

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 13th November, 2008

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

NON-PAYMENT OF DAMAGES AWARDED TO MS. MWIKALI MUMO

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that Ms. Grace Mwikali Mumo was involved in an accident and was awarded Kshs304,695 vide Kajiado RMCC No.10 of 2001?

(b) Is he further aware that Ms. Mumo is still ailing and urgently requires money for specialised treatment?

(c) Could the Attorney-General explain why it has taken so long to pay the claimant and state when she will be paid?

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) No, I am not aware.

(c) It has taken a long time because of failure by the plaintiff/decreed holder to provide a certified copy of the decree in spite of the request addressed to Messrs. Katunga Mbuvi Advocates on record by the Office of the Attorney-General. The plaintiff has also changed advocates from time to time. As of now, she has applied and has been given permission to act in person. All these reasons have caused the delay.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, on many occasions, the Chair has ruled that before Questions are answered, the Government should look into the subject issue being raised by hon. Members. In this particular case, I have a letter from the Office of the Attorney-General which is addressed to the Permanent Secretary, Ministry of Roads and Public Works. It states that they are seeking authority from the Treasury. Meanwhile, they want the cheque for Kshs305,000. He has given a breakdown of the cheque amount. He further says that he has annexed the relevant documents for your action. The particular document the Attorney-General is talking about has already been taken to his office. That is why this letter, which I hereby lay on the Table, was written by his own officers asking for the cheque. I wish to lay the document on the Table.

*(Mr. C. Kilonzo laid the
document on the Table)*

Mr. Wako: Mr. Deputy Speaker, Sir, I am aware of that letter. It is not just that letter.

There are two letters. One is dated 25th February and the other one is dated 12th September, 2008. I am aware of those letters. What was attached was not the certified copy of the decree. Consequently, the hon. Member should thank me for making every effort to try and make that payment in spite of the fact that the certified copy of the decree has not been found. I have only sympathised and acted in this manner because the plaintiff is now acting in person. She has now sacked all her advocates and is acting in person. As an Attorney-General who looks after the interests of all, I am bending over backwards to assist.

Mr. Affey: Mr. Deputy Speaker, Sir, this is clearly a very deserving case. I would like to know from the Attorney-General when Ms. Mumu will be paid this money. If she has already been paid, could he lay the evidence on the Table to that effect?

Mr. Wako: Mr. Deputy Speaker, Sir, if I had the money, I would pay her today. The person responsible for paying her is the Permanent Secretary of the Ministry concerned. I am sure the hon. Member knows which Ministry it is, because he has a copy of that letter. That is the person who knows exactly when she will be paid. The hon. Member should at least appreciate the fact that the Attorney-General is trying to put pressure on the Permanent Secretary to pay Ms. Mumu.

Mr. Deputy Speaker: Order, Mr. Attorney-General! As the Government, you have a collective responsibility. You cannot tell an hon. Member that your office is not supposed to pay her and consequently your hands are tied. You need to make this communication to the Ministry so that you can give specific information to the House.

Mr. Wako: Mr. Deputy Speaker, Sir, I do agree entirely that under Section 17 of the Constitution, there is collective responsibility in the Cabinet which is to assist the President in the discharge of his duties and on issues of policy. Where the law has conferred a specific power and authority on the Accounting Officer of a Ministry to write out a cheque, then it is the responsibility of that authorised officer to do so. As the Principal Advisor to the Government, I am putting a bit of pressure on the Permanent Secretary to pay out that cheque as soon as possible.

Mr. Deputy Speaker: Mr. Attorney-General, it is your responsibility to coordinate that and to come to the House with specifics. You have a Permanent Secretary in the Ministry and also in the Attorney-General's Chambers. It is the responsibility of the Government, through none other than yourself, to do that coordination and come with specifics to the Floor of the House. When you say "as soon as possible", that is neither here nor there.

Mr. Wako: Mr. Deputy Speaker, Sir, the responsibility is there. If the amount is not paid, then in accordance with the law, the decree holder is perfectly at liberty to make a *mandamus* application directed against the authorised officer to pay. I am saying that it will not come to that. That should be appreciated.

Mr. Deputy Speaker: Mr. Attorney-General, as the legal advisor to the Government, it is your responsibility to advise on the consequences of that to the Accounting Officer. The consequence will be further payment by the Government. It is your responsibility to advise the Government properly so that the Government does not have to pay undue surcharges later.

Mr. Wako: Mr. Deputy Speaker, Sir, I do agree entirely. It is my responsibility. In fact, I have so advised, not just this Permanent Secretary, but all authorised officers on the necessity for the Government to set the example in paying in a timeous way all judgements entered against the Government. I have also so advised that if they do not do that, an arrest warrant can be issued to execute a *mandamus* application.

Mr. Olago: Mr. Deputy Speaker, Sir, the issue is more fundamental than what the Attorney-General is addressing the House on. In all proceedings where the Attorney-General is a party and judgement is given, the Attorney-General is always impotent in obtaining judgement from the Ministries concerned. What steps is he taking to ensure that where judgements are entered into by courts, payments are effected by the Ministries effectively and quickly?

Mr. Wako: Mr. Deputy Speaker, Sir, the steps I am taking are indicated in the letter from the office which the hon. Questioner has laid on the Table this afternoon. The letter is from my office addressed to the authorised officer. That is the step I have taken.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, we are talking about a Kenyan who is now representing herself because she says that the office of the Attorney-General has delayed her payment far too long. The Attorney-General, himself, is on record as saying that he is putting pressure on the Permanent Secretary to pay Ms. Mumo. We appreciate that he is putting pressure for this payment to be made. Could he tell us when the cheque will be paid and what kind of pressure is this that he is putting on the Permanent Secretary? We want a duration of time because a Kenyan is suffering.

Mr. Wako: Mr. Deputy Speaker, Sir, the delay is not necessarily mine. As I have explained in my answer, the delay has been caused by the various advocates who did not take steps to pursue the matter to the extent where the decree holder has applied to the court to act in person. Since she got that order, I am now moving as fast as I can. I have written the letter. I do not know how the hon. Member got it, but he has the letter. It is the correct letter which clearly demonstrates that the Attorney-General has taken some action on this matter. I want to thank the hon. Member for bringing the letter and laying it on the Table.

Mr. Imanyara: Mr. Deputy Speaker, Sir, it is always a pleasure to see the Attorney-General in the House answering Questions. Given the large number of accidents which are caused by employees of the Government, and considering that the Government does not insure its vehicles, could the Attorney-General consider providing for contingency fund every year in the Budget to meet this cost of the very large claims that arise out of the accidents that are caused by Government drivers? Could he consider that matter so that when next year's Budget comes, there will be an element of payment of claims arising out of accidents caused by Government employees?

Mr. Wako: Mr. Deputy Speaker, Sir, that is a very useful suggestion. Because of the accounting procedures of the Government, the Ministry has been advised to set up such a fund. Sometimes what happens is that you write to the Ministry and the Ministry has to go to the Treasury to get the funds to pay the required amount of money. I agree that there is some delay, but the Ministry has been advised to have that item in its agenda.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, you have heard the Attorney-General say that he does not know how I got the document. I want to tell him that I am very well-connected. Nevertheless, he has said that he is going to ensure that the payments are made. This lady is representing herself and the original document has been submitted to the Attorney-General's office. The Attorney-General has asked for the certified document. A certified document was submitted in September this year. Could the Attorney-General "bend" fast enough and have these payments made by the end of the month?

Mr. Wako: Mr. Deputy Speaker, Sir, I shall endeavour to do that. In fact, that is my intention. I was not aware of this before, but from what the hon. Member has stated in part "b" of his Question, I am now aware that the lady is ailing and urgently requires money. So, I will move with speed as far as that is concerned. As far as how the hon. Member got this document is concerned, I know his background. He has connections in the Government!

Mr. Deputy Speaker: Do I understand that with regard to Question No.2 by Private Notice, there is an understanding between the Questioner and the Minister to defer it to another day?

Dr. Kones: Yes, Mr. Deputy Speaker, Sir.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I am ready to answer the Question. Why should

you defer it?

Mr. Deputy Speaker: You have not discussed and agreed to defer this Question? Okay, Question No.2 by Private Notice!

NON-PAYMENT OF ALLOWANCES TO
OFFICERS IN DIPLOMATIC
POLICE UNIT

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

(a) Could the Minister confirm that the UN entered into an agreement with the Government to remit Kshs400,000 per month for the Diplomatic Police Unit since its inception in 2005?

(b) Could the Minister further confirm that each officer in the Unit is entitled to Kshs40,000 per month on top of their salary?

(c) Could the Minister explain why the police officers in the Unit have not been receiving this top-up?

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

(a) It is not true that an agreement was entered into between the Government and the UN to remit Kshs40,000 per month for every Diplomatic Unit police officer.

(b) There is no such entitlement for these officers and they are remunerated like all other officers in the force.

Part "c" does not arise because we do not have any allowances for these officers.

Dr. Kones: Mr. Deputy Speaker, Sir, we know that officers who are deployed to special functions are normally given some top-up to their salaries. These diplomatic police officers were promised a top-up of Kshs40,000 per month. Could the Assistant Minister tell us what the Ministry is doing to motivate the officers now that there is no agreement between the Government and the UN?

Mr. Ojode: Mr. Deputy Speaker, Sir, we are doing a number of things. We are paying risk, house and medical allowances to the police officers. We are also paying many other allowances to them. However, there is no official agreement between the Government and the UN with regard to payment, top-up or whatever allowance it is.

Mr. Deputy Speaker: Dr. Kones, you can have the last question! This Question does not seem to generate a lot of interest in the House.

Dr. Kones: I am satisfied, Mr. Deputy Speaker, Sir.

MATATUS' ILLEGAL ACCESS
TO CENTRAL BUSINESS DISTRICT

Mr. Waititu: Mr. Deputy Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that, despite all matatus from Eastlands having been directed to drop and pick passengers at Muthurwa Stage, some matatus are now illegally driving into the CBD, thereby having an unfair advantage over other matatus?

(b) Is the Minister further aware that the owners of matatus that drop and pick passengers at Muthurwa Market have lost business and cannot service their loans due to mismanagement of matatu stages and routes by the Nairobi City Council?

(c) What is the Minister doing to ensure that matatu operators in Nairobi Eastlands are not

unduly disadvantaged?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that there are some matatus from Eastlands still sneaking into the CBD. However, the City Council has noticed this anomaly and has informed a senior traffic police officer to take responsibility as required by the law.

The City Council has also instructed its enforcement officers to intercept and impound any matatu from Eastlands found in the CBD looking for business. For example, 174 and 90 matatus were impounded in the months of August and September respectively. In October, we impounded 870 matatus that had sneaked into the CBD.

(b) No, I am not aware.

(c) The Ministry has directed the City Council of Nairobi to ensure that all matatu operators in Nairobi drop and pick passengers at the designated areas, so that none is disadvantaged. Matatu operators from Eastlands should pick and drop passengers at Muthurwa Bus Stage. The Westlands operators should drop and pick passengers at the Old Nation House Roundabout. Dagoretti matatus should drop and pick passengers at the Railway Station. Thika Road matatu operators should drop and pick passengers at the Globe Cinema Roundabout.

Mr. Waititu: Mr. Deputy Speaker, Sir, this experiment of dropping and picking passengers at the Muthurwa Stage has failed. About 500 minibuses and 500 Nissan matatus are losing business. The owners cannot even service their loans right now.

Mr. Deputy Speaker: Ask your question!

Mr. Waititu: Mr. Deputy Speaker, Sir, all matatu owners in Eastlands have agreed to paint their matatus with different colours for the different routes. I wonder whether the Assistant Minister is agreeable to that. For example, Kayole matatus should be painted with a certain colour, and drop and pick their passengers at the Muthurwa Stage. Umoja matatus should also do the same. I have talked to these people---

Mr. Deputy Speaker: Hon. Waititu! Ask your question!

Mr. Waititu: Mr. Deputy Speaker, Sir, is the Assistant Minister agreeable to the suggestion that matatus for different routes use different colours?

Mr. Githae: Mr. Deputy Speaker, Sir, the law is crystal clear. Matatus from Eastlands must pick and drop passengers at Muthurwa Bus Stop. All the other operators are adhering to this rule. The ones from Thika Road are operating from the Globe Cinema Roundabout, and those from Dagoretti are operating from the Railway Bus Stop. What is so special about matatus from Eastlands, so that they cannot adhere to the law? This has not failed. It is the matatus that are sneaking into the CBD. When the operators know that the policemen are at Muthurwa Market, they use Mombasa Road to sneak into the CBD. Others use the Eastleigh Route to enter Muthurwa Market.

We do not need colours. The law requires that the route must be specified on the vehicle. They are there. I would like to request the hon. Member to request the matatu operators in Eastlands to pick and drop passengers at the Muthurwa Bus Stop. That way, nobody will be disadvantaged.

Mr. Konchella: Mr. Deputy Speaker, Sir, matatus are still a nuisance on our roads as they block the flow of traffic and cause unnecessary jams. There are other problems which are cropping up. Breakdown service vehicles are parked at roundabouts at night. Indeed, they cause a lot of accidents. For example, at the Westlands Roundabout, an on-coming driver cannot see a vehicle parked at the roundabout.

Could the Assistant Minister order the City Council to ensure that all breakdown service vehicles are parked at their designated areas, and are only allowed on our roads when they are

being used?

Mr. Githae: Mr. Deputy Speaker, Sir, first of all, I would like to differ with the hon. Member. Matatus are not a nuisance. They are providing a fundamental and important service to this nation. Many wananchi depend on matatus. They do not have personal vehicles. They are not a nuisance but they must adhere to the law.

Mr. Konchella: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister should not put words in my mouth. I did not say that matatus are a nuisance. I said that they are becoming a nuisance in the sense that they block other road users. Other Kenyans have equal rights to use the roads just as the matatu operators. Everybody must obey the traffic rules.

Mr. Githae: Mr. Deputy Speaker, Sir, we shall not allow them to become a nuisance by blocking other road users. The law is very clear.

Mr. Deputy Speaker, Sir, with regard to breakdown service vehicles, the law requires them to park off the road. The only reason why they are nearer to where vehicles break down is to make sure that the vehicles are recovered as quickly as possible. If we put them in a place far away from the road, it will take too long to recover broken down vehicles. However, I will give instructions that the breakdown service vehicles must, at all times, be parked off the roads.

Mr. Waititu: Mr. Deputy Speaker, Sir, this issue is so serious in Embakasi that it should be given the attention that it deserves. The Assistant Minister does not understand the real problem. The problem is that big companies that have so many matatus are picking passengers from different points. They use different routes to sneak into the CBD. They are also picking passengers in the CBD while privately-owned matatus, which are about 1,000, are picking and dropping passengers at the Muthurwa Bus Stop. They park there the whole day. I wish the Assistant Minister could visit the bus stop.

If the matatus owners are agreeable to using different colours for different routes, why is it not agreeable to the Assistant Minister? Whose interests could he be protecting? I know that there are big companies which are involved in this!

Mr. Deputy Speaker: You have made your point, Mr. Waititu!

Mr. Githae: Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that the law will apply equally to the one-matatu operator, the 200-matatu operators and the big boys.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that the law will apply equally to everybody when they have allowed only one company called "Double M" to operate within the CBD?

Mr. Githae: Mr. Deputy Speaker, Sir, as I said, the law will apply to the one-matatu operator, the 200-matatu operator and the big operators. The law is very clear. All the matatus from Eastlands must pick and drop passengers at the Muthurwa Bus Stop. The Government has invested more than Kshs1 billion in the bus stop.

With regard to colour, you cannot just change the colour of a vehicle at will. You will require to have the logbook changed and get the consent of the Registrar of Motor Vehicles to do that. The route of the vehicle is displayed on the vehicle. That is what the law says. The route should be displayed on the vehicle. The few problems that have been identified at the Muthurwa Bus Stop are in the process of being rectified. Once that is done, there should be no problem. In October alone, we impounded 870 vehicles. I want to assure the hon. Member that any vehicle from Eastlands which does not pick or drop passengers at the Muthurwa Bus Stop will be impounded.

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

Mr. Deputy Speaker: Are you sure you are on a point of order and not another supplementary question?

Mr. Waititu: On a point of order, Mr. Deputy Speaker, Sir. What I was telling the

Assistant Minister is that he should not change the whole colours of the matatus. But he should have a particular colour on the sides for different routes. If it is for Kayole, it should be written Kayole-Muthurwa, Umoja-Muthurwa and Embakasi Village- Muthurwa. That would solve the problem.

Mr. Deputy Speaker: Order, hon. Member! Mr. Assistant Minister, the hon. Member has repeatedly asked whether it is agreeable to you for the matatus from that area to have one colour. Why do you not answer that specific question? You should tell us whether the law prohibits that or you have got your own way of accepting or rejecting that. Answer that question and then we will proceed to the next Question.

Mr. Githae: Mr. Deputy Speaker, Sir, probably, we need to sit down with the operators because, if you change the colour of the vehicle, you require to change even the logbook with the Registrar of Motor Vehicles. The route number is written on the vehicle itself. The route is there. But we can sit down and agree on the mechanics. As I said, if there is anything we can do to make sure that matatus from Eastlands operate from Muthurwa, we shall do it. So, let us have a meeting with the operators of matatus, the City Council and agree on the mechanics.

Thank you.

ORAL ANSWERS TO QUESTIONS

Question No.389

CAUSE OF COLLAPSE OF WTO NEGOTIATIONS

Mr. Baiya asked the Deputy Prime Minister and Minister for Trade:-

- (a) whether he could explain why the World Trade Organization (WTO) negotiations in July, 2008 collapsed; and,
- (b) what policy adjustments the Government is pursuing, in view of the collapse, to safeguard the nation's interest in the world trade.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The World Trade Organisation negotiations meeting in July, 2008 was held in Geneva, and not in Davos as per the Question from the hon. Member of Parliament for Githunguri, hon. Baiya. What collapsed in July, 2008, was the Mini-Ministerial Conference (informal meeting), which was convened by the Director-General of WTO, Mr. Pascal Lamy. The purpose of the informal consultations was to enable 35 Trade Ministers from key WTO members to provide impetus and practical decisions on key divergent issues being negotiated in Agriculture and Non-Agriculture Market Access (NAMA) modalities.

I beg the indulgence of the House and hon. Members to expound on why the negotiations collapsed. I want to bring hon. Members up to speed with the negotiations. There were key issues for consideration by Trade Ministers such as:-

(i) The formula for tariff reduction, Special Products (SP) for developing countries to be shielded from tariff reduction.

(ii) Special Safeguard Mechanisms (SSM) to protect the sensitive agricultural products from sudden import increase in developing countries.

(iii) Preference erosion mechanism to enable adjustment due to envisaged Most Favourable Nation (MFN) tariff liberalization.

(iv) Reduction of subsidization of agricultural production in developing countries, among others.

Mr. Deputy Speaker, Sir, one of the most problematic aspect of the WTO trade negotiations was the treatment of Special Safeguard Mechanism. That is why hon. Members need to understand that the Special Safeguard Mechanisms in agricultural modalities is the major cause of disagreement in that meeting.

The SSM is the instrument that many developing countries--- I seek the indulgence of the House to bring hon. Members up to speed in terms of those negotiations---

Mr. Deputy Speaker: Order, Mr. Assistant Minister. You cannot read a presentation of three pages. Why do you not table the answer, be concise and to the point?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): All right, Mr. Deputy Speaker, Sir. One of the major problematic aspects of the WTO negotiations was the treatment of the Special Safeguard Mechanisms in agricultural modalities. The other thing is the instrument that many developing countries, with many diverse interests in agriculture, are advocating in order to defend their development.

(b) Kenya's position on the key issues of our interest in the WTO negotiations has not changed. The country will continue to engage with WTO-member countries to ensure a successful conclusion of the Doha Round of Negotiations to address our development needs.

Thank you.

Mr. Baiya: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for that fairly elaborate answer. But my first concern to the Assistant Minister is: The collapse of those negotiations meant that Kenyan farmers are threatened with cheap imports especially from European Union EU and countries in America. Does that not mean, therefore, that, right now, they are exposed to those unfair trade practices from those major countries? What is the Ministry doing to ensure that, in the absence of those agreements, our farmers are protected against that unfair competition?

Mr. Omingo: Mr. Deputy Speaker, Sir, the hon. Member agrees me with me that, basically, why the negotiations collapsed was because the Special Safeguard Mechanisms gave fair treatment to developed countries in terms of import upsurge. That was the cause of the collapse. The talks collapsed because our interests were not taken into consideration. That is why, as a Ministry and a Government, we must protect our farmers. So, far as we stand, those negotiations are on. There is no import upsurge, as it were, because we have not signed the final document which is under Non-Agricultural Market Access and Agricultural Access. That is because we want to save and safeguard the interests of our farmers. It is for that reason that the talks collapsed.

Mr. Baiya: Mr. Deputy Speaker, could the Assistant Minister confirm that, in future, when it comes to those negotiations with WTO institutions--- Institutions like EU are going behind that system to negotiate individually with the Kenyan Government. Obviously, Kenya, as a country, cannot measure to the bargaining power with a region like EU. It will, therefore, be arm-twisted to accept far inferior positions. Could the Assistant Minister confirm that, in future, they will be presenting such agreements for ratification by this House? They should conduct those negotiations transparently, so that we do not compromise farmers' interests.

Mr. Omingo: Mr. Deputy Speaker, Sir, I quite agree that the negotiations known EPAs with the European Union are completely different. Those institutions deal with some block of countries in Europe by trying to get market access bilaterally in Africa. That way, African countries are disadvantaged. That is a different Question. That is why I thought I should go into details. But I seek the indulgence of the hon. Member and the House that, at a different forum, we can present that information. I know that, as a Ministry, we have not done quite well in terms bringing hon. Members up to speed in terms of COMESA, EU, WTO and EPAs negotiations. You have a specific interest as the representatives of the people. You must be brought up to speed. As to EPAs, it is a detailed issue that I would want to be given time to present at a different forum. But on

WTO, we have tried to engage the Clerk to involve Parliamentarians to be brought up to speed to know what we are doing as a Ministry.

Mr. Deputy Speaker: Next Question by hon. Affey!

Question No.395

RELAXING OF EMPLOYMENT REQUIREMENTS
FOR KENYANS IN ASAL REGIONS

Mr. Affey asked the Minister of State for Public Service:-

(a) whether he could state the minimum qualification required to join the Public Service as a driver and a clerk, respectively; and,

(b) what steps he is taking to ensure that the requirement is relaxed for Kenyans from ASAL regions to ensure that they are not marginalised in such employment.

The Minister of State for Public Service (Mr. Otieno): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The minimum entry requirement for appointment as a driver in the Civil Service is as follows:-

(i) Kenya Certificate of Secondary Education Mean Grade D Plain or its equivalent qualification from a recognised institution.

(ii) A valid driving licence free from any current endorsements.

(iii) First Aid certificate from St. John Ambulance or Kenya Institute of Highway and Building Technology or any other recognised institution.

(iv) A pass in suitability test for drivers.

(v) A valid certificate of good conduct from the Kenya Police.

(vi) At least, two years driving experience.

The Minimum entry requirements for appointment as a clerical officer in the Civil Service is as follows:-

(i) Kenya Certificate of Secondary Education (KCSE), Mean Grade C- or its approved equivalent, and

(ii) proficiency in computer applications is an added advantage.

(b) The Government sets standards on recruitment and advancement of officers to ensure that the service is manned by qualified and experienced personnel. However, these standards are not rigid, since where the set standards cannot be met by candidates in the Arid and Semi Arid Areas (ASAL), the Government relaxes the requirements to facilitate their recruitment. In addition-

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Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. The Question the Minister is answering was, I believe, asked and he brought an answer here. I thought that, according to our Standing Orders, a Question cannot come here again if six months are not over. Could you give direction on that?

Mr. Deputy Speaker: Indeed, Mr. Minister, there was a Question but it was not exactly like this one; but it was close to it. Given the circumstances, the Chair will give the Minister the benefit of the doubt. Proceed and answer it! There was a Question on Turkana that was asked regarding the same subject.

The Minister of State for Public Service (Mr. Otieno): Mr. Deputy Speaker, Sir, there were several Questions on the same issue. But, as I was saying, my Ministry is currently at an advanced stage in preparing a district-based recruitment policy. In the new policy, the filling of vacant posts for the lower cadre personnel in Job Groups A to F, that is the category under which

drivers, messengers, cleaners, clerical officers, artisans, security warders, mortuary attendants and so on fall, will be undertaken at the district level to ensure that there is regional balance and fair distribution in recruitment of officers in the Civil Service at these grades.

In addition, where candidates in ASAL regions do not have the set standards, the district-based recruitment policy will provide that they be recruited and taken through a tailor-made crash programme to enable them attain the required standards.

Thank you.

Mr. Affey: Mr. Deputy Speaker, Sir, I want to thank the Minister because he has attempted to answer in accordance with the spirit of this Question. But what I am asking him to explain is: What is the meaning of the word "relax" in his answer? He said that the "Government relaxes the requirement". How relaxed is the requirement? How are these requirements going to be relaxed? What is the meaning? I would like to know the specific meaning of the word "relax".

Secondly, many young Kenyans from northern Kenya and other arid lands do not have an opportunity to become clerks in this country, because with Grade C-, they have a possibility of going to universities after a bridging course. So, I would like to know exactly what he means by the word "relax". When is the policy the Ministry is designing for this purpose going to take effect?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. It is true that a similar Question was brought here, and that time it was answered by the Ministry of State for Provincial Administration and Internal Security. They gave a different answer because it touched on the recruitment of drivers from ASAL areas, in particular Turkana. Now the same Government has brought another answer to a similar Question and said they relax rules. I am seeking your ruling on this point of the same Government giving different answers to the same Question.

Mr. Deputy Speaker: Order, Mr. C. Kilonzo! My presumption is that the Government is a dynamic institution. It is not a static institution and it changes!

Proceed, Mr. Minister!

(Applause)

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. In that case, could the Chair also direct that the seven drivers from Turkana, who were left out because of the rules then, should now be included?

Mr. Deputy Speaker: Order, Dr. Khalwale! You are out of order! The Chair has no powers to direct a Minister to do anything other than bring a good answer to the Floor of the House. It cannot employ!

Proceed, Mr. Minister!

Mr. Otieno: Mr. Deputy Speaker, Sir, if the Question was addressed to a particular Ministry, they gave an answer specific to the requirements by that Ministry. This particular Question was general on policy, and that the answer I am giving is for the entire Public Service, in which case "relax" means that if the normal requirement is Grade C+, it can be reduced to C- or D+. So, "relax" is about making the requirement less rigid than is normal; to be able to attract the right recruits from a particular place.

Mr. Bahari: Mr. Deputy Speaker, Sir, I want to thank the Minister for making sure that the Ministry does not engage in recruiting drivers, but attends to strategic issues. I want him to tell us exactly when he expects to conclude the policy he is going to put in place and bring it to the House. When, specifically, is he going to do that?

Mr. Otieno: Mr. Deputy Speaker, Sir, the policy framework is ready but it has to go through the process of Cabinet Sub-Committee approval then finally Cabinet approval before announcement. I think it should be ready within three months.

Mr. Letimalo: Mr. Deputy Speaker, Sir, I would like to ask the Minister if a driver has been trained, and has or does not have formal education and he fulfils all the other requirements, are they considered to have sufficient qualifications to be employed as a driver?

Mr. Otieno: Mr. Deputy Speaker, Sir, I would like to draw the attention of hon. Members to the fact that standards in the Public Service are going to go up. They are going up so fast that even drivers will have to operate small equipment to enable us trace where they are. So, a certain level of literacy is essential, and an attempt to lower standards is not appropriate. I have said that the right training will be given. Where we do not have recruits with the basic requirements, we will, at least, put in place a crash programme to train them to achieve the standards. But let hon. Members not seek lower standards.

Thank you.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, I want to thank the Minister for giving us a response that looks very positive. I want to state here that this Question addresses what we were looking for in totality. It is not about the Question that we had asked last time.

Let me now go to the question relating to policy. As much as we are able to appreciate what the Minister tells us, he does not specifically tell us, in terms of getting disadvantaged, about the recruitment that was going on--- Could he consider stopping the on going national recruitment in Ministries with a view to addressing the inequalities that are happening as of now?

(Applause)

Mr. Deputy Speaker: Mr. Minister, while you are formulating those policies, what is happening right now?

Mr. Otieno: Mr. Deputy Speaker, Sir, what is happening right now is that you will appreciate that it has to go on so that the right staff can report on time. As to the future, when we say "district-based recruitment", it means applicants will only be entertained from those particular districts. It is only when we cannot source suitable candidates within the requirements from those particular districts, that we would then relax the standards and design specific training programmes for the people from that very district to achieve the standards of performance.

Mr. Affey: Mr. Deputy Speaker, Sir, now that the Minister is not keen to suspend the ongoing recruitment despite the fact that we have serious reservations, could he consider to circulate this policy to all the Ministries in Government - the ones that he says has an intention to relax? As it is now, drivers and clerks are being recruited at the headquarters here in Nairobi and ASALs are not accessing these jobs. Could he, therefore, have an affirmative action and directive to the Ministry so that they could consider to recruit them even as a policy is being put in place?

Mr. Otieno: Mr. Deputy Speaker Sir, the district-based policy will be a major change and actually has elements of devolution in it, in the sense that we are not going to allow a District Commissioner from Kakamega to take a cousin and hire him in Mandera. So, the moment that policy is completed, it will be a serious document that will be made public to everybody at that time but it has to be finished and approved by everybody.

Mr. Deputy Speaker: Next Question by Mr. Mwakulegwa!

Question No.499

DISMISSAL OF PERMANENT SECRETARIES
FROM PUBLIC SERVICE JOBS

Mr. Mwakulegwa asked the Minister of State for Public Service whether he could

explain the circumstances under which Messrs. Sylvester Mwaliko (formerly PS, Home Affairs), Kombo Mweru (former PS, Forestry and Environment), Ms. Rachel Dzombo (former PS, Sports, Gender, Children and Social Development), Ms. Naomi Sidi (former Deputy MD, Kenya Airports Authority) and Mrs. Jacinta Mwatela (former Deputy Governor, Central Bank of Kenya) were dismissed from their respective Public Service jobs.

The Minister of State for Public Service (Mr. Otieno): Mr. Deputy Speaker, Sir, I beg to reply.

The people in this Question, namely, Mr. Sylvester Mwaliko, Mr. Kombo Mweru, Ms. Rachel Dzombo, Ms. Naomi Sidi and Mrs. Jacinta Mwatela were holders of offices in the Public Service. The power of appointments to such offices and the termination of such appointments rests in the President as provided for under Section 24 of the Constitution of Kenya. Accordingly, the appointing authority has always made such appointments during reorganisation of Government, as and when necessary, at any given time and without prejudice to merit or regional balancing. It is, therefore, in these circumstances, that the mentioned officers were appointed and their services later terminated.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, I thank the Minister for the answer. However, he has cited the Kenya Constitution which gives power to the President to hire and fire. It is the same Constitution that has pegged the retirement age at 55 years. We have so many senior civil servants past this mandatory retirement age. Could he explain why, at any given time, there is a reshuffle, senior public servants from the Coast Province are targeted for sacking?

Mr. Otieno: Mr. Deputy Speaker, Sir, I have looked at the manner in which the President makes appointments and, in most cases, appointments are replaced by persons from the very regions where the terminations were taken. So, whoever was terminated from the Coast Province or an appointment not renewed, in most of the cases, the replacements also came from the same region. I think that has been fair and regional balancing has not been compromised by the President.

Mr. Joho: Mr. Deputy Speaker, Sir, is the Minister aware that most of these people who were dismissed, from the Coast Province have actually not been paid their dues? If, indeed, they have been paid, could he lay the evidence on the Table? I am aware that Ms. Naomi Sidi, who was dismissed, has not been paid her dues for the last four years.

Mr. Otieno: Mr. Deputy Speaker, Sir, if any public officer has not been paid what is due to him or her and such amount is still outstanding, he or she should address a letter making such claims to the person expected to pay. If the hon. Member could give me a copy, he should expect an answer soon.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, as a follow-up to Mr. Joho's question, is the Minister aware that Mrs. Jacinta Mwatela wrote a letter to the Governor asking for her dues and he responded by telling her that she should write such a letter to the appointing authority?

Mr. Otieno: Mr. Deputy Speaker, Sir, I have advised Mrs. Jacinta Mwatela to write a positive letter claiming her dues from the Central Bank of Kenya and it will be attended to.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, could the Minister clarify whether he is aware of the Presidential directive of ensuring that 30 per cent of public positions are occupied by women since from this example, we can see that three out of five of dismissals are women? Secondly, is he complying with this Presidential directive or defying it?

Mr. Otieno: Mr. Deputy Speaker, Sir, overall, the 30 per cent directive applies to the entire Civil Service. It cannot apply to each and every sector every time. As far as the entire Public Service is concerned, we are on 34 per cent female recruitment.

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

order to mislead this House? Could he lay the directive that indicates that it does not apply across the board?

Mr. Otieno: Mr. Deputy Speaker, Sir, I think the hon. Member misunderstood me. The directive of 30 per cent applies across the board and we are on 34 per cent. When you take it specifically that managing directors, Assistant Ministers and drivers must be 30 per cent, that is difficult to apply. But, generally, we are at 34 per cent of the entire Public Service being women.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, the Minister has said that he advised Mrs. Jacinta Mwatela to write a positive note to the CBK asking for her dues. Could he explain what a "positive note" is?

Mr. Otieno: Mr. Deputy Speaker, Sir, a positive note is a letter without innuendoes, claims and irrelevancies. It is a specific letter as to what is due and can be so judged as due by any reasonable person.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The letter that the Minister is referring to as having been a case of innuendoes, and whatever he has said, is actually referring to a letter of inquiry that was written by Mrs. Jacinta Mwatela. When she did this, she wanted to be guided.

Mr. Deputy Speaker: Order, Dr. Khalwale!

Dr. Khalwale: Mr. Deputy Speaker, may I make my point because it is a matter of law?

Mr. Deputy Speaker: Order! Order, Dr. Khalwale! The supplementary question by the hon. Member was very specific to her dues. We do not want to get into the whole debate of whether dismissals were right or constitutional. This is not the matter right now. The issue is totally different. The Question has been answered by the Minister. Whether it is to the satisfaction of the House or not, it is for you to determine but the supplementary question that the hon. Member asked right now is specific on the dues payable to Mrs. Jacinta Mwatela.

Dr. Khalwale: Mr. Deputy Speaker, Sir, is the Minister in order to mislead this House that Mrs. Mwatela has not been paid because she has written a letter which has got a bad tone, when we know that all Mrs. Mwatela wanted to find out was the interpretation of the Banking Act, specifically, Section 13B and Section 14(2)(3). With your indulgence, you could allow me---

Mr. Deputy Speaker: Order! That is not the matter on the Floor of the House. The hon. Member talked specifically about dues. You are not the secretary of Mrs. Mwatela to tell us whether there was a letter or not. Do you have the specifics of the letter on her dues? Do you have the specific letter where Mrs. Mwatela is asking for her dues?

Dr. Khalwale: Mr. Deputy Speaker, Sir, I do have the specifics. May I also confess that when you are a Member of Parliament, you are the secretary of people like Jacinta Mwatela. You are a slave of even cooks. You are anything in this country. It is important for the Minister to make it clear why he acted contrary to the Laws of Kenya. That lady had a reason to refuse to go away. She was waiting to be removed, if the President had appointed a tribunal, in accordance with the law. Are we being Parliament if we do not protect the weak in our society?

Mr. Deputy Speaker: Order! Order! Much as you are passionate about this issue, it is not the issue on the Floor of the House today. We have a big problem because of the House live broadcasting in place. Everybody wants to appear on television on issues that essentially, are not on the Floor of the House. Please, acquaint yourself with your own Standing Orders and be relevant on the issues on the Floor. I have no reason to doubt what you are talking about. It could be relevant, but it is not the matter that we are discussing today. It is not the matter that is at hand now.

Next Question by Mr. Fred Kapondi!

ERADICATION OF CATTLE RUSTLING
IN MT. ELGON/TRANS NZOIA

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

(a) given the high rate of insecurity in different parts of the country, particularly in Mt. Elgon, Trans Nzoia and other parts of north-west region, what steps the Government is taking to bring to an end cattle-rustling and other activities that promote insecurity in the areas;

(b) what steps the Government will take to reduce poverty, which is a major contributor to the state of insecurity in the said areas.

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

(a) Although the hon. Member asserts that there is a high rate of insecurity, the Government can authoritatively state that the rate of crime in Mt. Elgon has, so far, drastically reduced in the recent past. That is after Operation *Okoa Maisha* and the setting up of four extra police stations, namely, Cheptais, Chepkube, Kaptama and Kapsiro. Further, eight police posts namely, Chepkonga, Kongit, Kibyeto, Sambocho, Kipsikioro, Kipsigon, Kaptaten and Kangagu were also set up across the district.

The regular police are being assisted, in their effort to contain criminal activities, by the Administration Police and the General Service Unit (GSU) based in Kipsiyaron and Kipsigon. To an extent, we also have the Anti-Stock Theft Unit (ASTU) police officers who are based at Chesikak. In the recent past, there has been no reported incident of cattle rustling in that particular district.

Trans Nzoia District is equally adequately policed, even though there are reported incidents of cattle rustling. The Government has also set up three police posts, namely, Matisi, Geta and Kabolet. The ASTU and GSU officers are also stationed in areas which are notorious with incidents of cattle rustling namely, Kabolet, Munyaka, Bahati and Makutano.

(b) Poverty has been a challenge for the Government since Independence. Consequent to this, the Government came up strategies to deal with the situation. Some of the strategies include Sessional Paper No.10 of 1965 on Social Dimensions of Development Strategy, Economic Recovery Strategy and, more recently, Vision 2030.

Other measures include the introduction of free primary and secondary education, Constituencies Development Fund, Local Authorities Transfer Fund, Women Enterprise Development Fund and Youth Enterprise Development Fund, among other initiatives.

Those initiatives are helping all the regions to deal with poverty. It is hoped that if those funds are well utilised in the areas addressed by the hon. Member, poverty will reduce and, eventually, be eradicated.

Thank you.

Mr. Kapondi: Mr. Deputy Speaker, Sir, it is unfortunate that the very able Assistant Minister has partially answered this Question. I agree about the security presence in Mt. Elgon; the kind of security infrastructure that we have there. He has made it very clear that there are four new police stations and eight new police posts. If you look at the theatre of cattle rustling, that is, north-western Kenya region and, particularly, the Pokot and Turkana districts, could he tell us, given the periodic occurrences of cattle rustling in those areas, how many new police stations and police posts have been set up in response to that?

Secondly, in response to part "b" of the Question, the Assistant Minister has merely stated a raft of measures common in other parts of this country. The north-western Kenya region has very

unique problems, which require very unique measures. Could he state what unique and specific measures the Government has put in place in those areas to see to it that poverty is reduced and, therefore, contain insecurity?

Mr. Ojode: Mr. Deputy Speaker, Sir, what we are doing, especially in the North Rift region, which include West Pokot and Marakwet districts--- The Government has organized two disarmament exercises, namely, Operation *Okota*, which was carried out in 2006, and the voluntary Operation *Dumisha Amani*, which is on-going. The Provincial Administration has also formed District Peace Committees and continuously holds *baraza* to strategize on how to eliminate cattle rustling.

The Community Policing Initiative has also been embraced in those areas. We also agree that areas which need Administration Police camps can be identified by the leaders and security teams within the districts in order for us to put them in place.

So, those are some of the measures we are putting in place. I wish to state here that the operation that was carried out within those districts have minimised criminal activities. I am happy that even the Member of Parliament from that area is also agreeing to what the Government has so far done. We are going to continue setting up security camps in areas which are particularly prone to criminal activities.

Mr. Murgor: Mr. Deputy Speaker, Sir, I am rising on a point of order about---

Mr. Deputy Speaker: Are you rising on a point of order or you want to ask a supplementary question? I thought you wanted to ask a supplementary question!

Mr. Murgor: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that when regular police officers and Administration Police officers are tracking down livestock which have been stolen, members of the community will not be harassed, brutally beaten and women raped?

Mr. Ojode: Mr. Deputy Speaker, Sir, if any officer who is involved in an operation is caught in an act which is not authorised for him or her, action will be taken. That officer will be taken to court.

Secondly, we do not send our officers to mount operations and do other things that include rape! There are certain cases where there are allegations. That is why we, normally, establish committees to investigate the activities on the ground. Otherwise, as far as the Government is concerned, we do not allow rape and brutal beatings and other activities. We do not want people to cry as a result of such activities.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, while the Assistant Minister is right about Mt. Elgon where an operation has been carried out and many police stations put up, Trans Nzoia has not received the same attention. Gangs armed with AK-47 rifles have run over to Trans Nzoia and insecurity has escalated in areas like Kisawai, Machewa, Kiminini and Saboti. What is the Assistant Minister doing to improve the security situation in Trans Nzoia? Attention has been on Mt. Elgon but the spill-over effect has been Trans Nzoia, particularly in the east and western parts.

Mr. Ojode: Mr. Deputy Speaker, Sir, what we are doing in Mt. Elgon will also be spread to other areas where insecurity is a problem. I would want my colleagues also to assist us. They should sit down with the security officers within the district so that they can map out where they would like to establish police or AP camps. That will reduce insecurity.

Mr. Deputy Speaker, Sir, if the hon. Member comes and asks for patrol vehicles, we are ready to give them so that we minimise incidents of insecurity.

Mr. Deputy Speaker: Mr. Kapondi, last question!

Mr. Kapondi: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that in areas of north-west Kenya; that is, Pokot and Turkana, the Government prefers to carry out operations. Quite a number of them have been done over the past few years. Could the Assistant Minister

confirm that the Government is working on long-term solutions to have serious security infrastructure on the ground instead of resorting to operations which is a case of management by crisis? If we manage our security operators through management by crisis, then we are more or less operating like a militia. Could the Assistant Minister confirm that he is serious and is moving to have permanent security infrastructure on the ground in the said areas?

Mr. Ojode: Mr. Speaker, Sir, I want to assure hon. Members that the Government is absolutely serious! In fact, these problems we are having will be a thing of the past. I would want you to have your patience. If you give me two to three months, we will never have incidents like this. We have a long-term project. We have a long-term vision and we are going to flush out these criminals whether in Mt. Elgon, West Pokot or Mandera. Mark my words, this will be a thing of the past!

Mr. Deputy Speaker: Next Question, Dr. Khalwale!

Question No.305

REVENUE FROM HIRE OF ARMED
POLICE ESCORTS BY BANKS

Dr. Khalwale asked the Minister of State for Provincial Administration and Internal Security:-

- (a) whether following the directive that banks hire armed police escort when transporting money, he could state the standardized rates for this service;
- (b) how much money has been realized by the Government from this service since 2003 to date; and,
- (c) whether he could explain how the money is normally appropriated.

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

(a) I am not aware of such a directive whatsoever. However, financial or corporate institutions may seek such kind of services from the police while transporting money.

(b) The standardized rates for such services are contained in the Kenya Gazette Notice No.12 dated 9th February, 2007. The rates per hour for a maximum of eight hours for armed police officers are as follows:-

- (i) Inspector of police - Kshs187.50
- (ii) Senior Sergeant/Sergeant - Kshs150.00
- (iii) Corporal - Kshs125.00
- (iv) Constable - Kshs100.00

The amount of money so far realised by the Government from these services from 2003 to date is Kshs334,923,077.00.

(c) All funds raised through hire of police security services are sent directly to Ministry of Finance at the Treasury or extended as Appropriations-In-Aid. This is what we normally call A-I-A.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the then Minister for State for Provincial Administration and Internal Security actually issued an Executive directive that all money-carrying vans will be accompanied by armed police officers. The Assistant Minister should be aware of that directive. Is he convinced that with the kind of money they are paying our young people to expose themselves to this kind of risk is enough?

Mr. Ojode: Mr. Deputy Speaker, Sir, yes, I believe it is enough!

(Laughter)

Mr. Konchella: Mr. Deputy Speaker, Sir, I think the Assistant Minister is joking! This is a very serious matter. Police officers are put under very high risk by this Government. It is high time we took security issues seriously. The officers are put in small Toyota and the money is carried by big tracks. The officers are like sitting ducks in the small Toyotas. Could the Assistant Minister, as a matter of security, order the officers to stop using those small Toyota cars? Any powerful or knowledgeable criminal will put them down in a second.

Mr. Deputy Speaker, Sir, could the Ministry use the Kshs100 million to provide---

Mr. Deputy Speaker: Mr. Konchella, ask a supplementary question!

Mr. Konchella: Mr. Deputy Speaker, Sir, could the Government use this money to order for Rapid Deployment Vehicles in which the officers can come out when shot at and defend themselves? As it is now, the officers are all sitting ducks and will all be killed anytime.

Mr. Ojode: Mr. Deputy Speaker, Sir, we have recommended to the firms carrying cash to go for police 999 vehicles. This will be an extra charge of about Kshs5,000 for eight hours. Quite a number of the firms have obliged and are doing that. So, if one thinks that they can just block a vehicle carrying cash assuming that it is a lone, my officers will do the needful. You will never see those people again!

(Laughter)

Dr. Khalwale: Mr. Deputy Speaker, Sir, for the information of the Assistant Minister, those police officers are paid between Kshs300 and Kshs500 and the balance of the money is paid at the District Commissioner's (DC's) office. Could he explain why the same DC at the end of the month submits Kshs40,000 to the police station?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is a known fact that I always go by evidence. When you hire services of any policeman, there will be a Government receipt issued against any payment. If the hon. Member has any evidence, let him share it with me and I will take action.

Mr. Deputy Speaker: Next Question, Mr. Maina!

Question No.268

NUMBER OF IDPS SETTLED BY GOVERNMENT

Eng. Maina asked the Minister of State for Special Programmes:-

- (a) how much money has been raised by the Fund established by the Government to assist the Internally Displaced Persons (IDPs) as a result of the 2007 post-election violence;
- (b) whether she is aware that the Kshs500 million allocated to the Fund in this year's Budget is inadequate; and,
- (c) whether she could explain the progress so far made in resettling of the IDPs and indicate how many are yet to be resettled.

The Minister of State for Special Programmes (Dr. Shaban): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The National Humanitarian Fund established by the Government to assist IDPs as a result of the 2007 post-election violence has been able to raise Kshs1,965,061,835 as at 22nd October, 2008 from the Government and various institutions and well wishers.

(b) I am not aware that in this year's Budget, the Government allocated Kshs500 million to

the Fund. The correct budgetary allocation for the Financial Year, 2008/2009 is Kshs750 million.

(c) The Government launched the Operation *Rudi Nyumbani* on 5th May, 2008 to resettle the IDPs back to their homes. Through the initiative, as of yesterday, a total of 256,394 IDPs had returned to their original villages or otherwise. As of now, there are 5,811 persons yet to be resettled in various camps as follows:-

Nakuru Showground	- 500;
Eldoret Showground	- 2,850;
Naivasha Stadium	- 859;
Limuru Camp	- 552;
Mt. Elgon	-1,050.

So far, 97,937 households have benefitted from the Government support of Kshs10,000 each, which converts to Kshs979,370,000. Payments are underway to ensure that all profiled households have been paid from the Government of Kenya (GOK) support. The Ministry has also received 59,504 IDP registers on how households for burnt houses that will benefit from the GOK support of Kshs25,000. Out of this, the Government has already made payments to a total of Kshs26,844 households. Toda date, the Government has spent Kshs1,684,470,000 from the National Humanitarian Fund. Some of the beneficiaries have positively utilised the GOK support to purchase land and are now settling in their new villages.

Eng. Maina: Mr. Deputy Speaker, Sir, the subject in front of the House is very serious. It is now a year since people were displaced, and from what the Minister has said, people have been settled either back to their villages or elsewhere. Could she tell us what she means by "elsewhere". We know that most of those people are yet to settle. The question is, do you have the resources or the will to settle these people?

Dr. Shaban: Mr. Deputy Speaker, Sir, there are several phases which are followed in a resettlement programme. The first phase was the emergency one, where the Government initially, prior to the establishment of the National Humanitarian Fund, had spent Kshs650 million. The second phase was resettlement and reconstruction. This phase was also done in several stages. The first phase is to put reconciliation process in place and get the IDPs and the local people to accept each other, and their neighbours to accept them back. Then they move from the camps back to their original villages. That bit has been successfully undertaken. Now we are embarking on the second stage where we need to do the reconstruction of their houses for them. That is what we are doing now.

Mr. Kapondi: Mr. Deputy Speaker, Sir, I would like to ask the Minister what steps she has taken in a place like Mt. Elgon, because the first allocation of Kshs10,000 more or less went to crooks who were enlisted by Assistant Chiefs? What steps has the Minister taken to ensure that the remaining money goes to the rightful people?

Dr. Shaban: Mr. Deputy Speaker, Sir, as to whether the money went to crooks, I cannot say. As far as we are concerned, the Ministry of State for Special Programmes works through coordinators. We have district coordinators, who are working with the DCs, because we do not have officers in each and every constituency. So, we work with DCs and the special coordinators whom we appointed to carry out our work. As far as we are concerned, the list we got was genuine and is what we acted on. If there is any information about crooks having been paid, I would want to be given that information so that I can act on it accordingly.

Mr. Njuguna: Mr. Deputy Speaker, Sir, aware that the Minister has tried to give a very elaborate answer, I wish to urge her to state what specific arrangement the Ministry has for those IDPs who are up to now are staying with their families? They are about 5,000 in Lari Constituency,

and nobody has spoken to them. They are scattered all over in the constituency.

Dr. Shaban: Mr. Deputy Speaker, Sir, we had two types of IDPs. We had the IDPs who were in the main camps, and have others who were integrated into families. Those who were integrated into families were found in Central Province where they ran to. We also have some in Nyanza Province and the Rift Valley. Some of the IDPs who were integrated into families joined other IDPs during Operation *Rudi Nyumbani*, but the ones in Central Province are still living with their families. We are now making arrangements to make sure that they also get their fair share, and that those who would wish to go back are assisted to reconstruct their houses.

Mr. Letimalo: Mr. Deputy Speaker, Sir, at least the Minister is aware that there are people who were displaced due to insecurity before the 2007 general election, and they never went into IDP camps, as she has rightly said. They are living amongst their people. I have constituents who were equally affected. What arrangements do you have to ensure that these people are resettled in their farms, particularly those who came from Laikipia?

Dr. Shaban: Mr. Deputy Speaker, Sir, officially our Ministry has not been given information about the IDPs prior to the 2007 general election. However, now that this information is been trickling in, we are working out ways and modalities--- The Fund I have was only meant to cater for the post 2007 elections IDPs. So, we are working and will see how best they can be catered for. Even if we came up with an action plan right now, we do not have the funds to cater for them.

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

Mr. Deputy Speaker: Order, Mr. Letimalo! You have asked your question and you have been given an answer; I think the Minister has given you an adequate answer!

Yes, Mr. Mbadi!

Mr. Mbadi: Mr. Deputy Speaker, Sir, if the Minister is saying that, that exercise is going on very well, could she tell us about the ladies who came to the city in four buses, and were tear-gassed by the same Government that she proudly serves? Could she tell us what they were doing in Nairobi?

Ms. Chepchumba: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Members not to appreciate the good work that the Minister is doing, in her bid to resettle the IDPs? The crisis was overwhelming, but the Government has tried. I would urge the Minister to put in more efforts, and come up with ways and means of resettling those who are still in the IDP camps.

(Applause)

Dr. Shaban: Mr. Deputy Speaker, Sir, at least, there is one hon. Member - the gracious lady - who has appreciated what some of us in the Ministry are undergoing, even as we try to resettle the IDPs. It is not a very easy exercise.

However, I would like to talk about the ladies---

Hon. Members: Ladies!

Dr. Shaban: Yes, ladies! I qualify that. They were ladies!

Hon. Members: Mothers!

Mr. Deputy Speaker: Order, hon. Members! Proceed, Madam Minister. You will be protected.

Dr. Shaban: Mr. Deputy Speaker, Sir, the ladies who came here were in eight buses, and not four buses as has been alleged.

Hon. Members: Why?

Mr. Deputy Speaker: Order, Members!

Dr. Shaban: Mr. Deputy Speaker, Sir, it is actually upon hon. Members to read between the lines. That is because most of the ladies who came had complaints and we listened to them. I have co-ordinators at the ground level and they were supposed to have been informed. We also work with the District Commissioners. I was supposed to have been informed. Most of the genuine IDPs in this country have my telephone number. I always receive their messages and call them back to learn about their problems. When I found the ladies here, I was quite surprised. In fact, when I went to address them, some of them told me that they had been fooled by some business people who had asked them to come to Nairobi to complain. At the end of the day, according to what I discovered--- I would like to ask my colleagues not to interfere with the resettlement of IDPs. If people want to seek political mileage, let them not use Kenyans.

(Applause)

Mr. Deputy Speaker: Order, hon. Members! This Question has got ample response from the Minister. I think she has done a good job. Proceed, Mr. Maina and ask your last question.

Mr. Maina: Mr. Deputy Speaker, Sir, we are all aware that close to Kshs30 billion was needed to resettle people. Are we really serious? Do we not feel that we have subjected, perhaps, up to 2.5 million Kenyans to utter inhuman poverty? Most of those people have become so desperate. In fact, the Minister has admitted in her answer. They are now using the Kshs10,000 to look for a piece of land.

Mr. Minister, I beg you---

Hon. Members: Madam Minister!

Mr. Maina: *Sawa sawa.* Madam Minister! I am happy that she is dealing with that problem. As a mother, she understands what I am talking about - the bad conditions in which women and children are living in.

Mr. Deputy Speaker, Sir, I said that we require Kshs30 billion to resettle those people. We have seen their state of desperation. They have been using the little money they have to buy land. Truly, does the Government really believe that the exercise is achieving what it was intended to achieve? What will 3 per cent of a budget of Kshs30 billion do?

Dr. Shaban: Mr. Deputy Speaker, Sir, it is true that we had requested for a budget of Kshs30 billion. It was not possible for us to be given that amount of money. All the same, what we have from the Government coffers is only Kshs1.75 billion. Half of that money - Kshs700 million - will be received in the next half of this financial year. We made efforts, for example, through a harambee presided over by His Excellency the President. We managed to raise some money. That is how we ended up with a total of Kshs1.965 billion. I believe we were not given enough.

Mr. Deputy Speaker, Sir, however, because of the demands of the Grand Coalition Government, and with the many Ministries that we have, I have to make do with what I have. I hope that this House will have an opportunity to actually--- Hon. Members here represent people and some of them are IDPs. As I talk to my colleagues in the Treasury, they have accepted to add us some more money. So, we are expecting about Kshs1.7 billion from the Treasury. That money will also help us to resettle those people. It is true that the money is not enough, but it is easier for all of us to work together to make sure that whatever we have is utilised well, so that it can be enough for everybody.

Mr. Deputy Speaker: Hon. Members, I think that Question has had a very fair answer. I must appreciate what is being done for the IDPs.

Anyway, let us move on to the next Order. So, the following Questions will be deferred until next week. They will be spread out over next week at the earliest opportunity.

Question No.527

SUBDIVISION/ALLOCATION OF
SUBUKIA/BLOCK 1584

(Question deferred)

Question No.381

CATEGORIES OF BUSINESS LICENCES ISSUED
BY NAIROBI CITY COUNCIL

(Question deferred)

Question No.402

CRITERIA FOR COMPUTATION
OF POVERTY INDICES

(Question deferred)

Question No.391

RISE IN CHILD LABOUR CASES
IN CENTRAL PROVINCE

(Question deferred)

Question No.460

RE-TARMACKING OF ELDAMA
RAVINE-NYARU-ELDORET ROAD

(Question deferred)

Question No.424

LACK OF ICU FACILITIES
AT MERU GENERAL HOSPITAL

(Question deferred)

Next Order!

POINTS OF ORDER

DELAY IN ISSUING
MINISTERIAL STATEMENT

Mr. Letimalo: On a point of order, Mr. Deputy Speaker, Sir. I had requested for a Ministerial Statement and you had ruled that it will be given today.

Mr. Deputy Speaker: Which Minister were you seeking the Statement from?

Mr. Letimalo: The Minister for Livestock Development!

Mr. Deputy Speaker: Is the Minister in? That Statement had got to do with vaccination in the southern part of Mr. Letimalo's constituency. Could somebody from the Government side undertake to respond?

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Deputy Speaker, Sir, the Minister will be informed accordingly. However, I know that vaccination is taking place. This is because I have given out enough money.

DELAY IN CONSTITUTING TRANS
MARA COUNTY COUNCIL

Mr. Konchella: Mr. Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Local Government on the operations of Trans Mara County Council.

Since the conclusion of the last General Elections, the County Council of Trans Mara has not been constituted as per the provisions of the Local Government Act, Cap.265, leading to non-delivery of services.

I would like to know whether the Minister is aware that a company owned by South African nationals has not been remitting funds due to the Trans Mara County Council. That is the park entrance fee of US\$40 per person per day through a court order. That action has denied the council and the local community group ranches within the Maasai Mara Game Reserve colossal amounts of money, which would have enhanced their social and economic development.

Mr. Deputy Speaker, Sir, the matter has been tossed between the magistrate's court in Kisii and the High Court in Nairobi, without any foreseeable end to the saga. The constant postponement of the judicial process is perpetuated by a cartel of mercenaries of African and European origin/descent through bribery and deceit, with a view to continuing to collect funds from the Maasai Mara Game Reserve. That is causing inter-community conflict.

I would like the Minister to confirm or deny that he is powerless to order the resumption of the operations of that public institution - Trans Mara County Council - and why one arm of the Government should be used by individuals to frustrate the operations of the council and yet, the Constitution is clear on the separation of powers between the different arms of Government.

Mr. Deputy Speaker, Sir, lastly, could the Minister ensure that funds meant for provision of services to the people are not collected by individuals for their own benefit? Could he also ensure that his Ministry officials are not part of the cartel that is perpetuating those heinous acts which are destroying the confidence of the Government in the eyes of the people of Trans Mara, and which has led to an almost complete paralysis of the operation of the council?

Thank you.

Mr. Deputy Speaker: Let us get the hon. Minister barring the series of unparliamentary language that is in the demand of the Ministerial Statement. Hon. Members you cannot call other people mercenaries on the Floor of the House, unless you are able to prove that. But barring that, and given the gravity of the matter, can you give an undertaking on when you will have a Ministerial Statement based on the objective and spirit?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Thank you, Mr. Deputy Speaker, Sir. In fact, I was going to raise what you have raised. But, nevertheless, I would like to assure the hon. Member that the Deputy Prime Minister and Minister for Local Government is not impotent or powerless. We can issue that Ministerial Statement sometimes next week.

Mr. Deputy Speaker: You undertake to issue the Ministerial Statement next week?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Yes.

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

Mr. Deputy Speaker: Hon. Wamalwa, under the circumstances, you should have consulted me before you rise on a point of order at a moment like this.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I did.

Mr. Deputy Speaker: Proceed, then.

CRASHING SMALL AIRCRAFT OVER
MT. KILIMANJARO

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Ministry of Foreign Affairs regarding an accident that occurred last weekend, involving a Kenyan pilot flying a small aircraft that went down over Mount Kilimanjaro. I would like the Ministry to confirm the circumstances surrounding the accident that led to the loss of lives and serious injuries to the Kenyan pilot. I would like the Ministry to also confirm what assistance the Government has given to the young pilot who hails from Kitale by the name of Martin Lunani.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Minister for Foreign Affairs is not in. Any Minister can give an undertaking.

The Minister of State for Defence (Mr. M.Y. Haji): Mr. Deputy Speaker, Sir, I undertake to inform the Minister concerned.

BILLS

First Reading

THE FISCAL MANAGEMENT BILL

Mr. Mbau: Mr. Deputy Speaker, Sir, I beg to move that the Fiscal Management Bill, Bill No.20, be referred to the relevant Departmental Committee in accordance with the provisions of Standing Order No.101(A)(1)

*(Order for First Reading read-
Read the First Time and ordered to
be referred to the relevant
Departmental Committee)*

**COMMUNICATION FROM
THE CHAIR**

FINANCE BILL STILL WITH RELEVANT

DEPARTMENTAL COMMITTEE

Mr. Deputy Speaker: Hon. Members, Order No.8(i) is the Finance Bill. It is still with the Committee. I think it is deferred to 25th of this Month.

Hon. Minister, are you in concurrence with that?

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Deputy Speaker, Sir, we, in the Treasury, had expected that we would be able to meet the Departmental Committee on Finance, Planning, Trade today, in order to agree on the amendments that we will bring to this House, with their support. But because the Committee was not ready with the amendments, I, regrettably, had to accept that this matter is placed on the Order Paper, if the House Business Committee saw it fit, on Tuesday, 25th November, 2008.

Mr. Deputy Speaker: Indeed, yes. The presumption is that the Finance Committee will have completed its work. That is when the House Business Committee can decide. The sensitivity of the Finance Bill is that, for taxation purposes, it has to be disposed of before the end of the year.

Next Order!

**COMMITTEE OF THE
WHOLE HOUSE**

(Order for the Committee read)

(Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE SACCO SOCIETIES BILL

Clause 2

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 2 of the Bill be amended-

(a) by deleting the definition of "core capital" and substituting therefor the following new definition-

"Core capital" means the fully paid up members' shares, capital issued, disclosed reserves, retained earnings, grants and donations, all of which are not meant to be expended unless on liquidation of the Sacco Society;

(b) by deleting the definition of "deposit" and substituting therefor the following new definition-

"deposit" means a sum of money received or paid on terms under which it shall be repaid, with or without interest or premium, and either on demand or at a time or in circumstances agreed by or on behalf of the person making the payment and the person receiving it;

(c) by deleting the definition of "licensed society";

(d) by inserting the following new definitions in proper alphabetical sequence-

"Board of Trustees" means the board of trustees established by Section 58 of the

Act;

"dormant account" means savings or current account maintained by a Sacco society which is not operational, or has had no transaction by the depositor within the maximum period prescribed;

"Tribunal" has the meaning assigned to it in the Cooperative Societies Act, 1997.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I fully support the amendment because the Committee, the Ministry and the stakeholders have had several meetings; so, we accept this amendment and even the following ones.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be
inserted in place thereof
be inserted, put and agreed to)*

(Clauses 2 as amended agreed to)

(Clauses 3 and 4 agreed to)

Clause 5

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 5 of the Bill be amended by deleting the word "licensed" appearing in paragraph (b) and substituting therefor the word "Sacco".

If you look at the word licence, the Committee wanted to avoid a situation where there would be some Saccos which are not licensed and will want to operate as Saccos. So, we wanted all of them to be captured within the meaning of Sacco, hence the proposed amendment.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, the amendment is accepted.

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be
inserted in place thereof
be inserted, put and agreed to)*

(Clause 5 as amended agreed to)

(Clauses 6, 7, 8, 9, 10, 11, 12, 13, 14)

15, 16, 17, 18, 19, 20 and 21 agreed to)

Clause 22

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 22 of the Bill be amended by deleting the word "licenced" and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I wish to confirm that I am in agreement with that amendment.

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be
inserted in place thereof
be inserted, put and agreed to)*

(Clause 22 as amended agreed to)

(Clause 23 agreed to)

Clause 24

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 24 of the Bill be amended-
(a) in Subclause (2) by inserting the word "society" immediately after the word "Sacco" appearing in Subparagraph (i) of paragraph (e);
(b) in Subclause (3) by deleting the words "only within fourteen days after being notified of the refusal" and substituting therefor the words "within thirty days after receipt of notification of refusal";
(c) in Subclause (5) by deleting the word "may" and substituting therefor the word "shall".

The period that was proposed was 14 days and we considered it to be too short, taking into account the far-flung areas of this country; it may not be possible to reach some far off areas in 14 days, hence the request that this be amended to say that the period is 30 days. We believe that, that should satisfy the co-operators in the far-flung areas of the country.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I confirm my acceptance of the amendment to Clause 24.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Question, that the words to be

*inserted in place thereof
be inserted, put and agreed to)*

(Clause 24 as amended agreed to)

Clause 25

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 25 of the Bill be amended-

(a) by inserting the word "society" immediately after the words "deposit-taking Sacco" appearing in Subclause (2);

(b) by inserting a new subclause immediately after subclause (2) as follows-

(2A) The licence referred to in subsection (2) shall, where the other requirements of this section are fulfilled, be issued within fourteen (14) days from the date of payment of the prescribed fee.

(c) by deleting the word "licensed" appearing in subclause (3) and substituting therefor the word "Sacco";

(d) by deleting the word "licensed" appearing in Subclause (4) and substituting therefor with the word "Sacco";

(e) by deleting the word "licensed" appearing in Subclause (5) and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept Clause 25 as amended.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be
inserted in place thereof be
inserted, put and agreed to)*

(Clause 25 as amended agreed to)

Clause 26

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 26 of the Bill be amended in Subclause (1) by deleting the word "may" appearing immediately after the word "Authority" and substituting therefor the word "shall".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept.

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be
inserted in place thereof be
inserted, put and agreed to)*

(Clause 26 as amended agreed to)

Clause 27

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT Clause 27 of the Bill be amended-

(a) by deleting the word "licensed" appearing immediately after the words "in writing to a" and substituting therefor the word "Sacco";

(b) by deleting the word "licensed" wherever it occurs in Subclause (2) and substituting therefor the word "Sacco";

(c) by deleting subclause (3);

(d) by deleting the words "licence within fourteen" appearing in Subclause (6) and substituting therefor the words "licence within thirty";

(e) by deleting the word "Minister" appearing in Subclause (7) and substituting therefor the word "Tribunal".

Mr. Temporary Deputy Chairman, Sir, we have made that amendment for very good reasons. Again, the period which is being requested is 14 days. It may not be adequate time for the Sacco to appeal to the Minister. Further, we have also introduced the use of a tribunal as is provided for in the Co-operative Societies Act. Why are we doing that? We would want to save the Minister from all the appeals in the country and the possible litigations that may face him if he is not able to attend or he defies and the parties aggrieved have got to find a way of getting the Minister to court. So, we want to avoid that by introducing the use of a tribunal as provided for in the Co-operative Societies Act.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment as proposed.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be
inserted in place thereof
be inserted, put and agreed to)*

(Clause 27 as amended agreed to)

Clause 28

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT the Bill be amended by deleting Clause 28.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the deletion.

(Question, that the words to be left out be left out, put and agreed to)

(Clause 28 deleted)

Clause 29

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 29 of the Bill be amended by deleting the word "licensed" and substituting therefor with the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 29 as amended agreed to)

Clause 30

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, you will notice that I have two other Members of the Committee to assist me. I want to exhibit the prevailing team spirit in the Committee.

Having said that, I beg to move:-

THAT, the Bill be amended by deleting Clause 30 and substituting therefor the following new clause-

30. All Sacco societies shall comply with and maintain at all times the minimum capital requirements as may be prescribed by the Authority.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 30 as amended agreed to)

Clause 31

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 31 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefo the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 31 as amended agreed to)

Clause 32

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, before I move the amendment, I would like to correct a typographical error. The correct number of the proposed new clause in this amendment is "32", and not "30" as shown on the Order Paper.

Having said that, I beg to move:-

THAT, the Bill be amended by deleting Clause 32 and substituting therefor the following new clause-

32. A Sacco society shall engage only in such business as the Authority shall prescribe.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I agree with the amendment as proposed by the Committee, and confirm that, that allows Saccos to do business similar to that done by commercial banks. I [**The**

Minister for Cooperative Development and Marketing]

also wish to agree with the hon. Member in his correction of the typographical error contained on the Order Paper. Indeed, the number "30" should read "32".

The Temporary Deputy Chairman (Prof. Kaloki): Thank you, Mr. Minister.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 32 as amended agreed to)

Clause 33

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 33 of the Bill be amended by deleting the word "licensed" appearing in Subclause (1) and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Co-operative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, the amendment is accepted.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 33 as amended agreed to)

Clause 34

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 34 of the Bill be amended-

(a) by deleting the word "licensed" wherever it occurs in Subclause (1) and substituting therefor the word "Sacco";

(b) by deleting the word "licensed" appearing in Subclause (3) and substituting therefor the word "Sacco";

(c) by deleting the word "licensed" appearing in Subclause (4) and substituting therefor the word "Sacco".

(d) by deleting the words "licensed society may" appearing in Subclause (5) and substituting therefor the words "Sacco society shall".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Acting Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 34 as amended agreed to)

The Temporary Deputy Chairman (Prof. Kaloki): Hon. Members, we shall take Clauses 35 to 44 together, because the proposed amendment is similar in all of them.

Clause 35

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 35 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 35 as amended agreed to)

Clause 36

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 36 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

(Question, that the word to be left

out be left out, put and agreed to)

*(Question, that the word to be
inserted in place thereof be
inserted, put and agreed to)*

(Clause 36 as amended agreed to)

Clause 37

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 37 of the Bill be amended by deleting the word "licensed" wherever
it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr.
Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be
inserted in place thereof be
inserted, put and agreed to)*

(Clause 37 as amended agreed to)

(Clause 38 agreed to)

Clause 39

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 39 of the Bill be amended by deleting the word "licensed" wherever
it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr.
Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be
inserted in place thereof be
inserted, put and agreed to)*

(Clause 39 as amended agreed to)

Clause 40

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 40 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 40 as amended agreed to)

Clause 41

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 41 of the Bill be amended by deleting the word "licensed" wherever it

occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 41 as amended agreed to)

Clause 42

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 42 of the Bill be amended by deleting the word "licensed" wherever

it occurs and substituting therefor the word "Sacco".

*(Question of the amendment
proposed)*

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be
inserted in place thereof be
inserted, put and agreed to)*

(Clause 42 as amended agreed to)

Clause 43

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 43 of the Bill be amended by deleting the word "licensed" wherever
it occurs and substituting therefor the word "Sacco".

*(Question of the amendment
proposed)*

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be
inserted in place thereof be
inserted, put and agreed to)*

(Clause 43 as amended agreed to)

Clause 44

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 44 of the Bill be amended by deleting the word "licensed" wherever
it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr.

Temporary Deputy Chairman, Sir, I agree with the proposed amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 44 as amended agreed to)

Clause 45

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 45 of the Bill be amended

(a) by deleting Subclause (1) and substituting therefor the following new sub-clause:-

(1) Every licensed society shall, in each financial year, have an external auditor who shall be:-

(a) a person qualified under Section 46;

(b) approved by the annual meeting of that society; and,

(c) appointed as such by the Authority.

(b) by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

Mr. Temporary Deputy Chairman, Sir, I would like to seek the indulgence of the Chair regarding the word "licensed" and "Sacco". You may have noticed that we have been deleting the word "licensed" and replacing it with the word "Sacco". That is another typographical error. The word "licensed" was retained instead of it being replaced with the word "Sacco". I seek your indulgence that we replace the word "licensed" with the word "Sacco".

Mr. Temporary Deputy Chairman, Sir, the amendment is meant to involve the co-operators in the appointment of auditors. In the past, it has appeared that auditors are appointed single-handedly or they are retained for a long time. So, their position as auditors is easily compromised. We would want the AGM to regularly review the position of their external auditors.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the proposed amendment. I also agree that the word "licensed" should be replaced by the word "Sacco".

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 45 as amended agreed to)

Clause 46

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 46 of the Bill be amended:-

(a) by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco";

(b) by inserting a new paragraph immediately after paragraph (a) as follows:-

(aa) is among the list of auditors approved and duly registered by the Authority.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 46 as amended agreed to)

Clause 47

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 47 of Bill be amended:-

(a) by deleting the word "licensed" wherever it occurs and substituting therefor word "Sacco";

(b) by deleting the word "exhibit" appearing in Subclause (1) and substituting therefor the word "display".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 47 as amended agreed to)

Clause 48

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 48 of the Bill be amended by deleting Clause 48 and substituting therefor the following new clause:-

48. The annual general meeting of a cooperative society as established under the Cooperative Societies Act shall be the supreme organ of a Sacco society.

Mr. Temporary Deputy Chairman, Sir, I want to indicate that the new clause substituting Clause 48 is important in the sense that membership must not have a group of people usurping their authority in the society. In the past, there have been extra ordinary or special meetings called before the end of the year. In such meetings, decisions which have far reaching effects have been made. They affect the operations of the society.

Mr. Temporary Deputy Chairman, Sir, we are saying that the supreme organ of the Sacco, institutions, be the Annual General Meeting (AGM) so that decisions made by special or extraordinary meetings are subject to the AGM. That is the essence of our proposal to amend Clause 48.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof, be inserted, put and agreed to)

(Clause 48 as amended agreed to)

Clause 49

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT the Bill be amended by deleting Clause 49.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the deletion of Clause 49 as proposed.

(Question, that the words to be left out be left out, put and agreed to)

(Clause 49 deleted)

Clause 50

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 50 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment proposed to Clause 50.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 50 as amended agreed to)

Clause 51

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 51 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment to Clause 51.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 51 as amended agreed to)

Clause 52

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 52 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment proposed to Clause 52.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 52 as amended agreed to)

Clause 53

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 53 of the Bill be amended-

- (a) by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco";
- (b) by deleting the words "more frequent inspection" appearing in paragraph (f) and substituting therefor the words "regular inspections".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 53 as amended agreed to)

Mr. Temporary Deputy Chairman (Prof. Kaloki): Hon. Members, Clauses 54 to 56 will be read together as they are similar.

Clause 54

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 54 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 54 as amended agreed to)

Clause 55

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 55 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 55 as amended agreed to)

Clause 56

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 56 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 56 as amended agreed to)

(Clause 57 agreed to)

Clause 58

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 58 of the Bill be amended-

(a) by deleting the word "licensed" appearing in paragraph (f) of Subclause (1) and substituting therefor the word "Sacco";

(b) by deleting the word "may" appearing in Subclause (2) and substituting therefor the word "shall".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 58 as amended agreed to)

(Clauses 59 and 60 agreed to)

Clause 61

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 61 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 61 as amended agreed to)

Clause 62

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 62 of the Bill be amended-

(a) by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco";

(b) by deleting the words "or terminate the protection of the deposits of such society" appearing in Subclause (4);

(c) by deleting Subclause (5);

(d) by deleting Subclause (6).

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 62 as amended agreed to)

(Clause 63 agreed to)

Clause 64

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 64 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed)

(Clause 64 as amended agreed to)

Clause 65

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 64 of the Bill be amended by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed)

(Clause 65 as amended agreed to)

Clause 66

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 66 of the Bill be amended by deleting the word "licensed" appearing immediately after the words "officer of a" and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed)

(Clause 66 as amended agreed to)

Clause 67

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 67 of the Bill be amended by deleting the word "licensed" appearing immediately after the words "officer of a" and substituting therefor the word "Sacco".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed)

(Clause 67 as amended agreed to)

Clause 68

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 68 of the Bill be amended-

(a) by deleting the word "licensed" wherever it occurs and substituting therefor the word "Sacco".

(b) by deleting the words "hundred shillings" appearing in Subclause (1) and substituting therefor the words "one hundred thousand shillings or to imprisonment for a term of not less than twelve months or to both such fine and imprisonment.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept with a slight amendment. I would like to propose a further amendment. At the end of Subsection (b), the sentence goes on to read: "To both such fine and imprisonment". At the end of the statement, we should put closed brackets.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed)

(Clause 68 as amended agreed to)

Clause 69

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 69 of the Bill be amended-

(a) by deleting the word "licensed" appearing in Subclause (1) and substituting therefor the word "Sacco";

(b) by inserting a new subclause immediately after Subclause (2) as follows-

(3) All disputes arising out of Sacco business under this Act shall be referred to the

Tribunal.

Mr. Temporary Deputy Chairman, Sir, this is in line with our proposal under Clause 27 where it is stated that appeals to the Minister should be discontinued and passed on to a tribunal to save the Minister such litigations that may come his way in future.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed)

(Clause 69 as amended agreed to)

Clause 70

Mr. Mututho: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT Clause 70 of the Bill be amended by deleting the words, "may, on the recommendation of" and substituting therefor the words "shall, in consultation with".

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed)

(Clause 70 as amended agreed to)

Clause 71

Mr. Ruteere: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT Clause 71 of the Bill be amended-
(a) by deleting Subclause (1) and substituting therefor the following new subclause-
(1) A Sacco society that, at the commencement of this Act, is carrying out deposit-taking business to which this Act applies shall, within twelve months from the date of commencement, or such shorter period as the Minister may, by notice in the

Kenya Gazette prescribe, apply for a licence under this Act";
(b) by deleting Subclause (2);
(c) by deleting Subclause (3);
(d) by deleting Subclause (4);
(e) by deleting Subclause (5).

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed)

(Clause 71 as amended agreed to)

(Clauses 72 and 73 agreed to)

New Clause

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Bill be amended by inserting new clause immediately after Clause 72 as follows-

72A. Section 76 of the Cooperative Act, is amended in Subsection (2) by inserting new paragraph (c) as follows-

(c) a claim by Sacco Society for any refusal to grant or revocation of licence or any other due, from the Authority.

Mr. Temporary Deputy Chairman, Sir, the intention here is to give protection to Sacco Societies because they will be under an Authority. That Authority must not **[Mr. Bett]** be allowed to, kind of cause the Saccos to be subservient so much as not to give them service. So, it is just intended to give a good working relation between the Sacco Societies and the Authority.

(Question of the new clause proposed)

(New clause was read the First Time)

(Question, that the new clause be read a Second Time, proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the introduction of new Section 72A in the Bill.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

(First Schedule agreed to)

Second Schedule

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, the Bill be amended by deleting the Second Schedule.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the deletion of the Second Schedule. That is the amendment that the Committee has proposed.

(Question, that the words to be left out be left out, put and agreed to)

(Second Schedule deleted)

Long Title

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, the Bill be amended by deleting the word "certain" appearing in its long title.

(Question of the amendment proposed)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept the amendment.

(Question, that the word to be left out be left out, put and agreed to)

(Long Title as amended agreed to)

Short Title

Mr. Bett: Mr. Temporary Deputy Chairman, Sir, I beg to withdraw the amendment to the Short Title.

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I accept that the Short Title remains the way it was.

Mr. Bett: On a point of order, Mr. Temporary Deputy Chairman. Will that really come out the way I am saying that, that particular amendment be withdrawn? That is because the Minister

has risen and said: "As it was before". So, I do not know whether it was as before on the Order Paper, or as it was before on the draft Bill.

The Temporary Deputy Chairman (Prof. Kaloki): Order! Mr. Bett, you have withdrawn that particular amendment and we have captured that in the record. So, it will appear as you wish.

Mr. Bett: Thank you, Mr. Temporary Deputy Chairman, Sir.

(Amendment withdrawn)

(The Short Title agreed to)

(Clause 1 agreed to)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Sacco Societies Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE SACCO SOCIETIES BILL

Prof. Kaloki: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The SACCO Societies Bill and approved the same with amendments.

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Medical Services (Mr. Mungatana) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to move that The Sacco Societies Bill be now read the Third Time.

The Minister for Higher Education, Science and Technology (Dr. Kosgei) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read)

the Third Time and passed)

Mr. Deputy Speaker: Next Order!

BILL

Second Reading

THE KENYA
COMMUNICATIONS (AMENDMENT) BILL

*(The Minister for Information and
Communications on 12.11.2008)*

*(Resumption of Debate
interrupted on 12.11.2008)*

Mr. Deputy Speaker: This is resumption of debate, Mr. Nyambati was on the Floor. Is he around?

An hon. Member: No!

Mr. Deputy Speaker: Mr. Mungatana!

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Deputy Speaker, Sir, may I take this opportunity to thank you for giving me an opportunity to also contribute to the Kenya Communications (Amendment) Bill, 2008.

First of all, I would like to congratulate the Minister in charge of communications for bringing this Bill to this House. The Minister for Information and Communications in moving this Bill mentioned several things that are crucial for purposes of us getting this law passed at this time. I want to commend him because this is one of those Bills that we can say are Bills that are going to put the country in the right place in the world map. The Kenya Communications (Amendment) Bill, 2008 will have a lot of impact in terms of ICT and e-commerce development in this country. In fact, it will have a big impact in terms of laying down the law that will govern the e-commerce that is already taking place in this country.

I am very happy that the Minister realised that Kenya is a leading economy in the East African region. In fact, in the whole Horn of Africa, we are the biggest economy by far. Therefore, it is important for us to also set the pace in terms of ICT development and the legal regime that must back the development of ICT and e-commerce, so that the other countries that neighbour us will be able to emulate what this country is doing.

Mr. Deputy Speaker, Sir, I am also sure that the Minister has realised that one of the five pillars of prosperity in our Vision 2030 is the development of ICT. For ICT and e-commerce to prosper in this country, we must ground it on proper legal foundation, which is lacking in this country as of now. Kenya has the capacity to develop technology and export it. Why? It is because of all the countries surrounding Kenya, we are the country that has been most stable. Therefore, we have been able to educate many of our people, both in this country and outside. Therefore, we are a net exporter, as far as education and technology are concerned, of manpower, but we can do even better if we put the correct legal regime in place.

Other countries which we would like to emulate like Malaysia have done it before. Even other countries that we do not consider to be very advanced as compared to Kenya, that is some of our neighbours, have gone very far as far as ICT development is concerned. We need to know that

countries like Rwanda, for example, have many of their villages already connected to the Internet, which is something we cannot say of this country today. This means that there is a challenge to us even from this region. If we do not, as a nation invest in laws and environment and set correct pace, then we might face some challenges from even some of our neighbours, whom we consider to be a bit behind us.

Mr. Deputy Speaker, Sir, I want to congratulate the Assistant Minister for bringing the Kenya Communications (Amendment) Bill before this House because despite all these developments that have taken place in Information, Communications and Technology (ICT) in Kenya today, we did not have any form of amendments or serious developments in terms of the law in this country. For the last ten years, there has not been any attempt to bring law and regulations with regard to the development of ICT despite the fact that today, almost 50 per cent of the adult working population own a mobile phone. That estimate tells you that in this country today, information communications technology has developed faster than our law.

Mr. Deputy Speaker, Sir, even if you look at trade, it is normal for many huge banking transactions in Kenya, nowadays, to take place through the internet. We are already purchasing a lot of equipment through the internet. Most of the huge suppliers who do business with the Government and the private sector go to the internet to source and purchase goods that we are utilising in the country today. Therefore, when we talk of laying down the law, we are, in fact, saying that we need to catch up with what the private sector and business people are doing today.

Mr. Deputy Speaker, Sir, therefore, there are good reasons for us as a House to pass this Kenya Communications (Amendment) Bill as soon as possible. I fully endorse this Bill in its current form. However, like we always say, Bills come here with beautiful suggestions that we can always improve and I am sure the relevant Departmental Committee is dealing with some of them.

However, I would also want to put some of my thoughts in terms of the Kenya Communications (Amendment) Bill. First of all, the proposed Clause No.7 gives the Minister the power to appoint the board of the Commission. It also designates the respective occupational backgrounds of those appointees that the Minister is supposed to make. I think it is a beautiful inclusion in this Kenya Communications (Amendment) Bill. However, as I have always said, we need to accept as a principle, Government and society, that we will not leave out people of the opposite gender, whether men or women in the representation in the board. So, in this Clause 7, I would urge the Minister to consider inputting an amendment that would make it law that in appointing the seven persons, not being public officers, he will take into consideration the issue of gender balancing so that at least one-third of those that will be appointed will be people that not only have the necessary knowledge or experience in matters relating to the various fields like broadcasting, communications and so on, but will be people from all the two genders. So, in Clause 7, the Minister should take that into consideration.

At the same time, there should be a clear position that in this board, there will be consideration on regional balance. We would like this to be included into the law so that any Minister who will have the opportunity to appoint will take that into consideration. That way, we will have created a law that will secure the question of regional distribution as well as that of gender equity.

Mr. Deputy Speaker, Sir, I have looked at the proposed Clauses 8, 9, 10, 11 and 12. These are basically clauses that are bringing amendments that enhance criminal penalties against offenders. We have to accept right now that the kind of offences or crimes being committed through the internet and ICT have a huge impact. For example, if you fiddle with information that is contained in a computer that runs the payroll of a whole department of Government, the losses could be tremendous. For example, if you hack into a website of a bank and deduct, say, ten shillings from all the customers and put it into one account, you could make a lot of money from

that criminal act. So, the enhancements that are proposed here should be supported by this House. We have seen harsher penalties like five years imprisonment or fines in millions of shillings from small penalties that previously existed.

Mr. Deputy Speaker, Sir, I am very happy with the inclusion of Clause 16 in this Bill because as far as broadcasting services are concerned, there is now a clear requirement under the law that we will licence and regulate broadcasting services and promote development of local content in broadcasting. We have spoken about this matter for a long time inside this House. We are very happy that, at least, the Minister has been listening. So far, we have seen that, in fact, the idea that local productions were boring, useless and people were not interested in them is a falsehood. When they started coming in, more Kenyans now watch and listen to them. We thank the Minister for these proposals.

Mr. Deputy Speaker, Sir, I would like to skip some of the proposals that I have made but, the last and most important thing is that the amendments that are proposed to the Evidence Act, as proposed in this Bill, are extremely crucial. Previously, it was not possible to admit electronic records in any court proceedings in this country. Even when evidence is so clear, it was a matter of the discretion of a judge or magistrate to accept or refuse and yet, it is something which is so clearly recorded. So, we are now putting it clearly in the Evidence Act that we need to have electronic evidence admitted in court. I think that is a good thing.

All in all, what we could say is that this is one of those laws that look into the future. It is a law that we need to pass very quickly as a House. It is a good law, and we will be waiting for all the other laws relating to Information and Communication Technology (ICT) to be brought here, so that we can pass them quickly, so that our country can be in line with the best international practice. So, I beg this House to entirely support this Bill.

Thank you.

Mr. Mututho: Mr. Deputy Speaker, Sir, I want to, first of all, declare my interest under Standing Order No.75. I am the Chairman of the Computer for Schools, Kenya. I want to speak for one or two minutes. I have this to say: That, this Government, just like the previous Government, has taken ICT for granted.

Mr. Deputy Speaker: That is not correct!

Mr. Mututho: Mr. Deputy Speaker, Sir, I stand corrected. As late as about five years ago, the ratio of computers to children in schools was 1:1,200. We cannot have an economic propulsion by having our children imagining what computers look like. They need to be taught in schools. Information and Communication Technology has become such a crucial ingredient in our day to day life. That is now very important.

In saying this, I also want to acknowledge that the Government is on the right path. I was very impressed today. I passed through the dark sides of Kawangware and I saw an ICT cable passing through the slums. That is good, but it would be better if schools take computerisation seriously. I support what the Minister has said. Most of us who have been to courts--- Hon. Members will remember that I was there in a very big funfair. We all know that evidence from a video could not be admitted. No evidence from any electronic media, including Short Messaging Service (SMS) text could be accepted.

Mr. Deputy Speaker, Sir, I want to support this Bill, but at the same time, I want the Government, particularly the Minister, to take note that we can also mortgage ourselves through this modern technology. A lot of things can happen within minutes. You will recall that in 1990, the first banking fraud for Kshs70 million in one of the local banks was executed by a computer wizard. During that time, even bank managers did not know what computerisation was all about. So, unless we look into this, including Parliament Buildings, which is yet to computerise---

Those of us who have offices at Continental House know that the computers can hang for

up to six hours before you can even be able to access the website. If you look at how Members of Parliament in other Parliaments vote and compare with this Chamber, the story is completely different. We need to take ICT more seriously. We need to pass this Bill very fast, if it will help us to move forward, at least, one step. I cannot fail to mention and acknowledge that when Bill Clinton was elected the President of the United States of America (USA), there were only 50 active websites in the USA. By the time he left office, the USA had a whooping 50 million interactive websites.

Mr. Deputy Speaker, Sir, we would like to see the Grand Coalition Government not only doing clean politicking, but also very well informed and very much up to date in terms of ICT. In 1986, we bought three computers, through the United States Agency for International Development (USAID). Those computers were monochromes. The white man who came as an expatriate was charging Kshs25,000 every week to go and service them in Nairobi. He would say that they were too dusty and too hot, and they needed air condition and the rest of it. You can imagine the kind of ordeal we went through. We were using monochromes, which had to be serviced weekly for Kshs25,000 then. That is the equivalent of about Kshs100,000 today. That is because of the dust and the rest of it. Our ignorance costed us millions of shillings then.

We do not want our children to come on and spend their life time sorting out problems that we can sort out now. I am saying that because the Ministry of Education had a programme through which it was to buy computers for schools. However, if you look at it, you will see that the programme is over-costed, bloated and unserviceable. We need a Ministry that is conscious of the needs of Kenyans and knows what our children require. We need a Ministry which is, really, devoid of commercialisation, to come and deal with ICT matters. It is a bit offending when you imagine that you cannot computerise a Maasai *manyatta* or something like that, while as we know, a computer today can be powered easily by a solar panel, even inside a Maasai *manyatta*. The fact that they do not have electricity or decent housing should not be a reason to deny them that essential tool.

Mr. Deputy Speaker, Sir, let ICT not be a white man's job any more. Our children are doing very well. India is leading in making computer software, particularly in the area of medicine. Now, there is what they call "call centres". I am glad that I can see that the Leader of Government Business here. We can have millions of Kenyans employed here in Nairobi and working for firms as far as USA or any other parts of the world, if only we can make the infrastructure. We slackened. I thank the Government, because it thought of Naivasha at that particular time, and we had the first ground satellite link. Had we gone further, we could be having our young men working in those call centres. That is the way to go.

Therefore, I hope that sooner or later, without a lot of talking, we are going to have a country that is completely and absolutely ICT compliant, and in harmony with the entire world.

With those remarks, I beg to support.

Mr. Deputy Speaker: Hon. Members, we have only two minutes left before we commence debate on the Motion for the Adjournment. Surely, Mr. Minister, you cannot respond in two minutes. You have to give this debate the justice it deserves.

So, proceed, Mr. Affey.

Mr. Affey: Mr. Deputy Speaker, Sir, we need to utilise the remaining two minutes in a very constructive way, and also spare the Minister the agony of responding to this debate in two minutes. The issues raised are so fundamental. He cannot do sufficient justice to this matter in two minutes.

So, I wish to take this opportunity to congratulate the Ministry and the Minister for coming up with this important Bill. The last time this matter came before this House was in 1998. Between that time and now, fundamental transformation has taken place within the ICT industry. Therefore,

I think this Bill should have come much earlier. Since 1998 to date, many years have passed, and a lot of things have happened in this country.

Mr. Deputy Speaker, Sir, I want to thank the Minister and ask him to give sufficient leeway for Government control. Even those countries which have liberalised their communication industry, governments always have got some element of oversight. So, the oversight role being given to the Communications Commission of Kenya (CCK) is very critical. The CCK will be able to regulate the communication industry.

Northern Kenya and other parts of this country have not accessed telecommunication facilities. These are the areas that require these services more than any other place. If you look at the geography of this country, these areas neighbour very unstable regions in the North, East and West. These are the places where communication---

Mr. Deputy Speaker: Order, Mr. Affey! We have to move to the next Order! You will continue with your contribution!

Next Order!

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN
THE NEXT NORMAL SITTING DAY

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House do adjourn until Tuesday 25th, November, 2008.

Mr. Deputy Speaker, Sir, the reason for this adjournment which is precisely for three full days but in terms of parliamentary calendar, it will amount to four days because we are actually asking that we do not meet next Tuesday--- We will meet the following Tuesday--- I want to congratulate the Speaker together with the Kenyan Chapter of the Inter-Parliamentary Union which is proposing to host between the 17th and 19th November, a National Seminar on the Role of Parliament in National Reconciliation and Institutional Reform Process in Kenya which will be held at the Safari Park Hotel.

Mr. Deputy Speaker, Sir, this will be a time for all of us, as National Assembly, to reflect on the challenges that befell this country at the beginning of the year and be able to recommit ourselves to the process of national healing and reconciliation.

Mr. Deputy Speaker, Sir, members of the Diplomatic Corp will be invited as well as members of the civil society. I think it is important to know that Parliament will be expected to take a leadership role in trying to work towards national healing and reconciliation. I cannot think of a better time than this when, as we all know, following the Serena talks and the subsequent legislation, it will be recalled that we have already passed the Truth, Justice and Reconciliation Bill, which I think is awaiting Presidential assent. We have even at a time to reflect on the National Ethnic and Relations Bill and Race. I think soon, we will be moving to the Committee Stage of the same. Even as we enact this important legislation, it is important to notice that the country, at the moment, is engulfed in some useful dialogue, controversial as it may seem, but so part of the national healing and reconciliation, as we even reflect on the findings of Krieglger Commission as well as the Waki Commission.

Mr. Deputy Speaker, Sir, perhaps, that will give us an occasion over tea and coffee break to be able to interact closely with other members of the society who are not necessarily Members of this House. We could be able to even find a way forward when it comes to the famous Waki Report. What exactly do we want to recommend? I think it is possible to even gather consensus out

of that seminar.

Mr. Deputy Speaker, Sir, I am not in any way trying to anticipate debate. However, I think it is the kind of forum that would be in the best interest of this Assembly and our beloved country.

Mr. Deputy Speaker, Sir, His Excellency the President has kindly agreed to come and officiate at the opening of this seminar on Monday. The rules governing debate on a matter like this where the House has to adjourn for less than nine days were passed on 12th March. We passed that when we are adjourning for less than nine days debate is strictly restricted to the matter itself. It is also restricted to 30 minutes.

I am sure that hon. Members might want to ventilate and reflect on this very important national seminar.

I beg to move.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Deputy Speaker, Sir, I rise to second this Motion.

Mr. Deputy Speaker, Sir, I would like to remind Members that the Inter-Parliamentary Union (IPU) is an international organization of grave importance between Parliaments. It is congratulations to the Speaker of the Kenya National Assembly and his team for being able to secure Members of other Parliaments to come and join us to discuss a matter of national importance. To me, it warrants this Motion for Adjournment. Quite so, for these few days that we will be there, the whole world and the various Parliaments which will be represented in those discussions will be watching what our country is doing.

Mr. Deputy Speaker, Sir, our county suffered a lot in terms of shaking of confidence and stability following the events at the beginning of this year. Therefore, for us to start hosting important international conferences of this nature, there is no better way of rebuilding the confidence that this country used to enjoy in the past.

Mr. Deputy Speaker, Sir, I beg that we support this Motion and go there with the spirit of discussion and agreement. The whole world will be watching us.

Mr. Deputy Speaker, Sir, I beg to second.

Mr. Affey: Mr. Deputy Speaker, Sir, I stand to support this Motion but with reservations.

Mr. Deputy Speaker, Sir, the IPU Seminar which will be held in Nairobi is an important international seminar. As far as I know, the membership of the Kenyan Chapter has not been nominated. I had an opportunity at one time to write to the Speaker to organise for the nominations of the membership of IPU, Kenya Chapter---

Mr. Deputy Speaker: Order, Mr. Affey! I was consulting on something else with the Clerks-at-the-Table and I did not propose the question!

(Question proposed)

Mr. Affey, please, continue!

Mr. Affey: Mr. Deputy Speaker, Sir, I was saying that the earlier the Chair nominates the membership of the Kenyan Chapter of IPU, the better.

Mr. Deputy Speaker, Sir, secondly, the Leader of Government Business has said that we shall reflect on the national reconciliation and healing. It is important to reflect what happened in January. I think it was a low moment in this country. I think it was a shame.

Mr. Deputy Speaker, Sir, between January and now, I have a very strong feeling that, as a country, we are almost losing our sovereignty. While I appreciate the efforts taken by the membership of the elders who came to support us led by the former Secretary General of the United Nations (UN), I thought that their participation in the national affairs of Kenya would have ended with the signing of the reconciliation accord. However, it is now becoming a habit that in

every commission we form, we must include members from the group of Eminent Persons. Even when we are forming the Truth, Justice and Reconciliation Commission (TJRC), we have to include members from the group of Eminent persons. When we are forming the tribunal to try suspects of post-election violence, we also have to include them. The same applies to the formation of the Constitutional Review Team. I think we are losing our sovereignty. Let us make every process Kenyan. As long as we have foreigners in our processes, we will never reconcile, because from my background, I know that in a peace process, any time you have foreign elements continuously participating--- Internationally, peace processes have become a major business. So, we might never reach a conclusion of our processes. I would like to appeal that from tomorrow, anymore commissions that we shall set up, should have Kenyan entire membership. The moment we allow the participation of foreigners, we delay the reconciliation process. Secondly, there is the issue of the Waki Report. This matter is so fundamental. We must deal with impunity.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir. I would like to seek guidance from the Chair. In the interests of time, I would like to request that every hon. Member speaks for about two minutes, so that we have a good number of people participating in the Motion.

Mr. Deputy Speaker: Hon. Members, I think you can regulate yourselves.

Mr. Affey: Mr. Deputy Speaker, Sir, let me try to be brief. I think the hon. Member wants me to be brief.

The other point I have concerning the Waki Report is that as we debate it, let us think about this country. Let us put the interests of Kenya first. I am glad that I belong to a political party called ODM(K), which is not spending sleepless nights over that envelope because we were determined to be the party of choice. That is the party that, in many ways, stabilized this country when we were in a crisis. The leadership of ODM(K) is not spending sleepless nights, because we are sure that our names are not in that famous envelope.

Hon. Members: How do you know that?

Mr. Affey: I know this because that is obvious! That is a very obvious statement! The whole country knows that we are not there.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! In the interests of time let the hon. Member finish, so that others can also speak.

Mr. Affey: Mr. Deputy Speaker, Sir, I am saying that we must implement that report, in order to fight impunity, using institutions that belong to Kenya. I suggest that the element of foreign judges working in Kenya, should be done away with. Let us use Kenyan judges and deal with Kenyan criminals the Kenyan way.

Finally, I would like to talk about the security situation in Mandera.

Mr. Midiwo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to imply that the people implicated in that report are obviously criminals, and that they are only safe if they are tried by Kenyan judges. I think that is judging people who are on that list, and who might have been put there just for political interests.

Mr. Affey: Mr. Deputy Speaker, Sir, I have not said that they are criminals; I think the hon. Member must have misunderstood me.

Mr. Deputy Speaker: Mr. Affey, the presumption is innocence until proven guilty. That is cardinal in our laws and Constitution.

Mr. Affey: Mr. Deputy Speaker, Sir, let us establish the tribunal so that we are able to establish the innocence or otherwise of individuals.

Finally, in order to---

Mr. Deputy Speaker: Order, Mr. Affey! You are out of time!

Ms. Odhiambo: Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity. I want to very reluctantly support this Motion, because the topic that we are going to discuss is vital to this country. However, I think the timing is not correct. We will have time from December to March when we could have done that.

I would like to say that it is important for us, hon. Members, to take a lead in the reconciliation of the country. I know that it is timely, because sometimes we forget. We over-politicise issues, yet the country is still hurting in many places. We saw women who came here the other day and were tear-gassed by the police. I know that earlier on an hon. Member had suggested that they had been ferried here, and that they were businesswomen. Whether they were businesswomen, they were symbolically reminding us of the numbers of women who are still not able to go back to their homes, because they are internally displaced within their own country. That is why it is important for us, as Parliamentarians, to take the lead in healing the country. We should take the lead in healing the country. As we make national decisions, we need to remember that Parliament is on course in relation to a lot of Items of Agenda Four that were agreed on. There is the Truth, Justice and Reconciliation Bill; As the Mover of the Motion has suggested, it was passed here and is awaiting Presidential assent. That is one of the ways of healing this country of the ills of 1963 to date.

Mr. Deputy Speaker, Sir, the National Ethnic and Race Relations Bill has also been finalised by the Committee on Administration of Justice and Legal Affairs. One of the amendments that we will be proposing is to change the name to reflect the fact that we are seeking healing and reconciliation in this country. I want to say that this seminar is also important, because it will address the issue of institutional reforms.

It is regrettable that I will not be there because I will be attending to Parliamentary business elsewhere, but I hope that while we will be dealing with that, we must emphasize the issue of separation of powers. We cannot, as an institution, be held captive by other arms of Government while undertaking our Constitutional mandate. Some of the institutions that need urgent change include the police.

It does not matter whether those who came here were businesswomen, there was absolutely no excuse for the police to throw tear gas at women who are my mother's age. It was a shame for this country, and I hope the Minister will take action to ensure that the police who were throwing tear gas at helpless old women are brought to book. The other areas where we need urgent institutional reforms are the Judiciary and the Electoral Commission of Kenya.

Mr. Deputy Speaker: Order, Ms. Odhiambo! In addition to saving time, the rules say that debate on this Motion shall be strictly confined to the question of adjournment. Period!

You are out of time now!

Ms. Odhiambo: Mr. Deputy Speaker, Sir, if that is so, it means I am half-way through my time.

Mr. Deputy Speaker: You are out of time, Ms. Odhiambo!

Ms. Odhiambo: Mr. Deputy Speaker, Sir, I have two minutes.

Finally, I want to say that there is no safety in cowardice. So, let us not celebrate cowardice, that as a party we were afraid to take a tough stance when the country needed us; we cannot come to the Floor of the House and celebrate cowardice.

With those few remarks, I beg to support.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Deputy Speaker, Sir, I want to join the Leader of Government Business in supporting the Motion for Adjournment. I want to point out that the seminar that we will be attending next week

will be extremely important to all hon. Members. We will take time to reflect on what we have done, and also try to get acquainted with the new paradigms and the new systems of running a modern Parliament. It is extremely crucial that we adjourn so as to be able to attend this seminar.

Mr. Deputy Speaker, sir, this House has made tremendous progress, especially in the passing of Bills, which include the Truth, Justice and Reconciliation Bill, the Ethnic and Race Relations Bill, the Finance Bill, the Kenya Communications (Amendment) Bill and so on. This is good performance for the Tenth Parliament within a very short time.

Mr. Deputy Speaker: You are limited to two minutes, and you are not in strict conformity with the matter of adjournment.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): I am about to finish, Mr. Deputy Speaker, Sir.

The issue that we have to grapple with, as Parliament, before we break for the Christmas vacation is that of the Internally Displaced Persons (IDPS). We want to take these people out of camps so that they can settle down and begin to live as respectable people.

In the interest of time, with those few remarks, I beg to support.

Mr. Bahari: Mr. Deputy Speaker, Sir, I beg to support this Motion because the IPU initiative that is going to take place here is a privilege. Many countries are competing for that initiative. For us to be awarded the opportunity to host the seminar is a very honourable thing. That is particularly so because of the image. It is very difficult to build an image, but it is very easy to destroy it. That is exactly what we did between December, 2007 and January, 2008. It is very unfortunate. You can only realise that when you go out of this country. Everybody associates you with what happened here. That is something that was terribly wrong. We set a very bad example. We should, therefore, move with speed and be present there. We need to participate and provide leadership in that forum.

I would also like to mention something about the timetable of Parliament. It is extremely crucial that the House Business Committee (HBC) re-looks at what they do. It is not a ceremonial matter for the HBC to sit for thirty minutes and then walk out. It must present a proper schedule of what this Parliament will achieve for the benefit of the people of Kenya. It is extremely important that the HBC comes up with a proper schedule of what this Parliament can achieve within a specific time. I can see the Leader of Government Business is here. I do not think it has achieved much.

I beg to support that we participate in the IPU seminar.

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir, for this time. I would like to echo my support for the two Principals who came together to create the peace that we are enjoying today. The tenets that they have already set for peace and economic prosperity are important for our nation.

Secondly, it is important for hon. Members to attend that seminar, so that we can share ideas about increasing peace and reconciliation in our nation. That is very important in attracting foreign investments, tourism, and industrialisation, thereby creating employment for our people.

I beg to support.

Mr. Magerer: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I will be very brief in the interest of time. I want to thank the Leader of Government Business for moving this Motion for Adjournment, so that we can lead the country into reconciliation.

I come from a constituency that was thoroughly hit by the skirmishes that we had earlier in the year. It is a good opportunity for me to share our experience with other Kenyans, and work out a solution so that, in future, we do not have our country going back to the terrible times that we experienced in January, 2008. That is also an important opportunity because it is an IPU initiative, together with the Kenya National Assembly, that has provided us with an opportunity to interact

and share experiences as a country that has just come out of tough political times and the skirmishes that we experienced.

For the interest of time, I support the Motion for Adjournment. Let us all converge in the workshop and participate fully, so that our citizenry can also appreciate the fact that, the leaders in this country are leading in reconciliation.

I beg to support.

Mr. Chepkitony: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute towards this Motion. I stand to support this Motion for Adjournment, in order to attend the workshop scheduled for next week. This is the first time, in the recent past, that the business of the House has been adjourned because of a seminar. I hope it will bring reconciliation and give us time to reflect upon what happened, and what we should do for this nation.

Mr. Deputy Speaker, Sir, it is very important that we embrace reconciliation and unity in this country. Just yesterday, we saw women, who are Internally Displaced Persons (IDPs), demonstrating in Nairobi. The IDPs are suffering just because of the actions of a few people who messed up with the elections. That is what sparked off what was witnessed in this country. We should never allow that to happen again.

Mr. Deputy Speaker, Sir, I plead that let us all be serious. Let every hon. Member attend that reconciliation workshop, so that we can all embrace and learn whatever will be discussed during the seminar.

I beg to support.

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that, hon. Members are unanimous on this matter, would I be in order to ask you to put the Question?

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

MEMBERS SEMINAR ON THE ROLE OF PARLIAMENT IN RECONCILIATION AND INSTITUTIONAL REFORM PROCESS IN KENYA

Mr. Deputy Speaker: Hon. Members, you have just passed a Motion to adjourn the sittings of the House until Tuesday, 25th November, 2008, in order to enable hon. Members to attend a seminar on the role of Parliament in reconciliation and institutional reform process in Kenya.

The seminar, which is being hosted in partnership with the Inter-Parliamentary Union (IPU), will start on Monday, 17th November, 2008, and end on Wednesday, 19th November, 2008.

The IPU is an international organization of sovereign States established in 1889 which gives priority to the elimination of conflicts through political negotiations. The seminar will provide hon. Members with a useful opportunity to share, in a frank and open manner, their experiences in promoting reconciliation efforts in the country and affirm the principle that Parliament has a big role to bring people closer and provide opportunities for political mediation.

Hon. Members, this national event will bring together guest speakers with wide experiences in law, conflict resolution and reconciliation processes. All Members of Parliament, key relevant Government Ministries and departments involved in reconciliation and institutional reforms, representatives of the diplomatic corps, the civil society and other stakeholders have been invited.

The seminar aims at garnering a series of concrete and realistic recommendations tailored to meet challenges facing the Kenyan Parliament in legislating on reconciliation laws and institutional reforms in the wake of the regrettable events that occurred earlier in the year, following the General Elections of December, 2007. It will give us a sense of commitment as we seek, together, to bring our Parliament to the centre stage of reconciliation and healing in our beloved country.

His Excellency the President, hon. Mwai Kibaki, has kindly agreed to officially open the seminar on Monday, 17th November, 2008 at 9.00 a.m.

This is, therefore, to invite you to the seminar and request that you be prompt. I wish you all successful and fruitful deliberations during that very important seminar.

Thank you.

(Applause)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business of the House. This House stands adjourned until Tuesday, 25th November, 2008, at 2.00 p.m.

The House rose at 6.30 p.m.