hon. Member has talked about has been released by the Treasury now. How can you audit that money and yet it has not been spent?

**Dr. Khalwale:** And the Kshs2.6 billion?

**The Prime Minister** (Mr. Raila): I have said that the Kshs2.6 billion---

**Mr. Speaker:** Order, Mr. Prime Minister! Respond only to issues which are regularly raised. Do not respond to matters that Dr. Khalwale raises unlawfully.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, you may have to shed some light on the Public Accounts Committee (PAC) and the Departmental Committee on Finance, Planning and Trade in terms of responsibility. I would like that matter to be clarified. Where is the line of demarcation between the PAC and the Departmental Committee on Finance, Planning and Trade? Is the PAC supposed to deal with current matters or audited accounts?

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

**Mr. Speaker:** Order! This matter must rest there! We will take the Statement by the Minister for Forestry and Wildlife. We have already given this matter a lot of time. Half an hour has gone to this matter alone!

There will be equal interest in the following matter!

Proceed, Mr. Minister!

## MINISTERIAL STATEMENT

### IMPLEMENTATION OF MAU TASK FORCE REPORT

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, I would like to issue a Ministerial Statement on the Implementation of the Mau Taskforce Report. This Statement was sought by the Member for Chepalungu, Mr. Ruto.

The Mau Forest Complex Taskforce Report was endorsed by the Cabinet and adopted by Parliament on 15<sup>th</sup> September this year after constructive debate and contribution by Members of Parliament. The Government then launched an interim co-ordination secretariat in the Office of the Prime Minister to co-ordinate the implementation of the Report. In addition, various Government Ministries were tasked with implementing the Report. These Ministries include the Ministry of Forestry and Wildlife, the Ministry of Lands, the Ministry of Water and Irrigation, the Ministry of State for Special Programmes and the Ministry of State for Provincial Administration and Internal Security among others. The implementation of the taskforce Report was to be carried out in five phases. The first phase was to repossess all un-parceled and unsettled land within Likia Extension and Marioshoni in Eastern Mau. The second phase was to remove all the encroachers from 19,000 hectares from South West Mau Forest. The third,

fourth and fifth phases were to repossess critical water catchment areas and bio-diversity hot spots where people have been settled and given title deeds.

In those phases, restoration activities will also be carried out after proper legal procedures have been followed.

Mr. Speaker, Sir, the Taskforce Report made the following recommendations:-

1. Approximately 510 hectares that were excised in 2001 and were not parceled should be reclaimed back to the protected forest estate as an immediate measure.
2. All title deeds issued in Likia Extension, which is approximately 1,050 hectares currently unoccupied should be revoked and the area reclaimed back to the protected forest estate.
3. All title deeds that were issued irregularly or not issued in line with the stated purposes of the settlement scheme or in critical water catchment areas and/or biodiversity hot spots should be revoked.
4. *Bona fide* settlers who were issued with title deeds in critical water catchment areas and biodiversity hot spots should be relocated.
5. All persons involved in the allocation of forest land in an irregular manner and/or against the Government stated purposes of the settlement scheme should be investigated and prosecuted in accordance with the law.

The Government instruction is that the Report must be implemented in accordance with the laws of the country. Specifically, the fundamental human rights were to be respected at all times in the implementation process.

Mr. Speaker, Sir, I would like to make the following Statement in regard to the progress of the implementation of this Report.

A 14-day vacation notice was given by my Ministry directing all encroachers to vacate the 19,000 hectares of South-West Mau Forest. At the expiry of that vacation notice, most of the encroachers began to move out of South-West Mau willingly and in compliance with the Government notice. I can now confidently report that about 5,600 encroachers have registered with my Ministry and voluntarily moved out of the forest. At the expiry of the vacation notice, the Government gave the encroachers one week to harvest whatever mature crops that were there. Following that, on 19<sup>th</sup> November, 2009, the operation to assist the encroachers to vacate the forest was then launched by the Government. I would like to confirm to the Members of this House that during that exercise, no forceful evictions were carried out. All the personnel who were deployed to carry out that exercise acted humanely, by assisting the young and elderly to vacate the forest. I must state that every massive exercise like the one we are doing has instances here and there. The only one we have had so far involves a woman who, unfortunately, died while in the transit camp. It was later found that she had died of natural causes and the matter has been referred to the police.

Mr. Speaker, Sir, in reference to the recommendation of the Taskforce Report, which I had stated earlier, it is clear that encroachers were not to be compensated. The reason for that is that they do not hold any right in law to stay in the forest. In fact, the legal provision of the Forest Act, 2005, prohibits squatting or encroaching in the forest and, further, provides for penalties for offenders. It, therefore, implies that the Government will not compensate or resettle persons who illegally encroach on forest land. Let me bring it to the attention of hon. Members that those encroachers contributed significantly

to the degradation of the Mau Forest Complex, which is going to cost this Government approximately Kshs38 billion to restore.

Mr. Speaker, Sir, we are aware that some politicians from the region have been visiting the settlers at their transit camps and urged them not to move back to their ancestral home areas until the Government gives them alternative land. The incitement by those politicians is intended to perpetuate impunity against the Government's noble action of restoring the Mau Forest Complex. I would like to restate that the Government remains firm in its commitment to rehabilitate and restore the Mau Forest Complex. In this regard, I would urge Members of Parliament to assist the Government to achieve that objective.

Historical records held by my Ministry on invasion of the forest confirm that in the year 2005, there were no encroachers in South-West Mau. However, in the year 2007, during the post-election violence, the forest was then invaded by encroachers who we are now removing. In Phases 1 and 2 of those programmes, those encroachers have been registered and through their identification cards, have been identified to have homes. In recognition, the Government has provided them with transportation to their ancestral home areas and arranged for a one-month livelihood support by the Ministry of State for Special Programmes to help them settle into their new lives.

Mr. Speaker, Sir, my Ministry intends to raise a total of 14 million seedling to be planted in the Mau Conservancy within this financial year. Further, to ensure adequate protection of the forest, we will put up additional posts to secure it and also enhance the management infrastructure within the forest. I, therefore, urge all Members of this House and the general public to fully support this noble cause of the restoration of the Mau Complex for the benefit of Kenyans and our regional neighbours.

The removal exercise has, however, been very peaceful and, so far, the restoration has already commenced. To date, 200 hectares of the degraded forest has already been replanted and the planting is going on. A large tree nursery has also been established and over 300,000 seedlings planted. My Ministry intends to use the *Kazi kwa Vijana* Initiative to rehabilitate the Mau Forest. The youth from that area will be given special priority in an effort to assist them to secure jobs that will uplift their living standards. Let me state that the Ministry of Medical Services has been providing health services. The Ministry of State for Special Programmes has also delivered food and non-food items. They include 990 bags of maize, 450 bags of beans, 90 cartons of cooking oil, 240 pieces of blankets, 1,020 pieces of jerry cans and 50 cartons of soap. In addition, the Ministry of State for Special Programmes has provided four National Youth Service (NYS) lorries attached to the crisis response centre to support the relocation exercise.

Mr. Speaker, Sir, in addition, the Government is considering giving some money for relocation per household or per family. This, I must emphasize, is only for families that have been registered and moved out of the forest. The money is being offered on humanitarian grounds to assist the families settle and, the success of this exercise can only be achieved if the families that have moved out of the Mau forest are encouraged to register with our offices.

Thank you.

**Mr. Speaker:** Can we now have hon. Members seeking clarifications? Hon. Isaac Ruto, the Floor is yours.

**Mr. Ruto:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity. We asked the Minister to tell us more specific issues that relate to the humanitarian problem that is coming up at the Mau. I would like to have a clarification from the Minister whether there was any profiling of these people before they were asked or threatened so that they could move out. This House had also talked of the relocation and the understanding was that they will be relocated to some place. The Minister has not told us where these people are relocating to. Indeed, he has mentioned that these people are supposed to move to some so-called "ancestral land". Is it Government policy that those people who have moved to new places be told to relocate to their ancestral land?

**Mr. Speaker:** You can now make your last request for clarification?

**Mr. Ruto:** Okay. Mr. Speaker, Sir, is the Minister aware that the action by the Kenya Government infringes on the rights of the child as guaranteed by the United Nations Convention? Is he also aware that it infringes on Habitat regulations?

**Mr. Speaker:** Order! You have sought three clarifications which is the standard that we allow by our practice. Will you, please, give other hon. Members an opportunity to interrogate this matter?

**Mr. Ruto:** Mr. Speaker, Sir, with your indulgence---

**Mr. Speaker:** Order, hon. Ruto! Dr. Kones, the Floor is yours!

**Dr. Kones:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like the Minister to tell us which part of Mau Forest was excised in 2001. Is it not the area where he has evicted the people?

Secondly, I would like to know exactly what kind of assistance he has given to the people camping there. This is because when I was there two days ago---

**Mr. Speaker:** Order! Do not explain why you want that clarification!

**Dr. Kones:** Mr. Speaker, Sir, I am not asking why, but I want to know the situation on the ground. I want to know about the situation on the ground. Anyway, may I know from the Minister exactly what kind of support has actually been delivered to the people on the ground?

**Mr. Speaker:** Dr. Kones, that is repetitive! Yes and, the HANSARD will bear me out.

**Eng. Maina:** Thank you, Mr. Speaker, Sir. I am relieved to hear the Minister give the scenario regarding the treatment of these evictees. In 1989, people who were legally settled around Mt. Kenya and the Aberdares; who were working under *shamba* system, which was recognized by the Government and, they had done a lot of development there - they had schools and hospitals - were brutally removed from there and their property destroyed. When the Minister is considering compensating the Mau evictees, could he also consider including those people who were evicted from Mt. Kenya and the Aberdares despite the fact that they had stayed on the road for 20 years? There is a Nyayo Tea Zone which was created and yet some of these people have not had a place to settle. Can the Minister consider allocating these Nyayo Tea Zones to these people?

**Mr. Kutuny:** Thank you, Mr. Speaker, Sir. Can the Minister for Forestry and Wildlife confirm that part of this land in Trans-Nzoia is part Mt. Elgon Forest? When does he intend to surrender it to the Government? Again, can the Minister also tell the House when he intends to leave Trans-Nzoia to go back to where he came from?

(Applause)

**Mr. Speaker:** Order, Minister! Mr. Olago is on a point of order.

**Mr. Olago:** On a point of order, Mr. Speaker, Sir! With all respect for hon. Kutuny, I thought the debate on this issue should be very sober and nationally focused. But if you heard what hon. Kutuny said, he is being very narrow-minded on what he is talking about in the House.

**Mr. Speaker:** Order, hon. Olago Alouch! You have stood on a point of order. But you have not indicated what order hon. Kutuny has breached, therefore, you are out of order! You must end there!

**Mr. Olago:** Mr. Speaker, Sir, is it in order---

**Mr. Speaker:** Order, hon. Olago Alouch! To use the words "out of order" does not make it a point of order!

**An hon. Member:** And you are a lawyer!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir---

**Mr. Speaker:** Mr. Lessonet, the Floor is yours. Order, hon. Minister! You have a whole day on this. I have given the Floor to hon. Lessonet.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, let me respond to some of the concerns---

**Mr. Speaker:** Order, Dr. Wekesa! If you catch my eye when you rise, you will have the Floor.

**Mr. Lessonet:** Mr. Speaker, Sir, I just want the Minister to confirm to this House that he is going to take responsibility for any deaths that may occur, like the one which occurred last week, because of the deplorable conditions which these evictees are living in.

**Mr. Speaker:** That was actually the last clarification sought. Let us have hon. David Koech.

**Mr. Koech:** Thank you, Mr. Speaker, Sir. The Minister has indicated that one person has so far died out of natural causes. I would wish the Minister to clarify or confirm that the lady collapsed because of shock having learnt that her farms were invaded and all the crops destroyed. I would like to know from the Minister whether the one week notice given for them to harvest the mature crops was enough time and what happens to the other crops?

**Mr. Speaker:** Dr. Wekesa, you may now respond and embrace your concern on a point of order, as you appeared to be very anxious.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, yes, I was anxious because, first of all, I did not hear what the hon. Member for Cherangany did actually ask. I want him to repeat and repeat slowly so that I can understand what it is he said.

**Mr. Speaker:** Order! Order, hon. Members! Dr. Wekesa, are you rising on a point of order or saying that you did not hear the question?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Yes, I stood on a point of order, but you did not see me. So, I am kindly requesting for the hon. Member to repeat so that I can answer.

**Mr. Speaker:** Dr. Wekesa, you have heard requests for five clarifications. Can you proceed and respond to the first four, and then we will ask hon. Kutuny to repeat his question?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Yes, Mr. Speaker, Sir, I will abide by your ruling. My friend Isaac Ruto raised two issues. He wondered whether there was any profiling. Yes, when the exercise started, it started very peacefully. I do commend the encroachers in this part of Mau Forest. They were very good, even before the 14 days notice expired, quite a lot of those encroachers had started moving out and, we were profiling them properly. In fact, up to 15<sup>th</sup> November, 2009, 1,600 of these encroachers had been properly profiled because they had moved out peacefully and they did not move into any camp.

However, we experienced some problems and we continue to experience them up to now. Some hon. Members in this House went to that area and told the people not to move out. We then found out that some of the encroachers were not willing to register. It is very important for the Government to register those families because we want to assist them. I am appealing to hon. Members from that area to assist us to profile each individual that leaves the area.

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

**Mr. Speaker:** Order, Mr. Ruto! Let us hear the Minister, at least, for a little longer.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, the other issue is where are those people moving to? As far as we know, the people who invaded that part of the Mau came from their homes. That is because they had no papers to show that they were either given land or bought it. Indeed, upon examination and investigations by my officers, many of those people said that they only came to plough and do charcoal business. However, they had no legal papers to show my officers. Therefore, we are very sure that those people came from areas around Mau and, indeed, as I have said, many of those who came out before 15<sup>th</sup> November went to their homes. They did not go to the camps at all.

Dr. Kones asked about the part of Mau that was excised in 2001. This is naughty!

**Mr. Koech:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to insinuate that those people have a home when the lady who died will be buried tomorrow at her brother-in-law's farm? Could he show us her home?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, what I can say with regard to that is that most of those people, perhaps, sold what used to be their land in anticipation of getting free land in the forest. So, if the late woman who died did not have a home, I can only think that, that must be the case.

*(An hon. Member interjected)*

**Mr. Speaker:** Order! Will you proceed, Dr. Wekesa. You will now respond to Dr. Kones's request.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, I was informing the House that this part of---

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to refer to the person as "this woman" when there are particulars about her and

the circumstances under which she died? Why can he not address the woman in her name?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, I am sorry. I do not have her name right now.

**Mr. Speaker:** Proceed, Dr. Wekesa!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, I was telling the House that the area where we have relocated close to 5,600 individuals is not part of the land that was excised in 2001. That is an area where people just encroached. As I said, many of those people encroached that area about two years ago, when we had the post-election violence.

With regard to what kind of support--- I think I was very clear in the kind of support the Ministry of Medical Services, Ministry of State for Special Programmes, my Ministry and Ministry of State for Provincial Administration and Internal Security are giving. They are providing lorries for transportation and food to make sure that they do not starve. We are making sure that each family has enough food to last one month and, if that has not been done, it is being done right now.

As far as Eng. Maina's question is concerned, in 1989, we had a relocation of people. I agree that those people were relocated but we do not have any plans to compensate them. In the same way, we are not compensating the people now. As far as Nyayo Tea Zones are concerned, they were established to act as a buffer zone between the settled areas and the forests. It was a very good idea. However, in some places, it has been abused. But in most areas, the Nyayo Tea Zones are serving this country very well. We are getting a lot of funding through the sale of tea. It also provides the buffer between the settlements and the forests and we would like it to remain the same.

As far as Mr. Lesonnet's issue is concerned, that the Government should take responsibility, the death of any Kenyan worries the Government. When you are dealing with thousands of people, you do not assume that within a week, two weeks or three weeks, you will not have such a problem. All I can say is that the loss of life of any Kenyan is very much regretted by the Government. However, I do not think that the Government can take responsibility to pay for a case such as the one that took place.

I now want my clarification, please.

**Mr. Speaker:** Order, Mr. Minister! You are not allowed to seek a clarification. Hon. Kutuny, could you repeat your question so that the Minister can give you the requisite clarification.

**Hon. Members:** Slowly!

**Mr. Kutuny:** Mr. Speaker, Sir, I think, for the benefit of the Minister who was enjoying his afternoon siesta, I will put it very clear. Could he confirm that part of the land that he owns in Trans Nzoia is part of Mount Elgon Forest land? We are talking about forest reclamations. That is the land that was grabbed from the forests. When does the Minister intend to hand it back to the Government? The Minister has put it very clear that those people who own forest land should surrender it to the Government and go back to where they came from. When does he, after handing over the land, intend to go back to where he came from? Thank you, Mr. Speaker, Sir. That is what I wanted to ask.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, as you can see, the whole House is laughing at that remark. I will tell you that hon. Kutuny, who is my neighbour, has not visited me. I want to invite him, through you, to come to my

farm and we will have a nice cup of tea after which I will explain to him, in detail, how 25 years ago--- No, it was in 1972. How many years are those? I will explain to him how as a young dashing veterinarian in Kenya, when we had old *Wazungu's* still farming there, I approached Mr. Hugh Ballard who had bought the farm way back after the First World War and had been farming there. I approached him and bought the land from him. Unfortunately, he has since passed on. Just to share my tribulations, I took 15 years to pay for that land. That way, the hon. Member for Cherengany will understand how many of us got into Trans Nzoia.

I would like to make it clear that I do not occupy any forest land nor do I live near any forest. That is why I invite the hon. Member to my house for a cup of tea.

**Mr. Speaker:** Order, Dr. Wekesa! The question by Mr. Kutuny was fairly straightforward. Does the land that you now live on belong to or is it part of Mt. Elgon Forest? We want a "Yes" or "No" answer!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, I have given the long history about the settlers in Trans Nzoia and mentioned Mr. Hughe Balad, who occupied the land after World War I. That land is not Mt. Elgon Forest and that is why I want the hon. Member to come to my house so that he can appreciate how far I live from the forest.

**Mr. Speaker:** Thank you, Dr. Wekesa for being precise and answering the question in a manner that is expected.

**Mr. Wamalwa:** On a point of order, Mr. Speaker, Sir. You have asked us not to interrupt the Minister but in the course of his answer he mentioned something. The Minister has said that the squatters who were evicted from Mt. Kenya Forest and the Aberdares were never compensated. Is he in order to mislead the House when, in fact, those who were evicted from those forests were given Kshs1.3 billion, land was bought for them and were resettled at Solio Ranch? In the course of his answer, the Minister has said that some of the people in Mau Forest had sold their land and moved into the forest. That means that he has admitted that they were squatters. Why can the Government not resettle the people who have been evicted from Mau Forest the same way it resettled those who were evicted from Mt. Kenya Forest and the Aberdares?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, I am aware that some people were settled in Solio Ranch, but I am not aware that they were evicted from Mt. Kenya Forest. Nevertheless, I would like to add that many people were relocated from Mt. Kenya, Marmanet Forest, the Aberdares, Cherengany Forest and Mt. Elgon and the issue of compensation has never been discussed.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to ignore one of the questions I asked him? I have asked him whether he is aware that Kenya is a signatory to the international convention on the rights of child which prohibits the relocation of the aged, children and women during bad weather. Is he aware that Kenya is flouting this convention, the convention on the rights to housing and the convention on habitat?

**Mr. Speaker:** Order, Mr. Ruto! You did not ask the second question because I heard the first one clearly. Dr. Wekesa, could you respond to the question that you are flouting the international convention on the rights of children and women?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, I apologise. I have made notes about the rights of children and I want to respond to that



now. Encroachers of Government forests have been members of families. In all the areas that we have had encroachers, we have had to move them out rather brutally and history can bear us on this. However, as far as Mau Forest is concerned, this Government has been very careful. The relocation of families in this forest has been done in a very humane manner. That is why our officers have accompanied the encroachers and helped the elderly and the children. That is why we have lorries with blankets and food. This has been the most "humane" way of evicting people from Government forests, if you would like to use that word. Before that we have been a bit rough and we do not want to go that route anymore. We want to carry out this exercise as humanly as possible.

**Dr. Laboso:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House by terming the evictions in Mau Forest as being humane when all of us are aware and have seen in the media the suffering of children and women? What is in the media and what we have seen is not the scenario that is being described to us this afternoon.

**Mr. Speaker:** Order, Dr. Laboso! Which media are you referring to?

*(Dr. Laboso consulted with Ms. S. Abdalla)*

Order! This is not Garissa Market!

**Dr. Laboso:** Mr. Speaker, Sir, I am talking about what is in the public domain and what I witnessed.

**Mr. Speaker:** With that modification, Dr. Wekesa, you may respond.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Speaker, Sir, two wrongs do not make a right and I must state that clearly. Those families walked from somewhere into that forest and I doubt whether they came by lorries. I doubt too whether those children, ladies and the old people were carried into the forest by lorries. The records that we have show that many of those people invaded the forest after the post-election violence and they are the ones we are evicting right now. All I am saying is that two wrongs do not make a right. I am not saying that we are not aware that children have to walk out of the forest. In fact, we do not have roads in many forests. So, the only option left is to walk. Children who cannot walk can be carried and some of our officers have done that. How did those people come in having children and now that we are saying they get out, they cannot? It is not our responsibility to send a helicopter to pick children. That is not possible.

**Mr. Cheruiyot:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Cheruiyot! Dr. Wekesa, do you want to be informed by the hon. Member for Kuresoi?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): No, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Cheruiyot, I am afraid the matter must rest there!

**Mr. Kaino:** On a point of order, Mr. Speaker, Sir. I would like to make a difference. I have seven gazetted forests in my constituency and I am concerned with conservation. I brought a Motion to this House on the conservation of Cherengany Forest and it was passed. There are two categories of people in that forest. There are people who were given clips---

**Mr. Speaker:** Order, Mr. Kaino! You have stood on a point of order. You must, therefore, move very fast to indicate to what extend Dr. Wekesa has been out of order in his answer.

**Mr. Kaino:** Mr. Speaker, Sir, the Minister is misleading this House. There are some people who are inhabitants of the forest. There are also some people who went to the forest and have lived there for so many years. Where will these people go? Where are their homes?

**Mr. Speaker:** To me that looks like a question. If you want to claim that the Minister is misleading the House and therefore is out of order, then you must tender evidence which shows that the Minister is misleading the House. You have fallen short of that. So, I am afraid that will not amount to a point of order. The last part amounts to a Question and Question Time has already been superseded.

**Mr. Chepkitony:** On a point of order, Mr. Speaker, Sir. The Minister alluded that these people went into the forest after the post-election violence. Is it in order then for him to call them invaders while we know that all those who were displaced after the post-election violence are Internally Displaced Persons (IDPs)? Could these people not be regarded as IDPs?

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Mr. Speaker, Sir, the hon. Member is an old Member of this House. He knows that we passed the Forest Act of 2005 which states very clearly that there will be no human habitation in forest areas. We have game reserves and national parks in forest areas. The law is very clear. It is not true to say that these encroachers have the right to be in the forest. In fact, they are breaking the law to go into a gazetted forest area. In any other circumstances, as Minister for Forestry and Wildlife, I would take stiff action against people like these and actually arraign them before court. But in these circumstances, especially in the Mau area, I really want to commend the people that we have been relocating. They have been very good indeed. They have been very understanding and they want to co-operate with the Government, if it was not for Mr. Isaac Ruto.

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

**Mr. Speaker:** Order, hon. Members! Honourable Members, you will note that we have spent 50 minutes; the better part of an hour on this matter. This matter must, therefore, rest where it is.

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

**Mr. Speaker:** Order Mr. Ruto! You have had three opportunities on this matter rightfully so because we know that you have a lot of interest in it and we have taken cognisance of that fact. We must now move on to the next statement. Minister of State for Provincial Administration and Internal Security!

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. I have been adversely mentioned!

**Mr. Speaker:** Order, Mr. Ruto! In the judgment of the Chair, there was nothing adverse said against you. No improper motive.

Order, Mr. Ruto! Please, handle the affairs of this House with integrity and decorum. It is important that you do so at all times. I know that you were once a gentleman. Please, move to reclaim that gentility.

## SECURITY OF MEMBERS OF PARLIAMENT

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Speaker, Sir, it may be recalled that yesterday, 24<sup>th</sup> November, 2009, you did direct me that that I do give assurance on the security of Members of Parliament. In particular, you directed that I report to the House the security accorded to honourable Martha Karua, Member of Parliament for Gichugu Constituency and honourable Gitobu Imanyara, Member of Parliament for Meru Central.

First and foremost, I would like to assure the hon. Members that my Ministry is committed to ensuring the security and safety of all Kenyans irrespective of their status including Members of Parliament. Indeed, as a matter of policy, Members of Parliament are accorded adequate security at all times as follows: Ministers are entitled to two security officers as bodyguards and two officers at their residence, Assistant Ministers are entitled to one bodyguard and one officer at their residence, Members of Parliament are entitled to one bodyguard.

With particular reference to the two Members of Parliament, I wish to inform this House that hon. Martha Karua has five security officers attached to her who include an inspector as follows: No.94021682, Inspector of Police Dickson Okayo Demo, escort; No.2001005469- Sergeant John M. Karimi, escort; No.99017078- Corporal Leton Nyagah, residence; No.960600569- Corporal Joel W. Gichuki, residence; No.68347- Corporal Simon Gathehu, driver.

Hon. Imanyara has one bodyguard by the name of PC George Githinji, PNO.72153 attached to him in line with the policy.

Mr. Speaker, Sir, from the foregoing, it is evident that hon. Karua is adequately provided with security. However, Mr. Imanyara may liaise with the Commissioner of Police or the Administrative Police Commandant who I have instructed to enhance his security as appropriate. It is important that he actually does so because he may wish to express his own preferences as far as the security personnel are concerned.

Mr. Speaker, Sir, further to my statement to the House, with regard to existence of *Kwekwe* squad, I wish to state that the police has reconfirmed today again that *Kwekwe* Squad does not exist. However, in the light of the information availed by hon. Waititu regarding the existence of a Nissan Vehicle allegedly used by *Kwekwe* Squad, now it is being investigated.

Finally, I wish to assure hon. Members that the Ministry is committed to ensuring peace and security throughout the country, in spite of the challenges that we face.

Thank you.

**Mr. Speaker:** Clarification from hon. Imanyara!

**Mr. Imanyara:** Thank you, Mr. Speaker, Sir. I appreciate the statement from the hon. Minister and assurance that our security would be enhanced, given that it has taken more than three months since that assurance was given in this House. Also, I appreciate the fact that he talks of "the security of all Kenyans". This is because yesterday, after I raised the issue regarding the text message that my personal assistant had received, he left my office to go to Kasarani where he lives and at about 7.30 p.m., he was accosted by two men who purported to be police officers and who said they wanted to arrest him. He asked them why they wanted to arrest him, and an argument ensued. He called me and I

asked him to pass on the telephone to those officers, if indeed they were police officers, so that they could identify themselves. At that moment, I heard a scuffle and the telephone went dead. Thereupon, I called the Criminal Investigation Department (CID) officers to whom Mr. Ngari, my personal assistant had recorded a statement earlier in the day, and pointed out to them that he had just called me panting. I told them that I was very worried that he may have become yet another statistic in the extrajudicial killings that have been taking place.

Mr. Speaker, Sir, I also immediately contacted the Police Commissioner and the Parliamentary Police Station. Getting no adequate response to my concerns for my personal assistant, I then sought assistance from the Frequency Modulation (FM) stations. It was after the FM stations took up this appeal, that the people who had abducted Mr. Ngari abandoned him and he ran to the Kasarani Police Station, where he proceeded to record what had happened to him. What is worrying is that when he was recording the statement and giving the descriptions of these two people who had abducted him, one of the officers pointed out in Kiswahili: "*Afande, si wale ni watu wa kikosi cha Ndegwa?*" I have brought this to the attention of the hon. Assistant Minister this morning. Could I know from the Minister whether there is a squad under the command of one Ndegwa, and who he is in the police force? If so, is this the squad that is killing Kenyans and the one that these two unidentified people, who abducted my Personal Assistant, belong to? This is because he described who they were, how they were dressed and they were identified by officers from Kasarani Police Station.

**Mr. Waititu:** Mr. Speaker, Sir, the instructions the Minister had were to provide security to all those Members of Parliament who had received threatening letters. We were five; my name and that of hon. Dr. Khalwale were there. We were expecting that we would also be accorded extra security.

**Mr. Ethuro:** Mr. Speaker, Sir, I want to thank the Minister for his attempts to secure this country and the Members mentioned. However, is he satisfied that when a hon. Member of Parliament reported threats to his life three months earlier, repeated the same threats just yesterday, yet he is still asking him to go and identify the kind of people who will protect him? I imagine he would have dispatched some contingent to him in the meantime.

Mr. Speaker, Sir, when the Minister also talked about the policy, could he confirm or deny that the Vice-President, Prime Minister and the Deputy Prime Ministers are not part of his security arrangements? If there are any, which ones?

**Mr. Chepkitony:** Mr. Speaker, Sir, the Minister says that Members are entitled to one security officer. Hon. Karua is a Member of Parliament like me. Why does he say that Members of Parliament should have one security officer while others have up to five security officers? Why don't you say that they are entitled to one to five security officers?

*(Laughter)*

**Dr. Khalwale:** Mr. Speaker, Sir, I was asked by hon. Martha Karua to table this letter which she wrote to Prof. George Saitoti, and the reason why she is not able to be here this afternoon is because Anthony Kariuki Kamaina was shot dead purportedly by police officers and she has gone to the constituency to attend to the same.

*(Dr. Khalwale laid the document on the Table)*

Mr. Speaker, Sir, having said that, could the Minister clarify, especially in the case of hon. Gitobu Imanyara, who keeps on getting threats that are associated with police officers, whether he will enhance his security by allowing him to employ non-police officers whom the Minister will then pay?

**Mr. Speaker:** Mr. Minister, you may now proceed to make responses!

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Thank you very much, Mr. Speaker, Sir. In response to what hon. Dr. Khalwale has said, first of all on behalf of hon. Martha Karua, it is sad to hear that Mr. Kamaina lost his life. We very much regret that one. However, I said that indeed, we have had quite a number of murders. You cannot say that all these are executions. Some of these murders may have been committed in the process of criminal activities. However, again, this is a matter of the police which is also going to have to be investigated.

Be that as it may, in the case of hon. Gitobu Imanyara, I have already said that like any other Members of Parliament here, he is entitled to one security officer. However, given the concern that he raised here in Parliament, I have assured this House that I have asked the Commissioner of Police and the Commandant of the Administration Police (AP) to ensure that they receive hon. Imanyara to find out what level of security enhancement he is going to need. I think this is important. I cannot tell hon. Imanyara this is what you deserve. I am the Minister for Internal Security and Provincial Administration, but I am not a trained policeman. So, naturally, we have got to recognise the specialisation in this matter.

Mr. Speaker, Sir, the clarification sought by hon. Chepkitony as to how come we do not have a uniform deployment of security officers for all Members of Parliament irrespective of whether they are Ministers, Vice-President, Prime Minister or Minister, I think in a way, we have to take cognisance of the fact that there are Members of Parliament, or even personalities in this country, who by virtue of their own positions, are actually much more exposed to insecurity. Now, this is not a practice that only obtains in this country. It is an international practice, and I do not think that we would say that since the President is also a Member of Parliament, he too should actually be accorded only one security officer. That is never done anywhere in the world. I would like to say that the more responsibility one has, the more exposed one is. Indeed, even after you retire from being a President, that exposure does not diminish that much.

**Mr. Chepkitony:** On a point of order, Mr. Speaker, Sir. I think the Minister seems to have misunderstood my point; I was referring to Members of Parliament and not Ministers or the President, because hon. Karua is not a Minister but is a Member of Parliament like myself.

**The Minister of State for Internal Security and Provincial Administration** (Prof. Saitoti): Mr. Speaker, Sir, I think it is important again for me to refresh the memory of the hon. Member here. Hon. Martha Karua has stood here on a number of occasions and claimed to this House that she had received threats on her life, and that she required security. It is on that account that she has been given that kind of security. It was checked thoroughly and found that, indeed, she need security. There is no doubt about that.

Mr. Speaker, Sir, I think the other one has to do with what hon. Waititu said; namely, that the number of people who we were supposed to provide with extra security, it is five and not two. I can only request that hon. Waititu revisits what is recorded in the HANSARD and, specifically, it was for these two.

Mr. Speaker, Sir, I am bound by what is recorded in this House, and that is what I have addressed myself to. Well, I think the other issue of hon. Imanyara is regrettable; namely, that his Personal Assistant was accosted by some people, but the good thing is that he was released. Of course, you know one thing which I cannot be able to confirm or deny, because I have no evidence either way, is the allegation that when hon. Imanyara's Personal Assistant went to the police to report what had happened to him, there was one police officer who it is stated that he said, he was actually being harassed by a squad led by Ndegwa. Now, we all know that Ndegwa is really a very popular name, especially in that particular area of Kenya. Therefore, there are very many Ndegwas there. So, which Ndegwa is that?

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

**Mr. Speaker:** Order, hon. Members! This matter must now come to an end. What is it, hon. Imanyara?

**Mr. Imanyara:** Mr. Speaker, Sir, what I was asking the Minister is to establish whether there is a unit in the Kenya Police or whether there is a senior police officer by the name Ndegwa who commands a unit in the Kenya Police.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Speaker, Sir, one thing that I have stated here and it has been reconfirmed to me again is whether there is an existence of an elimination squad in the police. I think basically, that is what is being stated here. I have received that confirmation again; such a thing does not exist. I have received a communication today again, confirming that the so-called *Kwekwe* Squad does not exist since I gave a directive that it should be disbanded.

Mr. Speaker, Sir, I am fairly open. I am fairly open for any information which will contradict what I have said and, therefore, contradict the information which has been given to me. If it happens, indeed, that the information I have is false, I would like to say that I will ensure that appropriate action is taken, because a Minister is supposed to be given reliable information, not information to misguide him.

*(Applause)*

**Mr. Speaker:** Order, hon. Members! You notice that we have spent far too much time on those statements, but it was warranted because of the magnitude of the matters that were being canvassed in those statements.

So, we will just take one request which is very urgent from hon. Ethuro and that will rest that order.

## POINT OF ORDER

CHOLERA OUTBREAK IN TURKANA REGION

**Mr. Ethuro:** Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of Public Health and Sanitation on the Cholera epidemic in the country and particularly, in the larger Turkana Region.

Mr. Speaker, Sir, the Minister, in responding, would wish to clarify the following issues:-

- i. Could the Minister inform the House on the reported outbreak of cholera in the larger Turkana region, in particular, Loima, Turkana East and Turkana Central districts that has resulted in the death of over 50 people and hospitalization of another 500 people?
- ii. When was the first case of the outbreak reported and how many people are at risk in this epidemic?
- iii. What measures has the Government put in place in terms of personnel, equipment and other logistics in order to ensure that this epidemic is dealt with and when were these measures put in place?
- iv. Could the Minister further clarify and give a firm assurance to the House the residents, who are most at risk and the ones that are in remote, inaccessible areas, what measures he has put in place to ensure that they can be reached before they die?
- v. Since this is a water-borne disease, and especially the weather forecast report of last September which indicated that there will be a resurgence of water-borne diseases, particularly cholera, in Rift Valley and also in areas of North Eastern Province, what measures has the Minister taken to ensure that this situation is handled?
- vi. Finally, could the Minister confirm or deny, that the fact that there are two Ministries dealing with this business has actually impeded the service delivery of the Ministry of Health in containing the cholera epidemic?

Thank you.

*(Ms. Noor stood up in her place)*

**Mr. Speaker:** Order, Ms. Noor! Records indicate that a similar statement was requested for by Ms. Noor yesterday. So, I want to direct the Minister to merge the two concerns into one statement and bring it on Tuesday, next week.

*(Ms. Noor stood up in her place)*

Ms. Noor, you should be satisfied with that. Do you have another concern?

**Ms. Noor:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** What is it?

**Ms. Noor:** Mr. Speaker, Sir, my Statement was directed to his Excellency the Vice-President and Minister for Home Affairs and I was asking, on behalf of my Committee pertaining to the cholera outbreak, specifically in Kamiti Prison. The Chair so directed that I get the response today. That is what I was asking and I want your direction.

Thank you.

**Mr. Speaker:** The information that I was given from the record of the House was that it was directed that, that Statement be brought next week. But, obviously, the Chair stands corrected.

Is the Vice-President and Minister for Home Affairs ready with the statement, if that was the undertaking?

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

Hon. Members, there is need to verify from the HANSARD if, indeed, those were the directions made. Otherwise, this matter will then be revisited tomorrow just to reconfirm the direction.

So, as much as possible, hon. Michuki, if you would, please, hold brief for the Vice-President and Minister for Home Affairs and undertake to ensure that somebody is present tomorrow so as to comply with whatever directions will be made by the Chair tomorrow.

**The Minister for Environment and Mineral Resources** (Mr. Michuki): I will do that, Mr. Speaker, Sir.

**Mr. Speaker:** Thank you, hon. Michuki.

## COMMUNICATIONS FROM THE CHAIR

### WORKSHOP ON STRENGTHENING WORKING PARTNERSHIP BETWEEN LEGISLATURE AND EXECUTIVE

Order, hon. Members, before we move to the next Order, I have the following communication to make.

Hon. Members, as we near the end of the Third Session of this Parliament, we have organized a Workshop with a broad objective of forging an improved working relationship between the Legislature and the Executive whilst upholding their respective constitutional roles. The workshop will bring together all Ministers, Assistant Ministers, Joint Chief Whips, the Liaison Committee, Committee Chairpersons, Vice-Chairpersons and the Members of the Speaker's Panel. It is expected that these participants will share experiences so far garnered under the new Standing Orders. The workshop will be held on Friday 27<sup>th</sup> November, 2009 at the Safari Park Hotel, Nairobi beginning 8.30 a.m. and will be opened by the Rt. Hon. Prime Minister and closed by His Excellency the Vice President.

Honourable Members, I am aware that our Muslim brothers and sisters will be celebrating *Eid ul Adha* – the end of Hajj – on the same day. While wishing our colleagues the very best during this important festivity, I request them to spare some time and join us in the workshop, whose expected cardinal output is to strengthen the working partnership between the Legislature and Executive and also to enhance efficient and effective delivery of legislative services as we commence the Fourth Session.

I, therefore, in the circumstances, urge all Ministers, Assistant Ministers, Joint Chief Whips and other hon. Members as particularized herein above, to find time for this important workshop.



They are expected to address their concerns and matters of mutual interest including the way forward. Also, they will address, amongst other things, the apparent polarized relations between the Cabinet and the Back Bench. I think this is the time for you to bring out those concerns. This is actually when it matters. So, if you are not present and resolutions are made, do not be heard to complain subsequently. I thank you.

Next Order!

## COMMITTEE OF THE WHOLE HOUSE

### DEFERMENT OF COMMITTEE STAGE: THE COMPETITION BILL

**Mr. Speaker:** Hon. Members, it has been drawn to the attention of the Chair that the Minister in charge of finance whose portfolio covers this business needs to consult further with the relevant Committee of Parliament. In those circumstances, therefore, I will defer this Order to the time the Minister will be ready. The indication is that the Minister will tentatively be ready on Tuesday of next week.

*(Bill deferred)*

## BILL

### *Second Reading*

### THE PENSIONS (AMENDMENT) BILL

**Mr. Olago:** Mr. Speaker, Sir, I rise to move the Bill for introduction to the National Assembly, the Pensions (Amendment) Bill, 2009.

Mr. Speaker, Sir, the principle object of this Bill is to amend the Pensions Act, Cap. 189 of the Laws of Kenya in order to provide for payment of pension benefits to officers who retire from the public service---

**Mr. Speaker:** Order, Mr. Olago Aluoch! You have been here for some time now. You are just about to complete your second year. When you are moving a Bill as the sponsor, you actually do so. Unfortunately, you have not done so. Can you proceed to do that? If you do not know, then ask me to tell you how to do it.

**Mr. Olago:** Mr. Speaker, Sir, I seek your guidance.

**Mr. Speaker:** Mr. Olago Aluoch, what you are expected to do in moving a Bill is that you say:

“Mr. Speaker, Sir, I beg to move that the Pensions (Amendment) Bill be read a Second Time”.

You then proceed.

**Mr. Olago:** Mr. Speaker, Sir, I am much obliged.

Mr. Speaker, Sir, I beg to move that the Pensions (Amendment) Bill be read a Second Time.

Mr. Speaker, Sir, the principle object of this Bill is to amend the Pensions Act, Cap.189 , Laws of Kenya, in order to provide for payment of pensions benefit to officers

who retire from public service at the time of retirement, irrespective of whether they have attained the age of 55 years or not.

*[Mr. Speaker left the Chair]*

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

The Pensions Act, in several sections and in particular Section 10(A), cites that the first payment of pension benefits to an officer who retires from the public service before attaining the age of 55 years, such pension benefits should only be payable once the officer attains 50 years of age, irrespective of when the officer retires from public service.

Mr. Temporary Deputy Speaker, Sir, statistics posted by the World Health Organization (WHO) indicates that the life expectancy in Kenya at birth is 52 years for males and 55 years for females. This fact is obtained from the Mortality Country Factsheet for 2006 from the WHO. It states that life expectancy as at 2005 was 52 for males and 55 for females. These statistics reveal that the probability of a Kenyan person dying between the age of 15 years and 60 years per every 1,000 persons is 432 in the case of males and 404 in the case of females. It is, therefore, apparent that the Pensions Act, by deferring the payment of pension benefits up to attainment of the age of 55 years does not match the reality on Kenya's life expectancy. A male officer who is paid his pension benefits under the Pension Act, as it stands now, at the age of 50, may, from the WHO statistics, only enjoy this hard earned benefits for a period of two years if still alive by that date.

The objective of this Bill is to amend the Pensions Act in order to allow a person who retires from the public service at whatever age to immediately enjoy the use of the pension benefits. The enactment of this Bill does not occasion additional expenditure of public funds.

Mr. Temporary Deputy Speaker, Sir, Section 10(A) of the Pensions Act that we seek to amend is not in consonance with the facts on the ground---

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order that the hon. Member moving this Bill should be allowed to mislead this House by claiming that earlier payment of pension will not occasion additional funds from the public coffers?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Olago Aluoch, I think you should move the Bill first. Could you, please, stick to that so that you do not get out of your proposal?

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, with respect to Mr. Michuki, the Deputy Prime Minister and Minister for Finance has not objected to this Bill so far. I am, therefore, quite in order to proceed with it the way it is. If, however, there is seriousness on the part of Mr. Michuki that the passage of this Bill will entail additional expenditure on the part of the Treasury---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Olago Aluoch. All I am saying is that you stick to the original proposal from your First Reading so that you do not introduce--- For as long as you are sticking to that, you may proceed.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, I have information from the WHO that, indeed, research carried out, and this is authoritative research---

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Minister, can you be specific what part the hon. Member is misleading the House on? Could you, please, be specific?

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, in the first place, I want to approach this matter from a logical point of view. You cannot pay monies earlier than due and argue that at that point in time, you are not spending additional funds. You are now presiding over a Bill that touches on the Constitution of Kenya which requires that any money Motion or Bill must receive Presidential consent before it comes to the House. Is it in order that you should allow that to happen?

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is not the first time this matter is coming up. I moved a similar Motion in this House and the Minister for Finance did not object then. In fact, it is on record, and the HANSARD will bear me out. The issue is that of access. Therefore, if the law allows, it will be a matter of whether you can access your pension early or not. That is the issue. The Minister for Finance has no objection to date.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is not true that we have not objected to this matter. My instructions from the Ministry are that this Bill is infringing Section 48 of the Constitution, which states as follows:-

“48A(1). The imposition of taxation or the alteration of taxation otherwise than by reduction---”

Section 48A, paragraph (2) provides as follows:-

“48A(2). The imposition of a charge on the Consolidated Fund or any other Fund of the Government of Kenya or the alteration of any such charge otherwise than by reduction---“

Any Bill touching on these provisions needs Presidential consent before it is brought to the Floor of the House.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Olago, the Bill before the House is very important. I can see the objections raised by the Assistant Minister. Therefore, I would like to order that, before we proceed with this debate, the Bill be taken back the relevant Committee, you sit down there with the relevant line Ministry; because it touches on very key issues that the Assistant Minister was able to bring out. Once you harmonise those issues, the Bill should be able to move smoothly in this House.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): On a point of order, Mr. Temporary Deputy Speaker, Sir. I respect your ruling. Indeed, I respect the views expressed by my colleagues in Government. However, the process of approving this Bill has already been completed. Mr. Speaker has approved it. The House Business Committee has allocated time for it. I am reliably informed that these objections were made to the Chair, and the Chair ruled that debate on the Bill continues.

So, there will be conflict of orders here because Mr. Speaker has already ruled that debate on the Bill continues. If the current Chair now rules that debate on the Bill

should not continue, there will be contradiction. Therefore, since the Bill is properly before the House, having been approved through the normal procedure; with respect, I am of the view that we should continue with this debate.

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. If you, kindly, look at the Bill, you will see that it was published on 21<sup>st</sup> August, 2009. It has gone through all the stages and, up to this date, there has been no objection so far. What Mr. Michuki and Dr. Oburu are saying here should, really, be their bases for opposing this Bill. Probably, it might result in one way or the other, but that should be the basis for them to argue against the Bill, and not trying to derail the Mover from initiating debate on the Bill.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. I agree with the Assistant Minister that what he has raised is what is stated by the Constitution. However, he needs to indicate clearly how this is a charge that does not reduce but increases. That can only be shown as they give their contributions, but not by raising objections at this point. I am not convinced that the passage of this Bill will create a further charge to the Consolidated Fund. These are funds that the Government already has, anyway. So, could the Assistant Minister, please, indicate, through contribution to debate, how this is a further charge to the Consolidated Fund?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, I have additional information that has been provided to me. I would like to read a portion of it, which is, really, the essence of the Bill before us:-

“The essence of this Bill is to change the time when the pensioners’ benefits are payable, so that pensioners’ benefits begin to be paid upon retirement, instead of having to wait until one is 50 years old. There is no element of increase of the financial obligations to the Government. This is because pension benefits, under the Pensions Act, rest in the retiree on the date of retirement but, currently, payment of these benefits is deferred until the retiree is 50 years old. What the Bill is doing is removing this need for a retiree to wait to get his or her money, which is already owed to him or her, until he or she is 50 years old.”

So, with that additional information, I order that we proceed with the debate.

*(Applause)*

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am a pensioner myself. Although pension is not a right, in the sense of human rights, pensions are earned. Everyone should be paid one’s pension but we have an obligation, as a House, to defend the Constitution of this country. If you pay today money that you are expected to pay in the year 2011, to say that you are not drawing monies that you should not have drawn at that particular point in time is avoiding to be reasonable. So, how do you pay money earlier than expected other than by drawing from the Consolidated Fund? Doing so would be drawing money that was not provided for at that particular point in time because the law had not been changed.

So, what I am saying is that, as much as we want people to benefit, we must do this within the provisions of the Constitution. The President is available to assent to a Bill, unless somebody is afraid about the basis on which he has drawn such Bill.

**An hon. Member:** He is not being clear!

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order!

Mr. Minister, hon. Members are saying that your submission is not clear. What part of your point of order is not clear?

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, my point of order was that, it being our responsibility to ensure that whatever we do in this House complies with the Constitution because of the need to observe the rule of law; is it in order that we should remain here to infringe the Constitution?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, all that is going to happen now is debating the Bill and then there will come an opportunity for hon. Members to vote on the Question. So, we need to move on because there is an opportunity to vote. That time will come. All we need to do is for you to contribute to the Bill.

**The Assistant Minister for Finance** (Dr. Oburu): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a charge on the Consolidated Fund. It is clearly a charge because the Government of Kenya operates on a zero-budget. Every year, provisions are made, they come to this Parliament for approval to withdraw money from the Consolidated Fund. If you are going to allow withdrawal of funds which are not provided for in the Constitution, because the President has to assent to any increase--- Whatever we pass now, if somebody is going to benefit five years earlier than he or she should have, this is going to be an increase of the amounts to be withdrawn from the Consolidated Fund every year. This increase must get an assent from the President before it is debated.

**The Temporary Deputy Speaker** (Prof. Kaloki): Assistant Minister, I already read a statement here which said, there is no financial obligation to the Government at the end of the day. So, we need to move on with this debate. Opinion has already been given and then there is an opportunity to vote. If the Bill is lost, so be it! Then we proceed on!

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I would eliminate this debate by drawing your attention to the provisions of this Bill---

**The Temporary Deputy Speaker** (Prof. Kaloki): Is that a point of information or a point of order?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, it is a point of order because we cannot allow the Government side to mislead the House. We can only do that by informing them.

I have a lot of respect for Mr. Michuki as a former Minister for Finance. But, in this case, we are looking at the time at which you can draw your allowances. The argument he is using on the period and the need for a law is right. This is why we are bringing an amendment to the Pensions Act so that we can comply and give the Government notice to make the necessary amendments in terms of early retirement of the beneficiaries.

This is not going to be additional expenditure. In fact, if anything, the longer your money stays in the Pensions account, the more you would draw. If you draw it much earlier, the benefits accruing would be less. Why the argument?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! I think I have ruled on this matter. I said let us debate the Bill and the time will come when we can vote. If the Government wins, so be the case! If the Bill is lost, that will be done on the Floor.

Proceed, Mr. Olago!

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, indeed, Section 48 of the Constitution prohibits a Bill that would make the Government incur additional expenditure. However, this does not. I am, therefore, glad the Chair has ruled the way he has.

Having set out the objects of this Bill, it is very brief. I am only dealing with amending one Section only; Section 10(a). I have explained the reasons this Section must be amended. I have explained why Kenyans need to access their retirement benefits before age 50 years. There are Kenyans out there who do not need to receive pension of any nature. There are Kenyans who are doing very well and they do not feel the pinch that many other Kenyans are feeling. However, there are others out there who are about to retire or have retired who would wish to access their benefits before the age of 50 years.

I beg to move and wish to ask that this Bill be seconded by Mr. Wamalwa.

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, every time we touch on the issue of access of benefits, the Government is very jittery, I do not understand why. Recently, when we brought a Motion here to amend the Retirement Benefits Act, (No.3 of 1997), we had the same resistance from the Government. As I rise to second this Bill, I want the Government to be more sensitive to Kenyans. They should listen to Kenyans who are suffering out there. There are many Kenyans who have left employment before the retirement age. There are Kenyans who have been retrenched and they are suffering out there because the law says until or unless you reach the retirement age, you cannot access your benefits. This law is oppressive, it is callous to young Kenyans who have lost jobs and have had to wait for many years to access their benefits. Indeed, recently when we were in Geneva for the International Labour Organization (ILO), we looked at the global financial crisis and job loss. We found that across the world, 50,000 million people lost jobs. In Kenya, the leader of our delegation; the Vice-President and Minister for Home Affairs, submitted that in Kenya alone, 50,000 Kenyans had lost jobs. When you look at this, most of them lost their jobs before the retirement age. They are not able to access their money until they reach the magical age.

Mr. Temporary Deputy Speaker, Sir, I gave an example of my friend, one James Gone; a young man who lost his job before he reached 40 years. Therefore, he had to wait for 15 years. The Government then revised the retirement age upwards to 60 years. Therefore, if he was waiting patiently until this time that he reaches 55 years, he has to wait for another five years. This gentleman had a house. He lost his job and was unable to pay for it. He was told by his employer he had to lose the house because he could not pay for it.

When you look at what he was denied access to, it was enough to clear the balance and save his house. James Gone lost his house. There are many civil servants who have lost their jobs. We are saying that Section 10 of this Act that defers payment of pension until one attains the retirement age is oppressive. It should be amended so that one can access his benefits at any time that they leave employment.

Mr. Temporary Deputy Speaker, Sir, looking at the life expectancy as my learned senior, Mr. Olago has indicated, in 2005, life expectancy in Kenya was at 52 years. However, from last year, we are told that life expectancy in Kenya is at 45 years. So, we have Kenyans we know who have gone long before the magical retirement age and some have lost jobs.

Last weekend, I was at a funeral of a very close friend of mine; the late Amb. Namachanja - God rest his soul in eternal peace - this gentleman who was serving in Brazil died suddenly at 43 years. He had a brilliant life ahead of him but he dropped dead at 43 years. There are many people who die at 45 years presently and so, saying that they will not be allowed to access their benefits until they reach retirement age is unconstitutional. It takes away their freedom to choose when to access their benefits. As I speak, we want this Government to listen to the cry of Kenyans out there.

We know that the Minister says this will affect the planning of the Government, but at the same time, they should also be sensitive to the many Kenyans who are crying out. We want to support this Bill fully and urge the Government to concede that it is in the interests of all the voiceless Kenyans, who cannot be here to speak for themselves. Technocrats at the Treasury burn the midnight oil and introduce regulations that deny the rights of Kenyans and their families access to their benefits and expose them to suffering.

With these few remarks I want to support and second whole-heartedly, this very important Bill.

*(Question Proposed)*

**The Assistant Minister, Ministry of State for Defence (Mr. Musila):** Thank you Mr. Temporary Deputy Speaker, Sir. I stand here to support the Bill. In supporting this Bill, I want to agree that pensioners in this country are people who are not accorded the respect that they deserve. Pensioners in the public service render many years of loyal service to their country, yet when it comes to paying them pension, the Government becomes reluctant to do so.

I want to remind the House that in the year 2003, I moved in this House two amendments to Pensions Act, specifically to Section 16 of the Pensions Act. The reason why I did that was because pensioners were retiring and were not accessing their pension because of red tape. For the interest of the House, I would like to read the amendment that was passed by this House. Section 16A, reads as follows:-

“A person to whom a pension or other allowance is payable under this Act shall be entitled to be retained in the service until the payment in full of the gratuity payable to him consequent upon the exercise by him of option to receive such gratuity under the provisions of this Act”.

I moved this amendment and is now part of the law; this is one of the provisions that are not followed today by the Government. I am surprised when my colleague says we go by the rule of law. If it is by the rule of law, how come this amendment which was done in 2003 is not being followed? How come that pensioners are retiring--- We have heard of hon. Members asking Questions here about members of the public who retire from the public service and spend as many as 10 years before they access their pensions, yet the Act here says they should remain in service until they receive their pensions.

Mr. Temporary Deputy Speaker, Sir, the second amendment that I moved in this House, and is now part of the law, is Section 19 of the Act. Section 19 says that when a pensioner retires from service--- We added Section 19A to the Act. With your permission, I will read it.

“A dependants’ pension payable under the foregoing Section shall be paid to the dependants within a period of 90 days after the death of the officer concerned, failing which interest shall accrue thereon at bank rates until payment is made in full.”

That is the law. Today, people who die on duty, their dependants never access pension; some pensions remain unpaid for years, yet the law says if it is delayed by more than 90 days, interest should accrue at bank rates. That is not happening. So, I am supporting this amendment in support of pensioners who appear to have no say. After they retire, they seem to be looked down upon as if they have not provided any service to this nation.

In other countries of the world, whenever salaries of serving officers are being adjusted, a similar adjustment is made to the pensions in order to protect the pensioners from inflation, cost of living etc. Here, one retires and 20 years after, he still receives the money he used to receive at the time of retirement. To date, senior people who have worked in the Government are earning as little as Kshs2,000 per month as pension. How they survive, only God knows.

So, Mr. Temporary Deputy Speaker, Sir, for Mr. Olago to ask this House to approve the amendment in order for pensioners to be paid their pensions before they die is not asking for too much. After all, they have worked, have retired, and it is about their due pensions; there is no additional expenditure as my colleagues are arguing, because this is money that these pensioners have earned. It is only that instead of deferring its payment until they attain a certain age, they will access their pension immediately. A lot of people die while waiting for their pensions. Is it fair, when a person has served this country for years and he retires and he is denied his pension simply because he is not the age of 50 years? Supposing he retires at 45 and while waiting to receive his pension, he dies at the age of 50 years! What happens to his pension?

I am asking two things; that, we approve this amendment so that pensioners can access their pension immediately on retirement. Secondly I am appealing to the Government to respect the Pensions Act as amended, so that pensioners receive their cheques of pensions as they go home, as it is written in the law. If for any reason the Government is unable to pay them their pensions retain them in the payroll until such a time that the paper-work is completed, and that is the law.

Similarly, for those who die, it is only fair that their dependants access their benefits within 90 days; if for any reason this is not achievable, then those benefits should start earning interest at bank rates, as is written in the law. I am saying these things because this law was passed in 2003, but to date the Government has not implemented it. Now that Mr. Olago has brought an amendment here, people are saying it is illegal! How come that the law that we passed and it is in the statute books is not being followed?

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

Mr. Temporary Deputy Speaker, Sir, I am still on the Floor; I have not given up, but I appreciate the Members enthusiasm in this matter.



I am just appealing to my good friend the Deputy Prime Minister and Minister for Finance, who is here, that pensioners be accorded the respect that they deserve. After retirement, pensioners should be paid their pensions in accordance with Section 16A as it is.

The benefits for those who die should be paid within 90 days as per the law so that we can appear to follow the law. I support the amendment that pensioners should be allowed to access their pensions on retirement, regardless of the age that they retire.

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

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I would like to support these amendments. In supporting these amendments, I want to indicate the history---

### QUORUM

**The Assistant Minister for Finance** (Dr. Oburu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, this is sabotage!

**The Temporary Deputy Speaker** (Prof. Kaloki): No, we do not have a quorum. Ring the Division Bell!

*(The Division Bell was rung)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, we are unable to raise the requisite quorum. Therefore, the House stands adjourned until tomorrow, 26<sup>th</sup> November, 2009, at 2.30 p.m.

The House rose at 5.40 p.m.