

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 17th July, 2003

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

RENEGOTIATION OF LAKE VICTORIA WATERS TREATY

Dr. Oburu: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the fact that the treaty signed between the British Colonial Authorities on behalf of the East African states and Egypt regarding the utilization of Lake Victoria waters is outdated and inimical to the socio-economic interests of the people living around Lake Victoria and taking cognizance of the importance of the lake as a source of livelihood of our people; this House urges the Government, in consultation with other East African Governments, to renegotiate the treaty with all the states who are signatories.

REVIEW OF PUBLIC SERVICE RECRUITMENT POLICY

Mr. Wambora: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, taking into consideration that all constituencies, districts and regions have many school leavers and unemployed youth; aware that in the past some Kenyan communities were left out or under-represented in the recruitment of their youth into the public sector; this House urges the Government to put a mechanism to ensure that recruitment into the Civil Service, Armed Forces, Police Force, the Prisons Department, National Youth Service and other public institutions is not only based on qualifications, merit, competence *et cetera*, but also on equitable constituency, district, regional distribution in relation to their respective population densities.

PROVISION OF BASIC AMENITIES TO SLUM DWELLERS

Mr. Oparanya: Mr. Deputy Speaker, Sir, I beg to give notices of the following Motion:- THAT, in view of the inability of the urban economy to meet urban employment needs; aware that the health care and social services in urban areas are in deplorable conditions and in dire need of improvement; this House urges the Government to provide adequate affordable housing, water and other basic

amenities to slum dwellers in urban areas as a measure towards improving the living standards of slum dwellers.

ESTABLISHMENT OF DISTRICT HOSPITALS

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:- THAT, given the vital role played by district hospitals in the provision of affordable health care, acknowledging the importance of provincial and referral hospitals throughout the country, concerned that both the provincial and referral hospitals have been unable to effectively play their role due to lack of district hospitals in some parts of the country; this House urges the Government to establish a district hospital in every district in Kenya to ensure equitable and affordable medical care.

SUPPORT FOR PRIVATE PRIMARY AND PRE-PRIMARY SCHOOLS

THAT, given the complimentary role played by private schools in the provision of education, acknowledging the inability of public primary schools to accommodate all children, especially in view of free and compulsory primary education; this House urges the Government to provide equivalent basic educational support to private primary and pre-primary schools, in order to enable all Kenyan children enjoy free basic education.

AMENDMENT OF THE SUGAR ACT 2001

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I beg to give notices of the following Motion:- THAT, in view of the fact that problems affecting the sugar sub-sector have continued to escalate and that the sub-sector is on the verge of collapse, concerned that massive importation of cheap sugar from COMESA countries and other world markets coupled with high cost of production locally have compounded the problems facing the sub-sector, further concerned that the collapse of the sub-sector would lead to loss of means of livelihood for over six million Kenyans, aware that the Sugar Act, 2001 has failed to address these problems; this House do grant leave to introduce a Bill for an Act of Parliament to amend the Sugar Act in order to comprehensively address all problems affecting the sugar sub-sector.

ORAL ANSWERS TO QUESTIONS

Question No.376

COMPLETION OF KAPSOWAR-ARROR ROAD

Mr. Sudi asked the Minister for Roads, Public Works and Housing when the Kapsowar-Arror Road will be completed.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, before I answer the Question, yesterday I raised an issue about misreporting by the *Nation* newspaper on an answer I gave on Tuesday which has not been corrected. I would like to seek your indulgence so that you give a directive that this misreporting be corrected. This was in my response to a Question in which I said that Kshs3 million was allocated to Ahero-Sondu-Kisii Road.

The *Nation* newspaper reported that a sum of Kshs500 million had been set aside for this road. I seek your indulgence so that this can be corrected.

Mr. Deputy Speaker: Would you repeat, please? I am sorry I did not hear you.

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

Mr. Deputy Speaker: You are out of order!

Proceed, Eng. Toro!

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, yesterday I raised an issue on misreporting by the *Nation* newspaper, that Ahero-Sondu-Kisii Road would be repaired, and that the Ministry had allocated Kshs500 million for that exercise, which is a lot of money. I asked the *Nation* newspaper to correct it, but it was not corrected. The money allocated is Kshs3 million, and I would not like the people of that area to believe that the Ministry allocated Kshs500 million. Could I seek your indulgence for the *Nation* newspaper to correct that mistake?

Mr. Deputy Speaker: I believe that the Chair cannot over-emphasize the importance of misreporting the proceedings of the House. I think it is only fair that we give The *Daily Nation* another opportunity to correct that misreporting. Indeed, I heard very clearly that you said that the Ministry has allocated Kshs3 million to repair Kisii-Sondu Road and not the amount of money that was stated in the newspaper. I think that is now clear. Now, could you answer the Question?

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the Chair that this Question be deferred to Wednesday, next week. Although I have given the hon. Member the written reply, there are some issues that I have come across that need clarification so that I can answer the Question properly to his satisfaction.

Mr. Deputy Speaker: Is that okay with you, Mr. Sudi?

Mr. Sudi: Mr. Deputy Speaker, Sir, I cannot refuse that request, but I hope the Assistant Minister will come up with a satisfactory answer.

Mr. Deputy Speaker: Indeed, it is in the interest of this House that the Assistant Minister gives a satisfactory answer. So, the Question is deferred until Tuesday, next week.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, I would prefer this Question to be deferred until Wednesday, next week.

Mr. Deputy Speaker: The Question is, therefore, deferred to Wednesday morning, next week.

(Question deferred)

Question No.498

IMPROVEMENT OF PROCESSING
CAPACITY OF TEA FACTORIES

Mr. Omingo asked the Minister for Agriculture:-

- (a) how many kilogrammes of green tea have gone to waste in Ogembo and Nyamache tea factories for the period 2000/2001 and 2002/2003 due to lack of capacities to process the leaf;
- (b) what measures he has in place to reverse this trend; and,
- (c) whether he could consider compensating farmers for the loss of bonus payments.

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

- (a) Ogembo and Nyamache tea factories lost 26 million kilogrammes and 14 million

kilogrammes of green tea in the period 2000/2001 and 2001/2003, due to lack of capacities to process the leaf.

(b) Through Kenya Tea Development Agency, the farmers are being mobilized to contribute equity towards the construction of two new factories. Nyamache farmers have already contributed Kshs107 million and Ogembo farmers have already contributed Kshs106 million, out of the Kshs120 million required for each project. The two factories are expected to be ready for commissioning before December 2004.

(c) The issue of compensating farmers does not arise.

Mr. Omingo: Mr. Deputy Speaker, Sir, during the tour of these factories we were shown what farmers popularly call "the graveyard of tea leaves". This is where they bury unprocessed tea. This is tantamount to burying the livelihood of farmers who cannot get bonus payments. The NARC Government promised to provide and facilitate the economic well-being of Kenyans through empowering farmers. Could the Ministry undertake to avail the balance so that these factories can immediately commence tea processing?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, we have this problem because of the politics of tea in Kisii District. There was politics in raising this money. They could not agree on the site where the Ministry could construct the factories and hence the delay. Had they agreed on the site where the Ministry could build these two factories, and had they agreed to contribute on time, we would have been in a position to put up the two plants at Itumbe and Eberege.

Mr. Nyachae: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading this House. For the last five years, the people of Gucha District have been demanding the construction of these tea processing plants. We were told that, provided that the existing factories were able to process 16 million kilogrammes of green tea, more factories would be constructed to process the excess tea. We offered the land for the construction of the processing plants. However, the Kenya Tea Development Agency (KTDA) and the Ministry have never visited those sites. Could the Assistant Minister tell us where these factories will be situated? We know that there is only one factory being considered for construction at Itumbe.

Mr. Deputy Speaker: Certainly, that was not a point of order, but a very important question! Could you answer the question, Mr. J. Nyagah?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the two sites where the NARC Government intends to construct factories, with the help of farmers, are at Itumbe and Eberege; to assist Nyamache and Ogembo respectively. Awards of the contracts have already been given out. What is remaining is the process of moving to the sites in order to start the construction work.

Mr. Nyachae: On a point of order, Mr. Deputy Speaker, Sir. There is no way Itumbe Tea Factory can support Nyamache farmers. Itumbe Tea Factory will support Tendere Tea Factory! So, what is the Assistant Minister telling us?

(Loud consultations)

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am telling the House what I have been told to say! This is based on the facts on the ground. Since Mr. Nyachae is a very knowledgeable man on these matters, I will be quite happy to go and confirm what he is saying.

Hon. Members: Shame! Shame!

Mr. Kimeto: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House when, in fact, he does not know the geography of Kisii District?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I know the geography of Kisii District. I have been there several times. It is very clear to me that Itumbe Tea Factory with, a processing capacity of 14 million---

Mr. Poghio: On a point of order, Mr. Deputy Speaker, Sir. Before the Assistant Minister

gets away with this, the Chair heard him say that he gave the answer based on what he has been told to say rather than answering the Question. Is he in order?

Mr. Deputy Speaker: Obviously, I want to respond to that. That answer by itself means that the Assistant Minister is not serious with what he is saying. Therefore, I will defer this Question until he tells us what he knows, but not what he has been told to say. So, Mr. Omingo, I will defer this Question until Tuesday, next week!

Mr. Omingo: Much obliged, Mr. Deputy Speaker, Sir.

(Question deferred)

Question No.447

DESTRUCTION OF PBK BUILDINGS BY FIRE

Mr. Mukiri asked the Minister for Agriculture:-

- (a) what caused the fire that gutted down buildings belonging to the Pyrethrum Board of Kenya on 30th March, 2003,
- (b) how much loss was incurred as a result of the fire; and,
- (c) what impact the fire has had on the processing of pyrethrum in the country.

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

(a) The exact cause of the fire that gutted down buildings belonging to the Pyrethrum Board of Kenya on 30th March, 2003, is unknown. However, preliminary investigations were carried out by several teams that included Nakuru Municipal Fire Department, the Pyrethrum Board Management, Government officials and representatives of East African Insurance Company, indicated that the most likely cause of the fire was due to a faulty electrical fitting in the plant.

(b) The total loss incurred as a result of the fire was Kshs268,323,920.

(c) Due to the destruction of one of the plants, the processing capacity has reduced from 64 tonnes per day to 20 tonnes per day. This is only a third of the required capacity and it has caused flower congestion at the factory.

Mr. Mukiri: Mr. Deputy Speaker, Sir, pyrethrum farmers have not been paid for over one-and-half years. Currently, our pyrethrum is being processed in Rwanda. How much money are we paying to the Rwandan Government for processing our pyrethrum? The Government has suspended the tendering system in Ministries and State parastatals such that the Kenya Pyrethrum Board is unable to acquire new machinery. What is the Assistant Minister doing to avert this situation?

Mr. Khaniri: Mr. Deputy Speaker, Sir, with regard to payments to pyrethrum farmers, there is a Question on the Order Paper that is coming up later today and I will adequately address that one. With regard to how much we pay the Rwandan Government, I do not have that information with me, but we pay for the processing. On the question of the tenders, I just want to inform the hon. Members that the tenders are being opened today.

Eng. Muriuki: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny the stories circulating in pyrethrum growing areas that, that fire was an act of sabotage by people who wanted to destroy the factory or weaken it so that they could buy it at a throw-away price like they did with the Kenya Co-operative Creameries (KCC)?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I have just referred to the reports that were given by the assessors; that is, the Government officials, the Pyrethrum Board management and the Nakuru Municipal Fire Department. So, I vehemently deny that.

Dr. Manduku: Mr. Deputy Speaker, Sir, before that pyrethrum plant was gutted down, there were so many tonnes of pyrethrum in stores, in the villages and in the societies. Was that factory not

insured? If it was, what has the Ministry done to make sure that, that factory is operational? Currently, those farmers do not know what do with the crop in the farms.

Mr. Khaniri: Mr. Deputy Speaker, Sir, if the hon. Member cared to listen, when I was answering part "a", I said that part of the team that was investigating the cause of the fire was from the East African Insurance Company, which means they had an interest; they had insured the factory. Negotiations are under way. It is very positive and we are likely to be compensated for the damages by the insurance.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, this factory is in my constituency. On the day this fire broke out in the factory, there was not a single fire-fighting equipment within the factory despite the fact that there is a huge water reservoir in the factory. Could the Assistant Minister explain why the fire-fighting equipment within the factory could not function?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I am not aware of the allegations by the hon. Member. But I would pick up that issue with the management of the factory.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, if the fire was caused by an electrical fault, chances are that the management of the plant leaves a lot to be desired. This 20-tonne capacity that is remaining can easily be lost, again, because of mismanagement. Could the Assistant Minister assure this House that this 20-tonne capacity per day will be maintained properly? Is he also satisfied that the current Pyrethrum Board management is adequate for the task?

Mr. Khaniri: Mr. Deputy Speaker, Sir, precisely, that is why we changed the management. We have just appointed a new Board to run that factory. I just want to assure the hon. Member that the new Board is very competent.

Mr. Mukiri: Mr. Deputy Speaker, Sir, the Assistant Minister has just said that the tendering system has been opened today. When do we expect this new plant to be operational because farmers are losing a lot of money to the Rwandan Government for processing of our own pyrethrum?

Mr. Khaniri: Mr. Deputy Speaker, Sir, we will try to expedite the process and the factory will be operational very soon.

Mr. Deputy Speaker: Next Question, Mr. M. Kariuki!

Question No.472

LIBERALIZATION OF SEED INDUSTRY

Mr. M. Kariuki asked the Minister for Agriculture:-

(a) if he is aware that a memorandum of understanding was signed between KARI and Kenya Seed Company on 14th August, 1995, and renewed on 30th April, 2001, conferring all proprietary rights on all seed research carried out to Kenya Seed Company (KSC), to exclude other players in the seed industry; and,

(b) what the Ministry's policy towards liberalization of the seed industry is with a view to ensuring equal access by all players in the seed industry to research work carried out by KARI on plant varieties.

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

(a) I am aware of the memorandum of understanding signed between KARI and KSC. The memorandum does not, however, confer all proprietary rights on seed research carried out by KARI to KSC. All the other players in the seed industry can also enter into a MOU with KARI.

(b) The Ministry's policy towards liberalization of the seed industry is that all interested parties should have access to the research work carried out by KARI on plant varieties provided that they enter into an agreement with KARI as per the laid-down procedures.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, could the Assistant Minister assure Oil Crops

Development Authority, who are the producers of Faida seed and the only competitor to KSC, that they will be allowed to enter into a memorandum of understanding with KARI so that they can benefit from the research material from KARI?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, we will support Oil Crops Development Authority in their attempt to reach an agreement with KARI. There is a procedure that is set out internationally of how one benefits from research material by signing such an agreement. We will support the company in order to ensure that there is competition in the seed industry. We have already had success with companies such as the Kenya Breweries, East African Seed Company, Fresh Company Ltd. and others.

Mr. Munya: Mr. Deputy Speaker, Sir, how much did the Government realise from the privatization of Kenya Seed Company?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, as of this moment, I do not know. But I will be willing to find out.

(Laughter)

Mr. Deputy Speaker: I think the Assistant Minister is quite right because the Question does not talk about privatization. It talks about research on seeds. I think, Mr. Munya, your question is misplaced.

Mr. Nyachae: Mr. Deputy Speaker, Sir, could the Assistant Minister give us an assurance that they will be availing information to the farmers by advertising who is doing the multiplication of seeds after the research has been done? This year, there were no seeds for a long period of time and farmers had to look for them all over the country; some were lucky and others never got them all. The same applies to barley because Kenya Breweries is unable to produce all the varieties we require. They want to produce only the variety which they require because of the high quality of their products. But, to the farmers, that variety is low in terms of yield. Could the Assistant Minister make available information to farmers about multiplication of seeds by the companies involved?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, fully agree with the hon. Member on the discussions that are going on, on that subject, at the Kenya Agricultural Research Institute (KARI). The Director of Agriculture has also been instructed to communicate with his officers in the districts, so that farmers do not find themselves in the situation that they found themselves in, earlier this year.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the Assistant Minister is aware that there is a regulator in the seed industry. That particular regulator is KEPHIS. KEPHIS has been harassing those who have tried to challenge the monopoly of the Kenya Seed Company. Could the Assistant Minister assure potential competitors of the Kenya Seed Company that they will get fair treatment in competing with the Kenya Seed Company?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, when we heard those complaints, we talked to KEPHIS. We heard that some companies were finding it difficult to get appropriate approvals. I am confident that, after those discussions with KEPHIS, it would assist all companies. It is also important for companies to meet the conditions that have been set by KEPHIS and KARI. We will do our best to help them, because we have heard about politics being played in that particular field.

Question No.492

ELECTRIFICATION OF SHISESO/
SAVANE HEALTH CENTRES

Dr. Khalwale asked the Minister for Energy:-

(a) whether he is aware that Shiseso Health Centre and Savane Dispensary in

Ikolomani have no electricity supply; and,

(b) what immediate plans are in place to supply electricity to Shiseso and Savane.

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

(a) I am aware, and it is true, that Shiseso Health Centre and Savane Dispensary have no power supply.

(b) The Government is in the process of distributing funds allocated for rural electrification in this year's Budget, to all the districts in the country, using the formula that allocates funds on the basis of weights assigned to population size, area to be covered and the existing electricity network in each district, at the rate of 55 per cent, 22 per cent and 23 per cent respectively. The district with the lowest power supply network, will, for example, be accorded 23 per cent. The one with the highest population will be given 55 per cent.

Under that arrangement, projects will be implemented on the basis of recommendations and priority-ranking by the respective District Development Committees (DDCs). In this respect, Shiseso Health Centre and Savane Dispensary in Ikolomani Constituency, Kakamega District will, therefore, be considered for electrification if they top in the list of merit order-ranking by the Kakamega DDC during the current financial year.

Dr. Khalwale: Mr. Deputy Speaker, Sir, that is a very nice answer and I am satisfied. However, I would like the Assistant Minister to recognise that the community around Shiseso and Savane Health Centres had already organised itself and donated some money. That money was paid to the Kenya Power and Lighting Company (KPLC). Could he assure us that those health centres will be given priority?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we shall look into that. We already know that they require Kshs12 million. It is the work of the Ministry to choose the one that can be implemented immediately. If we have the funds, we shall do that.

Dr. Awiti: Mr. Deputy Speaker, Sir, we keep on getting standard answers from the Ministry of Energy. So many Questions have been asked and they always talk about the formula. What is this formula? I think this country has reached a point where allocation of resources should be based on constituencies. Could the Assistant Minister tell us how much they have allocated to each constituency?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is true that we are giving standard answers. At the same time, we are also receiving standard Questions. All we are changing in a Question is the project or the centre. However, I would like to remind hon. Members that we have been historically constrained by the allocation that we get from our Budget. The only way to solve this problem is to bring an amendment, or a Motion to this House, so that we can be able to allocate money per constituencies. There are some constituencies that have no network; the grid lines are not there. It is also very difficult for us. However, we are ready to take any sentiments from Members.

Mr. Muchiri: Mr. Deputy Speaker, Sir, the Assistant Minister is aware that he promised Members of Parliament that he will allocate some money to the constituency projects. Could he confirm that, that promise still stands?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we promised to do away with the imbalances that have been existing. The only money we can promise is the money allocated by this House to the Ministry.

Dr. Khalwale: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how much money he has allocated to the constituencies?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, there is no money allocated to any particular constituency. What we have is the Kshs500 million allocated to the Ministry in the Budget. That money will be distributed to the districts as prioritised by the DDCs.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order not to give us a figure, when we can recall that when the Minister himself was here - that is Mr.

Ochilo-Ayacko - he told us that he will give each constituency Kshs5 million?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I will not defend that because I know the Minister could not have committed himself to that. He can only allocate what he has. This House has never, at any given time, voted money to be allocated to the constituencies. So, the point of order is not valid. We can only allocate what has been allocated to us by the Ministry of Finance.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to keep on referring Members to the DDCs to get project rankings, when he knows that the DDCs are illegal entities?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, those illegal entities are existing now. That is the only formula that we have. If we come up with any other formula, we shall implement the projects according to it.

Mr. Deputy Speaker: Let us move on to the next Question by Mr. J.M. Mutiso!

Question No.287

RE-INTRODUCTION OF
GOVERNMENT SUPPORT FOR
COMMUNAL DIPS

Mr. J.M. Mutiso asked the Minister for Livestock Development:-

- (a) when the last livestock census was done by the Government in the country;
- (b) what the number of stock which has died of notifiable diseases in Kilome and Kasikeu Divisions in the year 2002/2003 is; and,
- (c) whether he could consider re-introducing Government support and management of community dips in the country as an anti-poverty strategy.

The Minister for Livestock Development (Mr. Munyao): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) The Government carried out the last countrywide livestock census in 1979.
- (b) In the year 2002/2003, six head of cattle died of contagious Bovine Pleuropneumonia (CBP) and another six died of lumpy skin disease in Kilome and Kasikeu Divisions.
- (c) Having realised the difficulties livestock farmers are facing in managing communal dips, the Government is considering strengthening support to the dip committees, especially in the areas of livestock farmer education, supervision and monitoring of the dips' managements.

Mr. J.M. Mutiso: Thank you, Mr. Deputy Speaker, Sir. I would like, first of all, to thank the Minister for giving this House a satisfactory answer. However, in 1997, the (Almatic?) Programme was started and livestock farmers were to be assisted by being provided with acaricides. Under the same programme, Unga Feeds Company Ltd. won the tender to supply the acaricides but the subsequent tests were not done by this company as stipulated in the contract. Could the Minister tell this House what action he will take against Unga Feeds Ltd. which breached the contract between it and the (Almatic?) Programme?

Mr. Munyao: Mr. Deputy Speaker, Sir, it is true that several livestock projects have been initiated in the area by various donors. It is also true that a contract was awarded to Unga Feeds Ltd. and there was no consistent supervision. It is up to us to show commitment so that those companies can serve the livestock farmers more effectively. I promise to follow up this matter.

Mr. J.M. Mutiso: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No! Mr. J.M. Mutiso, I will give you a chance to ask the Minister a question later on. Let me give this chance to another hon. Member to ask the Minister a question.

Mr. Wario: Thank you very much, Mr. Deputy Speaker, Sir. It is well-known that the 1979 census was carried out in a specific region and not in the entire country. The collapse of all livestock projects, for example the Kenya Meat Commission (KMC) and the Livestock Marketing Division

(LMD), was as a result of livestock census not being carried out. When will the Government conduct a livestock census?

Mr. Munyao: Mr. Deputy Speaker, Sir, my Ministry will carry out a livestock census because it has interest in it. However, I cannot tell the hon. Member when my Ministry will carry out this census. There is urgent need to carry out a livestock census in this country.

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. Livestock development is one of the key components of our economy. This subsector has always been under the Ministry of Agriculture. Now that we have the Ministry of Livestock and Fisheries Development and the Minister has admitted that community-based cattle dips are not performing well, and given the fact that the Government is committed to eradication of poverty, could he consider seeking assistance from the GTZ, which had offered to carry out a livestock census ten years ago when I was in this subsector? Could the Minister consider requesting the GTZ to carry out a livestock census because it is important? The Government has never carried out any livestock census since 1979 up to now!

Mr. Munyao: Mr. Deputy Speaker, Sir, we will request many donors, including the GTZ, to carry out a livestock census.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, could the Minister consider subsidising cattle dip charges under the (Almatic?) Programme? Could he also consider including Mumela, Kasikeu and Kiima-Kiu dips in this programme?

Mr. Munyao: Mr. Deputy Speaker, Sir, we are coming up with a policy which will enable livestock farmers to produce healthy livestock. We believe that we will produce high quality hides and skins if our livestock farmers rear healthy livestock. This will help in the growth of our economy.

Question No.495

GOVERNMENT SUPPORT FOR KAITI
YOUTH POLYTECHNICS

Mr. Ndambuki asked the Minister for Labour and Human Resource Development whether he could consider upgrading, funding, equipping and staffing Isovya and Kilala Youth Polytechnics in Kaiti Constituency.

The Minister for Labour and Human Resource Development (Mr. Mwakwere): Mr. Deputy Speaker, Sir, I humbly request the Chair to defer this Question until next week because it did not appear in the Weekly Schedule of Questions. According to the Weekly Schedule of Questions, my Ministry is supposed to answer Question No.458. I request the Chair to give me one week to consult with the Minister for Education, Science and Technology because this Question was initially directed to his Ministry. This will enable me bring an appropriate answer to this House.

Mr. Deputy Speaker: Mr. Ndambuki, what is your comment?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it is okay.

Mr. Deputy Speaker: Very well! I will defer this Question to Thursday, next week.

(Question deferred)

Question No.291

AWARD OF HEALTH MINISTRY
TENDER NO.MOH(1)99-2000

Mr. Muturi asked the Minister for Health:-

(a) what the terms and conditions were of tender No.MOH(1)99-2000 which closed

on 9th September, 1999;

(b) who was awarded that tender, at what price and why; and,

(c) who were the other bidders and whether she could table a list showing each quotation and the technical evaluation report for each bidder.

Mr. Deputy Speaker: Yes, Mr. Assistant Minister for Health!

Mr. Muturi: Mr. Deputy Speaker, Sir, before the Assistant Minister answers this Question, I would like to raise a matter which I think is both constitutional and procedural. Yesterday, when I rose to ask this Question I indicated that the copy of the written answer I had was not signed by the Minister for Health. The copy of the written answer I have now purports to be signed by the Minister for Health. This is so and yet it is a well-known fact that the Minister for Health is out of the country.

Could we be told who signed the copy of the written answer I have here? I am asking this question because the Minister for Health is not in the country. We also know that the President has not appointed any other person to act on behalf of the Minister for Health.

(Applause)

Mr. Deputy Speaker: Mr. Assistant Minister, what do you have to say?

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, you have pointed out clearly that we are Ministers of the Government, and we should not stop working when the Minister is out of the country.

Hon. Members: Tell us who signed the copy of the written answer!

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I signed the copy of the written answer the hon. Member has, last week, on behalf of the Minister for Health.

Mr. Mganga: On a point of order, Mr. Deputy Speaker, Sir. A fundamental question has been raised by the hon. Member. It is well known that in Government practice, Assistant Ministers are not allowed to sign Cabinet papers and Parliamentary answers to Questions. Where did the Assistant Minister get the authority from to sign an answer to a Parliamentary Question?

(Mr. Ojode walked to the Dispatch Box)

Mr. Deputy Speaker: Mr. Ojode, where are you going? Will you sit down? The Chair will look into this issue as the Assistant Minister answers the Question. Mr. Assistant Minister, answer the Question as I look into the issue the hon. Member has raised. The hon. Member is talking about something I do not know about.

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, if the Minister is out of the country, I am supposed to sign on her behalf. If I made a mistake, I apologise.

Mr. Deputy Speaker: Is it your signature?

The Assistant Minister for Agriculture (Mr. J. Nyagah): On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister has said that he signed on behalf of the Minister, and he has confirmed to the Chair that, that signature appended on that answer is his, is it not humanly possible for a human being to forget to write "for" or "on behalf of"? I believe that is what he has said!

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! I believe this is a matter that can be resolved. The Assistant Minister has told us that this is his signature. The only thing that is missing are the words, "for the Minister for Health". I do not think we should dwell on this matter. Therefore, the Assistant Minister can answer the Question!

Proceed!

(Several Members stood up in their places)

Mr. Deputy Speaker: Order! Order, hon. Members!

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg to reply---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Let me hear from Mr. Muturi.

Mr. Muturi: Mr. Deputy Speaker, Sir, the Assistant Minister has confirmed that the signature appearing there is his. The title below is that of the Minister for Health. We need to be told whether this House is deviating from the normal procedures and traditions, where an Assistant Minister can sign as the Minister. The practice, as we know, has always been that, when a Minister is out of the country, the President appoints a person to act in his or her place.

(Applause)

Even this year, the President appointed Mr. Balala to act as the Minister for Labour and Human Resource Development, when we did not have a Minister. He did so and yet, we had Assistant Ministers. They would never sign answers. Is the House now accepting or setting a new precedence where Assistant Ministers can be signing answers to this House?

Mr. Deputy Speaker: Order! Last time, I believe we had a marathon discussion relating to whether the oath of an Assistant Minister was valid and the matter was disposed of. Surely, in my honest opinion, this is an important matter. The Assistant Minister is defined as a "Minister" and the fact that he has signed is not a reason why this Question cannot be answered.

(Several Members stood up in their places)

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, this House is guided by the Standing Orders. To my knowledge, I do not know of any Standing Order which prohibits an Assistant Minister to sign on behalf of the Minister. The hon. Members are speaking of the former Government where Assistant Ministers could not act on behalf of the Ministers. In the NARC Government, Assistant Ministers have powers to act on behalf of the Ministers.

(Applause)

Mr. Deputy Speaker: Order! Order! According to the definition of a Minister---

(Mr. Kombe stood up in his place)

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

Mr. Deputy Speaker: Who is that? Mr. Kombe, I declare you disorderly! Out! The Chair is talking and you are standing there shouting points of order! Will you go out?

(Mr. Kombe withdrew from the Chamber)

Order, hon. Members! I was saying that, according to the Standing Orders, a Minister is defined as follows:-

"Minister" includes the President, the Vice-President, other Ministers, the Attorney-General, Assistant Ministers and any person who holds temporarily any such office".

It is a well-considered opinion of the Chair that there is nothing wrong with the Assistant Minister answering that Question. Other than that omission: "For the Minister for Health", I have no other problem with the Assistant Minister. This Question really belongs to the House. But, Mr. Muturi, if you do not want the Assistant Minister to answer your Question, it will have to be disposed of. I, therefore, ask the House to let the Assistant Minister answer the Question because he is the Minister for Health for now.

Mr. Poghiso: Mr. Deputy Speaker, Sir, this is matter of principle and procedure, and has nothing to do with your ruling. As a matter of principle, the Assistant Minister signed his own name, but left the title "Minister for Health". That alone is what is causing problems here. I think the ruling is simply misleading. Even if he is going to answer this Question, we are expecting a ruling on whether that is correct!

An hon. Member: That is forgery!

Mr. Deputy Speaker: There is no forgery! The Chair ruled that there was an omission because the Assistant Minister did not write the word "for"! But that does not mean he cannot answer the Question.

Mr. Assistant Minister, proceed and answer the Question!

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, before I answer the Question, other than the omission of the word "for" it is written the Minister for Health and not anybody's name!

Mr. Deputy Speaker: Order! Order, Mr. Assistant Minister! You are trying to do my job and yet, I have successfully done it! Could you answer the Question?

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

(a) The general terms and conditions for tender No.MOH(1)99-2000, had 24 provisions as well as special conditions which were to be met by the bidders. I hereby table the terms and conditions.

*(Mr. Konchella laid the document
on the table)*

(b) The tender was awarded to the following bidders to supply various items at a total cost of Kshs104,369,621:-

<u>FIRM</u>	<u>KSHS</u>
1. Alpha Medical Manufacturers	5,214,000
2. Beeton Dickison	2,270,000
3. Glaytiki MC & S Ltd.	5,500,000
4. Cavaldare M.E Ltd.	13,909,885
5. Forces Equipment Ltd.	38,785,775
6. Joh Achelis	6,503,508
7. Pioneer Merchandise	2,800,000
8. Rup Pharm Ltd.	675,000
9. Sri Ram Products	8,138,760
10. Warner & Schmidt Ltd.	19,778,850
11. Vulean Ltd.	793,771
Total	104,369,621

The tender was awarded to the above firms on the basis of their being the lowest evaluated bidders.

(c) The other bidders were 52 in number, and I hereby table their names and the technical evaluation report on each item on which quotations were received.

(Mr. Konchella laid the document on the table)

Mr. Muturi: Mr. Deputy Speaker, Sir, it seems that the Assistant Minister has difficulties in answering this Question. But now that he has tabled the list as demanded, could he confirm or deny that, among the conditions were that the prices to be quoted were to include both duty and Value Added Tax (VAT) and be in US Dollars and not Kenya Shillings? If that was the case, why was payment of duty and VAT exempted after the bids had been closed?

Mr. Konchella: Mr. Deputy Speaker, Sir, that is erroneous. All the quotations are based on specific conditions and the prices are in Kenya Shillings and not in US Dollars.

(Laughter)

Mr. Deputy Speaker: Could you ask the last question, Mr. Muturi?

Mr. Muturi: Mr. Deputy Speaker, Sir, you have just seen the Assistant Minister throw to me the documents, which also contain the technical valuation details. Asking me to put the last supplementary question is not doing justice to this Question.

Mr. Deputy Speaker: Mr. Muturi, the best you can do is to ask for time to peruse the documents and I defer the Question.

Mr. Muturi: Precisely, Sir! Let me request, with your concurrence, that this Question be deferred. However, I would like the Chair to note that the Assistant Minister has denied that duty and Value Added Tax were to be included. We are going to demonstrate that it was there.

Mr. Deputy Speaker: Mr. Muturi, I defer the Question to Tuesday, so that you can have time to peruse the documents.

(Question deferred)

Let us proceed to Mr. Billow's Question.

Question No.449

REVIEW OF MAGISTRATES' SALARIES

Mr. Billow asked the Minister for Justice and Constitutional Affairs:-

- (a) whether he could explain why the terms and conditions of service for judges were reviewed exclusively in the year 2001 whilst those of magistrates were not; and,
- (b) what action he has taken to have the magistrates' terms reviewed.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The terms and conditions of service for judges were reviewed in the year 2001 alongside those of constitutional office bearers. The Judiciary submitted recommendations of the new salary structure to the Government of the day in the year 2002, but the same were never acted upon.

(b) The Judicial Service Commission (JSC) is currently discussing the recommendations forwarded in the year 2002 with the National Rainbow Coalition (NARC) Government.

Mr. Billow: Mr. Deputy Speaker, Sir, magistrates are members of the JSC.

Mr. Githae: They are employees of the JSC!

Mr. Billow: Yes, they are employees of the JSC, but the increase of the judges' salaries to about ten times to those of the magistrates was not only discriminatory but it has resulted in resentment, demotivation and the low morale that we have among magistrates all over the country. Some people have said that the cause of the rampant corruption in the Judiciary is partly because of the low motivation and particularly the disparities in the salaries of judges compared to those of

magistrates. When is the Ministry going to review the terms and conditions of service for these employees of the JSC, so that they can be committed to their work and improve their performance?

Mr. Githae: Mr. Deputy Speaker, Sir, magistrates are not constitutional office bearers. The only salaries that were reviewed during that time were those of constitutional office bearers. However, recommendations on a new salary structure for magistrates were prepared in the year 2002 and forwarded to the previous Government. The recommendations have been taken over by the NARC Government, and are being discussed. Consultations are going on and, very soon, a decision will be arrived at.

Mr. Deputy Speaker, Sir, the fact that one earns a small salary is not justification for one to engage in corrupt practices. People should be able to live within the salaries they earn however small.

Eng. Owidi: Mr. Deputy Speaker, Sir, the question of salary disparities in this country is very serious. It is not only in the Judiciary where there are salary disparities. For instance, a District Commissioner (DC) and Provincial Commissioner (PC) are only one Job Group apart but a PC earns a salary of Kshs300,000 plus an additional Kshs100,000 entertainment allowance, while a DC earns only Kshs20,000. You will find that sometimes DCs do not even have money with which to buy fuel for their official vehicles, and are forced to ride on bicycles. Also---

Mr. Deputy Speaker: Eng. Owidi, ask your question!

Eng. Owidi: Mr. Deputy Speaker, Sir, even the salary difference between the Speaker of the National Assembly and his Deputy is also too big!

(Applause)

Could the Assistant Minister assure the House that he will improve the magistrates' salaries so as to set an example to other Ministries?

Mr. Githae: Mr. Deputy Speaker, Sir, it is true that 20 years ago, the salary structure in the private sector was at par with that in the public sector. However, salaries in the private sector were increased continuously, while those of civil servants stagnated for reasons best known to the former Government. However, this fact has been noted and a review of salaries for various cadres of Government employees is going on with a view to increasing them. It is true that the difference between the salary of a judge and that of a chief magistrate is big, but this is being reviewed. As I said, a decision will be made very soon.

Mr. Arungah: Mr. Deputy Speaker, Sir, talking of "soon", in governmental terms, could range between one year and 20 years. Could the Assistant Minister be specific and tell us exactly when the magistrates' salaries will be reviewed, in view of the fact that we know that already, the Ministry's Budget for the current financial is already in place? Exactly when is the review going to be effected and from where is the Ministry going to get the money with which to increase the magistrates' salaries? Could he be specific?

Mr. Githae: Mr. Deputy Speaker, Sir, the hon. Member is preaching to the converted. The NARC Government acknowledges the fact that civil servants are lowly paid. Discussions are going on amongst the JSC, the Treasury and the Directorate of Personnel Management (DPM) and, very soon, a decision will be made.

Mr. Nyachae: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is telling us that a review of the salaries of magistrates is going on. It was announced by the media early this morning that the Chief Justice, who was in the company of judges, met with the magistrates in Malindi and confirmed that their new salaries have been approved, and that they are going to be effected. Now the Assistant Minister is telling us about an ongoing review of the same. What is the correct position?

An hon. Member: He is not aware of that announcement!

Mr. Deputy Speaker: Mr. Nyachae, you rose on a point of order, but you asked a question. Anyway, go ahead and answer it, Mr. Assistant Minister.

Mr. Githae: Mr. Deputy Speaker, Sir, I said very clearly that the reviewed salary structure for magistrates that was presented to the previous Government in the year 2002 was being discussed by the current Government. I did not say that the salaries of magistrates were being reviewed. The review exercise had already been done, and only a decision by the Government on implementation of the new salaries was being awaited. When I said that action would be taken very soon, I meant exactly that.

Mr. Deputy Speaker: Could you ask the last question, Mr. Billow?

Mr. Billow: Mr. Deputy Speaker, Sir, in his reply, the Assistant Minister said that only the salaries of constitutional office holders were reviewed. The only constitutional office holder in this country is the Chief Justice, but all the judges had their salaries reviewed in the year 2001. Be that as it may, is he suggesting that the low salary paid to a magistrate, which is only one-tenth of what is paid to a judge, does not affect the morale and commitment of magistrates?

Mr. Githae: Mr. Deputy Speaker, Sir, let me, first of all, correct the impression that there is only one constitutional office. That is wrong; there are many. In fact, there are 11 such offices. We have the Attorney-General, the Chief Justice, Judge of Appeal, High Court Judge, the Controller and Auditor-General, the Chairman of the Public Service Commission, the Deputy Chairman of the Public Service Commission and a Member of the Public Service Commission. If you talk of the Judicial Service Commission, then the Chief Justice, Judge of Appeal and a High Court Judge are members of it.

What we are saying is that whereas their salaries are low, this is not a justification for engaging in corrupt practices. It is also true that low salaries can affect morale. That is why, when I said that the new terms and conditions of service would be approved very soon, I meant very soon.

QUESTIONS BY PRIVATE NOTICE

AWARD OF TREASURY PSI TENDER

Mr. Osundwa: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

- (a) Which company was recently awarded the pre-shipment inspection tender by the Treasury?
- (b) How much money is the Government going to lose by not awarding the lowest tender?

The Minister for Finance, (Mr. Mwiraria): Mr. Deputy Speaker, Sir, there is an appeal on this matter in the High Court. The matter is, therefore, *sub judice* and cannot be discussed in this House until the court case is resolved. The miscellaneous civil application is No.723 of 2003.

Mr. Osundwa: Mr. Deputy Speaker, Sir, the reason why I asked this Question is that I wanted to save this country Kshs200 million that was going to be paid to corrupt people. I asked this Question on the 30th of June, 2003, by Private Notice. Today is the 17th of July. Could I be told when these people went to court? Was it after I had brought this Question?

Mr. Deputy Speaker: But Mr. Osundwa, Standing Order No.37(10) states that reference shall not be made in a Question to any particular matter which is *sub judice*. The Minister has quoted the case number. Now, whether you raised the Question before or after the filing of the case, is not material. What is material is that the matter is *sub judice* and, therefore, we cannot refer to it at the moment.

Mr. M. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. On the *sub judice* rule, are you satisfied that the citing of a case number without the tabling of pleadings before this House is enough to enable you come to the conclusion that the matter is *sub judice*? The Minister has a duty to table the pleadings before the House.

Mr. Deputy Speaker: Mr. M. Kariuki, what do you want the Minister to table?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, once you file a civil case, there is a document

called "the plaint", which contains the pleadings. There is also a statement of defence. Only by looking at those two documents can the Chair conclude that the issues before the court are the same issues being raised in the Question. Citing the case number alone is not enough.

Mr. Deputy Speaker: You have a point and I agree that the pleadings are necessary for me to come to that conclusion. What do you say to that, Mr. Minister?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I regret that I did not carry the pleadings with me, but I can make them available to you later this afternoon.

Mr. Deputy Speaker: Hon. Members, this is really a very simple matter. The Minister is going to bring to me the pleadings. Let us defer the Question till then. If he does not bring them, then the Chair will rule otherwise. Can we, therefore, defer the Question?

Mr. Osundwa: Mr. Deputy Speaker, Sir, since this country is going to lose millions of shillings due to the irregular award of this tender, could the Minister revoke it until the matter is out of court?

Mr. Deputy Speaker: Surely, nothing is going to happen until Tuesday. I am deferring this Question to Tuesday. Do you think that the millions are going to be lost over the weekend?

(Laughter)

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, the practice in this Parliament, at least over the 11 years that I have been a Member of it, has been that when a Minister of Government gives a case reference number, it is assumed that he is speaking the truth.

Hon. Members: No! No!

Mr. Deputy Speaker: Order, hon. Members!

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I am talking about a tradition some hon. Members do not know because they have not been in this House long enough. This is the first time that the word of a Minister has been doubted until he brings a copy of pleadings. Are we setting a new precedent, or is it that the practice now is that you have to bring a copy of pleadings before you can be assumed to be speaking the truth?

Mr. Deputy Speaker: I want to state very clearly that I do not doubt the Minister whatsoever. It is a matter of looking at the Standing Orders and deciding whether the matter is *sub judice* or not. I think there is nothing wrong with that. The Minister has said that he will provide the document and there is no problem. Therefore, the Question is deferred till Tuesday afternoon.

By the way, the Minister may give the document to the Chair and it may make a ruling without the Question having to come here. Mr. Minister, you will give the document to the Chair, which will then decide whether the Question will come back here or not.

Hon. Members: No!

Mr. Deputy Speaker: You cannot say "no"!

The Minister for Finance, (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I shall do exactly that.

(Question deferred)

Mr. Deputy Speaker: Next Question by Mr. J. Koech!

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No! Look at the clock!

Mr. J. Koech: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that the Agricultural Finance Corporation, Bomet office, a building of the Corporation, is now a beer depot?

(b) What is the Minister doing to revert the building to the Corporation and re-open the branch for the benefit of Bomet residents?

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

(a) I am aware that AFC Bomet office, a building owned by the Corporation, is now rented by a private person who is using it as a beer depot.

(b) The AFC is in the process of repossessing the building. The tenant has been given one month's notice to vacate the premises effective from 10th July, 2003.

Mr. J. Koech: Mr. Deputy Speaker, Sir, you can see that it is regrettable that a building belonging to the AFC has been rented by the Ministry officials to be used as a beer depot. I would like to ask the Assistant Minister when he is going to re-open the office. This will help farmers from Bomet District, who are now supposed to go to Kericho District for loans.

Mr. Khaniri: Mr. Deputy Speaker, Sir, I have already answered that. However, I am saying that we are in the process of restructuring the AFC in order to enable it give effective and efficient service to the farmers. Part of the restructuring process is to re-open the offices that were closed, and the Bomet office is one of them. I want to give the hon. Member an assurance that this has been budgeted for. We will re-open this office as an AFC office.

Mr. J. Koech: Mr. Deputy Speaker, Sir, what action is the Assistant Minister going to take against the officials who rented out this AFC building, a Government building, to a beer distributor?

Mr. Khaniri: Mr. Deputy Speaker, Sir, we are not going to take any action against them. When the office fell vacant, there was need to rent it out in order for the AFC to generate some income. The beer distributor was the highest bidder. When he applied to rent the building he stated that he was going to use it for a wholesale business, but he later turned it into a beer depot.

Mr. Cheboi: Mr. Deputy Speaker, Sir, before I ask my Question I wish to inform you that I have not been favoured with a written reply.

PAYMENT OF DUES TO
PYRETHRUM FARMERS

Mr. Cheboi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that pyrethrum farmers have not been paid for their deliveries for over one year and, as a result, they have started uprooting their crop?

(b) When will the full Board of Pyrethrum Board of Kenya be constituted?

(c) What urgent measure is the Minister taking in view of "a" and "b" above?

The Assistant Minister for Agriculture, (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I apologise to the hon. Member if he has not received a written answer. I have an answer to this Question but I am not satisfied with it. Would he, please, accept that I come on Tuesday with a proper answer that will satisfy us?

Mr. Deputy Speaker: Are you requesting for the Question to be deferred?

The Assistant Minister for Agriculture (Mr. J. Nyagah): If it is possible, Mr. Deputy Speaker, Sir, I am requesting you to defer the Question until next week on Wednesday or Thursday.

Mr. Deputy Speaker: Is that all right with you, Mr. Cheboi?

Mr. Cheboi: Mr. Deputy Speaker, I have no quarrel with that. He has been a very honest Assistant Minister.

Mr. Deputy Speaker: Very well, the Question is deferred.

(Question deferred)

PROSECUTION OF NCC EMPLOYEES

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

(a) What happened to the Nairobi City Council employees who were apprehended at City Hall with millions of shillings belonging to the Council early this year?

(b) When will the officers involved in the scandal be prosecuted?

The Assistant Minister for Local Government (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, I seek the indulgence of the Chair to defer this Question until next Wednesday afternoon.

Mr. Deputy Speaker: Is that all right, Prof. Olweny?

Prof. Olweny: Yes, Thank you, Mr. Deputy Speaker, Sir. I have been given an answer here which I also do not seem to like. It is incomplete.

Mr. Deputy Speaker: Is it all right with you if we defer the Question?

Prof. Olweny: It is all right with me so long as they bring a good answer.

Mr. Deputy Speaker: The Question is deferred until Wednesday next week.

(Question deferred)

That marks the end of Question Time. Do you want to request for a Ministerial Statement, Mr. Gitura?

POINTS OF ORDER

TRAFFIC JAM CAUSED BY PRESIDENTIAL MOTORCADE

Mr. Kembi-Gitura: Mr. Deputy Speaker, Sir, I have said many times before that my names are Mr. Kembi-Gitura.

I rise on a point of order to seek a Ministerial Statement from the Minister of State, Office of the President. Yesterday, the 16th of July, 2003, just before 2 p.m., I was held up in a traffic jam for more than one hour while coming from Industrial Area. The only reason for that traffic jam, which affected hundreds of people in many streets of Nairobi, was that the President was going to the airport en route to Kampala, Uganda. That traffic jam, in my opinion, was unnecessary as it caused a lot of stress to the motorists---

(Applause)

But more than that, a lot of man hours were wasted in that traffic jam yesterday. The President has told us, and we believe him, that we are a working nation, and that we must take our work very seriously. Now, we are not able to work when we are held up in unnecessary traffic jam.

(Applause)

Mr. Deputy Speaker, Sir, I would like the Minister of State, Office of the President to tell us why that happened, because I am sure that even our President would not approve of that wastage of time. It is the people who arrange and manage him who are not doing their work properly. What I would like to say is that--

Mr. Deputy Speaker: Mr. Kembi-Gitura, are you asking for a Ministerial Statement and at the same time replying to it? Are you giving the Ministerial Statement?

Mr. Kembi-Getura: Mr. Deputy Speaker, Sir, this is what I would like the Statement to address: Is it possible for the Ministry to consider, on a serious note, that when the President is not on a meet-the-people tour, like when he is going to the airport from State House, he uses a helicopter or any other means, or at least proper arrangements are made so that all that time that was wasted yesterday is not wasted again?

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Well, I do not know whether to clarify that issue or not, but I think the Minister of State, Office of the President has got the message. Issue your Statement on the delay that was caused to the public by the Presidential Motorcade. I think that is the gist of the matter

CLOSURE OF MASENO UNIVERSITY

Prof. Oniang'o: Thank you, Mr. Deputy Speaker, Sir. I rise for the second time to seek a Ministerial Statement on the status of Maseno University. I have been told that the Statement will be issued next week, but the information reaching us indicates that the situation in Maseno is very serious, and that things are not being resolved. Unarmed students were shot, and this is an institution of higher learning and of public importance. We need that Statement immediately!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Deputy Speaker, Sir. I think it is not possible to give the Statement immediately. But I have already spoken to---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The Statement was requested some time ago, not today!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Yesterday, I told the hon. Member that we are going to issue the Statement on Tuesday, next week, for a number of reasons. Consultations are already going on. Last week, there were meetings between the University Council and the Senate, and yesterday there was another meeting. By the end of this week, the Statement will be ready. So, I would like to request her to be patient so that we can issue the Statement on Tuesday.

(Loud consultations)

Mr. Deputy Speaker: Very well, the Assistant Minister will bring the Statement to the House on Tuesday, next week.

Proceed, Mr. Ethuro.

CLASH BETWEEN SECURITY PERSONNEL AND TURKANA RESIDENTS

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. If you remember, on Wednesday morning,

I had requested a Ministerial Statement from the Minister of State, Office of the President on the security situation in Turkana.

Mr. Deputy Speaker: Yes, I remember. Mr. Minister, you were to issue a Statement. Can you do so now?

MINISTERIAL STATEMENT

CLASH BETWEEN SECURITY PERSONNEL AND TURKANA RESIDENTS

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, when the Ministerial Statement was sought, I indicated that the time was too short for us to be able to provide the candid position on the ground. But I did indicate that I would make a short Statement on the situation.

Following complaints from leaders and members of the public on frequent highway attacks on motorists plying the route between Marich Pass, Kainuk, Lodwar, Kakuma, Lokichoggio, Kukrang, Kamarinyang and the general insecurity along the said highway and its environs, it was found necessary to carry out an operation with a view to restoring peace in the affected areas. The operation was then planned by the Rift Valley Provincial Security Committee with the intention of flushing out the bandits involved in highway robbery and recovering stolen stock. This operation is not an exercise of disarming the community.

[Mr. Deputy Speaker left the Chair]

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

The action has been misinterpreted, and I would like to call on the leaders to understand that the action taken by the police was basically to flush out bandits and not to disarm the community.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for the brief Statement. But he did not address the issue properly, as Kukrang and Kamarinyang are not on the highway to Sudan. The issue of the highway has nothing to do with going to a place known as Kalemnyaa, which is another 70 kilometres away from the road. The incident that happened in Lopiding when our security forces cordoned off villagers at 6 a.m. has nothing to do with highway banditry. It has everything to do with the role of firearms from a community that has been made defenceless by the many porous international boundaries around them.

Mr. Temporary Deputy Speaker, Sir, I need to give you the background, because the Assistant Minister is not aware of this issue. Only last Saturday--

The Temporary Deputy Speaker (Mr. Poghisio): This is not the time for that, Mr. Ethuro. So, just seek clarification from the Assistant Minister.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, since the Assistant Minister and the people who organize the operations do not seem to understand each other, could he order the immediate withdrawal of police and combined security forces from this area until they agree on the best way to control highway banditry?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, I did promise that I was issuing the Statement on the action taken by the police.

Mr. Temporary Deputy Speaker, Sir, I would like to inform the House that the Government is

thinking of adopting appropriate measures to ensure that there is no banditry along the highway. But as for the issues which have been raised by the hon. Member, that of the entrance of the security forces 70 kilometres inside Turkana and away from the highway, I undertake to go back and confirm in order to ensure that the action taken does not go beyond the initial objective.

The Temporary Deputy Speaker (Mr. Poghisio): Next Order!

BILLS

First Reading

THE PUBLIC PROCUREMENT AND DISPOSAL BILL

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

Second Reading

THE PENSIONS (AMENDMENT) BILL

(Mr. Musila on 14.4.2003)

*(Resumption of Debate
interrupted on 10.6.2003)*

The Temporary Deputy Speaker (Mr. Poghisio): Who was on the Floor? Prof. Oniang'o was contributing.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir. I had spoken for ten minutes on this Bill. I once again wish to support and commend hon. Musila for bringing this Bill which is very crucial and we all need to support it. I wish to subscribe to many of the sentiments that had been expressed on this Bill.

Mr. Temporary Deputy Speaker, Sir, the whole issue of pensions and what this Bill is trying to do is to ensure that when public officers retire, their pension dues are paid within three months, failure of which the interest that is accrued on the money is actually attributable to them. I wish to support that and also say that, indeed, we have had an abuse of this facility for pensioners and we want to make sure that this situation is rectified. It appears as if the main problem has been on record keeping and, indeed, on the way pensioners are treated by those who are handling them. Therefore, the whole issue of re-training officers who actually handle these matters is crucial. They need to be re-trained so that their attitude towards pensioners is actually more friendly. They should also respect the pensioners so that the pensioners' records are kept properly so that when they come to seek their pension dues, they are effected quickly. In fact, one would wish to see a situation where this whole process is decentralised.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I know that you may need to consult, but please do so in very low tones. If you need to withdraw from the Chamber,

do so quietly. We need to hear the hon. Member on the Floor of the House.

Proceed, Prof. Oniang'o!

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for your protection. Indeed, the whole issue of pensions is crucial. It affects all of us and I hope that hon. Members are taking this issue seriously. I was saying that I think it would be better if the whole process of paying pensions to pensioners is actually decentralised so that pensioners who are already in their latter years do not have to struggle boarding public transport and being mistreated in offices and, indeed, this pension should actually be paid where they live. We hope that this can be effected so that it is actually done at the district level.

Mr. Temporary Deputy Speaker, Sir, we are aware of situations where pensioners retire and, in fact, spend most of their time travelling to the City of Nairobi to try and get their money and, in the end, die before they actually get this money. We hope that this is a situation that this Bill can actually address so that we can instil some kind of discipline in the way pensioners are handled and in the way their rewards are actually handled.

Mr. Temporary Deputy Speaker, Sir, another matter has to do with the amount of pension itself. We have seen that, indeed, the amount that is paid to them has remained the same and it is actually peanuts. It is not enough to actually offer a proper livelihood to somebody who has been earning a good salary and when he or she retires, he or she is neglected. In fact, we need to see a situation where this money begins to earn interest right from the time it begins to be saved or from the time somebody actually begins working. In that way, when the pension is ready to be paid, it should be an amount worth appreciating so that the pensioners can enjoy some decent livelihood after they retire.

Mr. Temporary Deputy Speaker, Sir, we are aware of situations again where pensioners are paid this money and in most cases if it is a man, he is paid this money and yet his wife and children are not aware of it. Many of these pensioners, in fact, have young children who are still going to school or have debts which they have incurred. We, therefore, want to see a situation where the whole family is involved in the negotiations on how this pension is actually going to be paid. It even becomes worse when the pensioner dies and leaves his wife a widow and the children become destitute. So, we want some legislation which can actually protect the family when the pensioner is gone. We want to see a situation where a pensioner, in fact, takes it upon himself and puts this matter into a will so that the family is aware of what amount of pension is due to them.

Mr. Temporary Deputy Speaker, Sir, we need now to speak about the health of the pensioners. We may be paying only the pension in terms of cash and yet we know that when people retire, their health begins to falter and, in fact, they die sooner than later because of poor health care access. One would wish to see a situation where, in fact, health care access in form of insurance, is also made part and parcel of the pension package that the pensioner is going to receive. I just wish to support this Bill and say that we need to take it seriously. I also wish to see the Ministry of Finance actually supporting this Bill so that it does not delay its implementation in terms of enacting a law that is properly addressed since there are so many people involved.

Mr. Temporary Deputy Speaker, Sir, finally, I would need to underscore the need to re-train personnel in the Pensions Department on record keeping to make sure that, in fact, records are kept properly and the pensioners do not waste their time trying to look for these records. They also need to be re-trained in a mind-set which actually respects the older generation so that they do not feel like they are no longer useful members of this society.

With those few remarks, I beg to support.

Mr. Muriungi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this very important Bill. A pensioner in this country is a person whom I can say is most sinned against than himself sinning. A pensioner who has spent the best years of his or her life serving this country finds a very rough time in the Pensions Department. It is high time we accorded more respect

to these senior citizens and assisted them to lead happy and decent lives.

Mr. Temporary Deputy Speaker, Sir, last weekend when I was in my constituency, I was confronted by a pensioner who has not received his benefits for the last six years! This pensioner can no longer afford the bus fare to Nairobi, and visit the offices of the Teachers Service Commission (TSC) to collect his pension. It is my proposal that the pension benefits should be computed early enough by the employers. We know very well that every year employers send to their employees a payslip containing their age. Every year one is informed of one's age. It is indicated in Kiswahili most of the times this way: "*Umri wako sasa ni miaka arobaini*". If your age is 45 or 50 years, it is indicated in your payslip, but when it comes to the payment of pension they pretend that they do not know somebody's age. The employer should be asked to prepare the documents Mr. Mubelonging to a prospective retiree, long before the last month of employment. I do not see why a person should not get his benefits by using his last payslip. In the private sector, if you are to leave employment, usually the discharge letter has a phrase at the end which says:

"By copy of this letter, the accounts section is advised to pay your retirement benefits".

Mr. Temporary Deputy Speaker, Sir, there is no reason for the Government not to follow suit. When a person is employed, all the documents that are required; certificates, letter of appointment and so on, are put in his file. Therefore, there should be no excuse for retirees to be forced to supply documents to their former employers when it is the responsibility of the employers to keep track of the employees records. There is supposed to be an annual appraisal for every employee. I think we should include in this Bill the requirement that every employer should pay the pension and other benefits of the employee using the last payslip of the employee.

With regard to the income of an employee, most of the retirees earn very little, as the previous speaker said. I suggest that the Government provides either to award an annual increment to the pensioners, just as it does to its employees, or if that cannot be done, then it should consider offering something called "cost of living adjustment". With the cost of living adjustment, the pension should be adjusted accordingly, but it should not be considered as an increment because it is only an adjustment.

Mr. Temporary Deputy Speaker, Sir, I would also suggest that no pension below the minimum wages that are stipulated in our Employment Act should be paid. It is ironical to pay a person who has served the country for most of his or her lifetime, money which cannot even pay for his or her fare to the post office through which he or she receives the payments; or the District Commissioner's office, if that is the case. So, a pensioner should not be paid an amount which is not sufficient to take him to collect it or which is not sufficient to allow him to lead a decent life on a day-to-day basis. I know that some pensioners earn as little as Kshs500, which cannot buy the daily loaf of bread for a period of one month. Therefore, we should pay our pensioners realistic dues to show our gratitude for the services they rendered to the country, so that they can lead decent lives.

Mr. Temporary Deputy Speaker, Sir, another thing that we should observe concerning the pensioners is that, when a person is on pension, he is not given a payslip. Therefore, even if there is a mistake in the payment of the pension, the pensioner will not know whether there is a mistake or not. The Pensions Department should consider sending payslips to the pensioners so that they can know whether they have been underpaid or not.

The pensioners lack a union which could speak on their behalf. They should be encouraged to form a union through which they can express some of the problems that they face because they are people who are voiceless. They have nobody to speak for them and that is why I commend hon. Musila for bringing this Bill, because it has been long overdue. It is high time we became their voice and asked this House to pass this Bill without hesitation.

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

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Pensions (Amendment) Bill.

First, I wish to congratulate the Mover and publisher of this Bill, hon. David Musila, who is also our Deputy Speaker. Hon. Musila has captured the imagination of many of us. When many of us came here, we raised issues about pensions. I remember an Administration Police officer who died in Homa Bay in 1994. I joined this Parliament in January 1993 and I raised that issue. Can you imagine, up to this moment, as I speak, the Office of the President is trying to "normalise" the deceased payments to his sons and daughters! What kind of period is that? Young boys and girls were supposed to go to school could not get the money, yet the Government kept and still keeps the late Omau's benefits up to the year 2003! That is not the only case. I am able to cite many cases on issues we have raised concerning pensions for retired teachers who have not been paid through the TSC.

Mr. Temporary Deputy Speaker, Sir, there are two notorious culprits who are not ready to answer queries concerning pensions. First, we have the Pensions Department in the Ministry of Finance. Even if you write a letter to them as a Member of Parliament about somebody, they just do not bother even to reply and say: "We are looking into your case and it has reached this stage or this is what we are doing." I do not know what civil servants do in the offices. I thought what they do is to deal with correspondence. It is extremely sad that pensions are delayed to this extent and there is nothing one can do. So, I hope this Bill will force the Government to work, otherwise, the Government is ready to waste public funds because they will be charged interest for the money they keep.

Mr. Temporary Deputy Speaker, Sir, when we were discussing this Bill in the Finance, Planning and Trade Committee, we thought that civil servants could misuse it. At the same time, we said: "Look, here is a Government that does not respond to the wishes of the people. Why do you not force it to do what the people want?" If the Bill is misused, then the Government can come up with its own amendments but, for now, we should pass this Bill to force the Government to pay pensioners.

Thirdly, the provision that the Government should pay pensioners before they retire from the Civil Service is a very good requirement. Why are you forcing somebody to go into oblivion; go home to wait for his money there when you are holding it here? You could have arranged to tell him: "Look, you are going to retire at such and such time, but we are arranging now to pay your pension". You pay him, so that he can go with his money to start his business and educate his children. I agree totally with this Bill that we should force the Government to pay pensioners.

One other issue I wanted to touch on when talking about this Bill is about the current pensioners. You could agree with me that some pensioners get as little as Kshs150. This House has not seen it fit to review the cases of those pensioners. For instance, a pensioner who receives Kshs150 and travels from Kisii, will spend Kshs700 for bus fare from Kisii to Nairobi and back, to come and check his pension. Is his pension even enough for bus fare? I want to urge my colleagues, since pensioners are not many, let us try and review this issue. The amount of money they receive is very little.

Although the Bill has talked about interest rates charged on delayed pensions at Treasury Bills interest rate, I would have liked this House to impose a fixed rate of interest. Currently, Treasury Bills interest rates are fluctuating. As you know, in 1992, 1993 and 1994 when things went very bad in this country, the interest rates went up to about 70 per cent. Right now, the Treasury Bills interest rate is as low as 3 per cent. Since the interest rate on Treasury Bills fluctuates, we should have fixed the interest rate charged on delayed pension, so that the Government knows that if it continues delaying pensions, it will pay a certain fixed amount of interest rate on them. This House is telling the Government to get its act together and arrange its finances properly. It should pay the pensioners because they need this money more than anybody else. They should be paid before they leave service and if they are not, the Government will waste public funds by paying the extra amount of interest. In fact, we should recommend that civil servants who do not pay pensioners in time should be surcharged to pay for the interest. It is through their actions that the Government will pay this penalty.

Finally, I know that this Government is capable of doing what the people want. We have seen what the previous Government has done and we have confidence in the new Government. As far as I am concerned, what NARC was preaching is what we were preaching as FORD(P). If NARC does not do it, we are ready, as FORD(P), to take over in the year 2007, so that we can fulfil the promises we made to the people of this country. Although there are small mistakes here and there, Kenyans are willing and patient to give the NARC Government a little more time because we know that the previous regime did a lot of harm to this country. So, the Minister for Finance, since the Pensions Department is under his Ministry, should take it up, streamline it and get his act together.

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

The Assistant Minister for Foreign Affairs (Mr. Omino): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Bill because as many people know, I am a pensioner. Although this particular amendment to the Act will not affect me, I want to speak as somebody who also suffered because of the delay in the payment of my pension.

Pension is essentially income of a worker held back by the employer to tide him over his retirement period. If somebody has worked for you for the best part of his life and you now say he has to go home because he is old; at 55 years, people are not old. That is another matter and I will refer to it in a short while. But when he goes home, he has no income and you as his employer, seems to show no concern for that state. This Bill is very timely, perhaps only timely by its lateness. It should have come a lot earlier and this is the kind of pro-active decisions that the Government should normally take. It is necessary for us to care of the welfare of our workers and ex-workers. The delay has been caused by one file running from one Ministry to another and never seeming to find a place to rest. You are informed, at least, a year in advance that you are due to retire on such and such date. The next attention should be paid to how that retirement process is administered, so that the day you go home; the day you say goodbye to your colleagues, you should shake their hands with your right hand and they should shake your left hand with your cheque.

Let me say something else. If pension is supposed to take you through your retirement period, then the quantum must also increase to take care of inflation. My pension is so derisive. I would not want to mention it here, but it is not enough to look after anybody with a family. Therefore, when we next pay attention to this Act, we must make pension tied to inflation, so that there will be no need for any amendment to come back here. But whenever there is a recognised increase in inflation, pensioners should get an equal increase in their pension.

Mr. Temporary Deputy Speaker, Sir, I want this Bill to be passed today. But if that were not the case, I would have brought in additional amendments to make sure that the onus of proving that you have retired does not rest on you, but on the Government because it has got all the records. It has got all the facilities and resources to trace you wherever you are, to ensure that when you have left service, your pension is paid to you, not only in time, but on time.

Mr. Temporary Deputy Speaker, Sir, lastly, a civil servant gets pension which is charged on the Consolidated Fund. This means that a civil servant who leaves service before his retirement age, gets nothing. We should convert the current scheme to a contributory pension scheme so that if a civil servant retires at the age of 40, he gets that bit he has contributed. He should be allowed to take his contribution and, probably, put it into another pension scheme. Alternatively, if a civil servant retires before attaining 55 years, equally he should be allowed to take away part of the pension which he is perceived to have contributed so that it can be put in another scheme.

Mr. Temporary Deputy Speaker, Sir, I hope that all hon. Members here present will see the merit in this Bill and that they will support it, like I am.

With those few remarks, I beg to support.

Mr. Onyancha: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. I wish to support this Bill. As my colleagues have said, it is a fact

that one day we will retire. In fact, "sitting" hon. Members will one day be "standing" hon. Members. So, I would expect that each one of us will support this Bill because it is very important for Kenyans. We need to work out a way of decentralising these payments so that we do not have retirees coming to Nairobi for their pension.

Mr. Temporary Deputy Speaker, Sir, one other problem that these retirees go through is the way they are treated when they visit offices to make their claims. None of us would love to be treated the way they are treated. There is, therefore, need to re-train officers in the Ministry of Finance who handle pensions so that they can put a "human face" whenever they are handling them.

Mr. Temporary Deputy Speaker, Sir, the other element that goes with this "human face" treatment is the health of these pensioners. At the age of 55, people begin to lose grip of their health. Therefore, we need to have an insurance scheme for these pensioners so that at that age, they will also be treated like other pensioners in other countries.

Mr. Temporary Deputy Speaker, Sir, I appreciate the fact that the Mover of this Bill is calling for the retention of workers in employment until their retirement benefits are paid out. We would love it if the last payslip a worker receives reflects his final benefits and the pension due to him. In this country, we made a serious experiment which went wrong. We have had to retrench young and skilled workers whose skills would have been useful in the Civil Service. These people have suffered for so long wherever they are. One would not imagine a country where an employee is retrenched and given Kshs40,000 as benefits. This does not happen in other countries, except in Kenya. That experiment was wrong. Let us not subject our retirees to suffering the way the retrenchees have suffered in this country. Our retirees need respect because they have worked for this country. They contributed immensely to the economy of this country. Therefore, they need to be treated very well.

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

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I wish to make a few remarks in support of this Bill. This is a worth Bill because it is for the benefit of Kenyan retirees. Retirees in this country retire into hell. Their life after retirement is terrible! The lives they lead are not admirable. These are people who cannot even afford to pay school fees for their children's education. At that age, they still have young children. All of us know that most Kenyans retire at a very young age. They retire at the age of 55. At this age, some of them may wish to even marry young women. Unfortunately, many of them still have school-going children. If their money is tied up with the former employer, there is no way they can make ends meet. That is why we should support this Bill and let it become an Act that will help Kenyans.

Mr. Temporary Deputy Speaker, Sir, Kenyans after retirement lead very expensive lives in terms of looking for their retirement benefits. Most retirees live upcountry and it is a very expensive affair for them to travel to their former employers to claim their benefits. It becomes even more expensive for them because they have to bribe clerks and other officers so that their payments can be processed in good time. It is a life where one does not enjoy after retirement. So, if we pass this Bill, and I hope we will do so today, then it will be up to the employer to ensure that retirees get their dues as they go home. Otherwise, if they take too long to pay them, they will have to pay interest on their benefits. That will make things change and it will change the lives of our retirees.

Mr. Temporary Deputy Speaker, Sir, some of the people who have suffered most in this country are retrenchees. A few years ago, several thousands of Kenyans were retrenched. Majority of them were given just a few thousands of shillings to take home. They were deceived that they would be paid a little more money later. To date, many of them have not been given anything. These are employees from the Civil Service, the private sector and other public institutions. They contributed a lot towards the development of this country, but it is sad that we have turned a blind eye on them. So, if we pass this Bill today, things will change for our retirees and even for retrenchees. I wish such a Bill

would include retrenchees.

Mr. Temporary Deputy Speaker, Sir, there is a monster in this country in the name of the National Social Security Fund (NSSF). To get money from the NSSF is terrible. I wish that such a Bill would have included the NSSF so that retirees get their money on time. There are people who retire at an early age, on health grounds, but it is not easy for them to get money from the NSSF.

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

Dr. Rutto: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Bill.

I think this Bill should have come earlier, because it deals with a very important element of the working population of this country. Pension is little money that is paid to people who have left service. As a matter of fact, it is a fund that is supposed to support the ageing population. Normally, people who go out of service have spent so much of their time working for the society. When they go out on retirement, they go as tired individuals and as people who need support. So, we are talking about ageing members of the society who require immediate support. This support should be caring indeed. These are people who throughout their lifetime have supported the activities that promote the society. They have devoted the best of their time and energy in their lifetime to serving the society. It is sad that, at the moment of retirement, they are mistreated and not given their dues on time.

Mr. Temporary Deputy Speaker, Sir, retirement period is a time when people want peace. They want to go out of service and remain peaceful. They want peace in their minds. This is also the period that we should show retirees a sense of gratitude as they go out there to rest after rendering good service to the society. This is the period that we should assure the retirees a comfortable transition. Sometimes we see people who have retired coming back to their previous stations of duty, perhaps, still having that feeling of going back to work. If at this time we do not pay them their retirement benefits, we cause them a lot of pain and frustration.

I am saying that retirement period is the time that we need to assure retirees of a comfortable transition from a busy schedule to a more refreshing period. This is also the time that people are ageing and their medical costs go up, therefore, they need a lot of support. The least that we can do to them is give them their benefits. If we do not, then we push them quickly to their graves. So, we are talking of an issue that is important.

We must admit that in this country, retirees have been subjected to a lot of agony. They visit offices and discover that their files have been hidden or they cannot be found. They then keep on travelling from their homes to their previous offices. In the process, they continue to waste a lot of savings, if they had any. They waste their time and money because of delays which are not really necessary.

Mr. Temporary Deputy Speaker, Sir, this Bill is timely in the sense that it attempts to enforce some quick action on the part of the Government. We want to support this Bill with all our efforts. When we do not pay the retirees their benefits, we push them into depression, indignity and we make them poorer than they were when they were serving in the Civil Service. In fact, such an action of delay is a show of lack of care for the aged. Any society that values its senior citizens should show some care and respect for the aged, particularly people who have served in the Civil Service faithfully, dedicatedly, and seriously.

Although the Bill requires that retirees be paid their dues with interest if the money is not paid within three months after the retirement, I would go for conditions that would be more harsh. The Bill has recommended the market interest rates. I would urge that the interests be higher. The interests charged should be higher than the prevailing market rate so that the Government does not delay the payments.

Mr. Temporary Deputy Speaker, Sir, secondly, I would recommend that if the Government does not respond even as the interest rises, there should be more penalties compelling it to do

something. The Government should be sued and its property attached, over and above the accruing interest, so that it takes this issue very seriously. Whereas the Bill addresses the public sector, I would also have wished to see it address the private sector. The hon. Member who has just spoken; Prof. Olweny, talked about something similar that should be extended to the NSSF. I would like to support that. Perhaps when we are through with this one, we may then consider the private sector.

With those few remarks, I would also like to support decentralisation of the paying agents, because people spend a lot of money coming to Nairobi and back to their homes.

Mr. Temporary Deputy Speaker, Sir, I wish to support the Bill strongly. Thank you.

The Assistant Minister for Finance (Mr. Katuku): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make a few comments on behalf of the Government on this Bill. First and foremost, I would like to thank the Mover of this Bill. You know the history of this Bill. Mr. Musila started preparing to move this Bill even in the last Parliament and he has successfully moved it in the current Parliament. As a Member of Parliament and an Assistant Minister, I want to express my gratitude to the Mover because as many hon. Members have said, it really touches on most of us who represent people who come to us, saying their pension has been delayed and that kind of thing. Personally, I would like to say that I sympathise with the plight of those who were affected by the delays in the Ministry, in processing their pension. I entirely agree with hon. Members that pensioners find it very difficult to access their benefits at the end of their good years of service to the Government. In the spirit of the Mover, as the Government, we are also very committed to ensure that we resolve the issues which cause these delays.

I would like to outline a few issues which make these delays occur. First and foremost, the Ministry of Finance and especially the Department of Pensions are also to blame for this. You will find that it takes time to process these claims. We also have problems with the Ministries where the affected workers gave services. Once one retires, the Ministry may take time to submit the necessary documents to the Pensions Department to enable the Director of Pensions and his staff to process the benefits.

Another cause of delay also lies with the pensioners in some occasions. You will find that the retirees are not able to submit the information requested by our Ministry. In some situations, the dependants may not give our department the necessary information in good time. This also contributes to delays. The three components that I have mentioned contribute to delays in the payment of pensions. However the NARC Government is very committed to resolving these foregoing problems, which we have seen over the time. The Government has taken measures to ensure that the pensioners do not die before they enjoy their pension or keep coming to our offices.

Measures which we have put in place to ensure there are no delays include restructuring programme in the department which is aimed at ensuring there is efficiency and effective payment of pensions. We are looking at this issue seriously as a Ministry and we want to ensure that proper structures are put in place. This being the computer age, we are in the process of computerising the department to ensure that claims are processed as soon as they are presented, without going to the files like in the old system. That is one measure we are taking to ensure that we process claims as soon as possible.

The other measure we are taking is that we have commissioned a study to look at ways of making this pension scheme a contributory and funded scheme, which will ensure efficiency in its management or administration. This is intended to reduce delays. We will soon bring a Bill here, which will come up with a clear contributory pension scheme. In the past, pensioners have been getting their pensions through DCs and DOs. As such, they have been experiencing a lot of problems like delayed cheques or money being lost. To counter these problems, we have struck a deal with the Post Office Savings Bank, whereby those who are claiming their benefits get service free of charge at the bank. We have even agreed with the bank that they will waive the minimum requirements to allow

pensioners benefit in full, such that the minimum deposit required by the bank is waived. This has been implemented and it is very successful now. People no longer go to the DOs. They go to the nearest Post Office Savings Bank offices. In places where there are no Post Office Savings Bank offices, we have struck a deal with the Postal Corporation of Kenya so that retirees can access their pensions at the nearest post office.

In terms of capacity building in the department, we are in the process of getting extra staff. The department was really affected when we had retrenchment of staff which of course, you are aware was done by the previous administration. We are in the process of restaffing the department because the staff who are there are not able to cope with the huge workload. We are also training the staff in terms of making them more effective, skilful and changing their attitudes. There have been cases where even Members of Parliament have written letters to the department and got no response. You will also find pensioners going to the offices and being told their files cannot be traced. That is one thing we want to do away with. I want to assure this House that we will not have such cases, where one is told his file cannot be traced. We are trying to fight corruption. Therefore, if any member of staff of my department asks anybody for money, we will not spare him. We will not tolerate officers who hide files, so that they can get a kick back which was a common practice in the previous administration. That is why we are setting aside money to train our staff so that they can change with the times. Consequently, we will not have this problem of attitude.

Mr. Temporary Deputy Speaker, Sir, we are also educating our officers in other Ministries. We have an officer from the Pensions Department posted to each Ministry, so that he can assist in the processing of claims to avoid delays in payment of pensions. Those are some of the measures which we are taking. In order to ensure that this is complied with, we have issued circulars to the Ministries, instructing them to prepare documents for retirees nine months before the date of retirement. We have issued these instructions and I want to ensure they are complied with so that nine months before a pensioner is due to retire, the file is brought to the Pensions Department. It is our hope that in the near future, pensioners will be given their cheques on the same day they are going home. That is our expectation as a Government. We want to ensure that pensioners go home with their cheques. There is no difficulty with the measures I have put in place.

We want to ensure that we reward our pensioners because they have given good service to our Government. Hon. Members have expressed views that we need to review the pension and I want to agree with them. Some pensioners get very little benefits. The minimum paid to some pensioners is Kshs500. We are looking at how we can review the pension so that they can cope with life after they retire. I agree with the hon. Members who have said that we need to review the amount of money that is paid to pensioners. That is quite in order.

Mr. Temporary Deputy Speaker, Sir, I would also like to issue a warning that once this Amendment Bill is passed, some civil servants may want to tamper with documents so that they can benefit. Some people would like to have their files or cheques delayed so that they can continue to be retained in the service. We will be very thorough and will not allow such cheap manoeuvres. We will not allow civil servants to be retained in service in the name of files not being traced. That is one of the dangers this Amendment Bill can cause. It can open that loophole, but as a Government we are committed to ensure that the loophole is not exploited. That is why I am warning in advance, that whoever will try to get to that extend will be dealt with accordingly.

Mr. Temporary Deputy Speaker, Sir, in certain occasions, presentation of documents may be delayed beyond the period proposed by the Bill for the purpose of earning benefits. Some people may go to courts to cause that kind of delay. It is my hope that this will not occur. It is in view of these dangers I have mentioned, that at the Committee Stage, as you may notice from the Order Paper, we have given notice to amend two or three sections of the Bill. As a Government, we are supporting this Amendment Bill, and we have given notice to the effect of the date of commencement. The

proposed date is 1st July, 2003, which of course has passed. We are proposing an amendment at the Committee Stage to push it to 1st January, 2004 - I am sure the hon. Mover will agree with me - in order to allow time for the Government to adjust to these new steps, to put in place the necessary structures and give the necessary directives. So, by January 1st, we will be able to have this implemented.

Mr. Deputy Speaker, Sir, we might have cases where a beneficiary or a deceased person has more than one dependant and they may go to court over the issue of who inherits what. These delays might cause my Ministry to suffer. That is why I am proposing an amendment at the end of the revised provision given under Section 3, to allow a situation whereby if the delay is caused by courts or by the dependant's failure to submit the necessary documents on time, the Government does not suffer. I would like to plead with the Mover of this Motion to agree with those amendments. I am also pleading with the House to allow us to amend the Bill in those two sections.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, the spirit of the Bill is good, and as a Government we are supporting it with those few amendments which we will propose at the Committee Stage. I would like to assure all pensioners wherever they are that in the near future they will be given an increment and those who retire will get their cheques the day they leave office.

With those few remarks, I beg to support.

Mr. Kipchumba: Thank you very much, Mr. Deputy Speaker, Sir. First I would like to congratulate Mr. Musila for coming up with this very important Bill. I think we all agree that it is long overdue and we should pass it very quickly.

We all know that many officers have cheated on age to make sure that they remain in the Civil Service much longer. We want to change this situation so that our officers will state their correct ages to ensure that they go home a bit earlier as opposed to the previous situation.

Mr. Temporary Deputy Speaker, Sir, we would like to ensure - I think that is what this Bill is proposing to do - that Kenyans envy their retirement. We know that we should not subject our retirees to more stress. Many of those old people would love to enjoy their time, because when an individual retires, his or her age cannot allow him or her to withstand a lot of stress.

Mr. Temporary Deputy Speaker, Sir, I looked at this issue of legal tussles emerging after somebody has retired or in the event of somebody dying, and I would like to request that before somebody retires or when he is approaching the retirement age, he should be very clear on who the beneficiaries are. I foresee a situation where these legal issues emerge every time so that payments of individuals are delayed. I do not see why it should not be made compulsory and obvious that when somebody is going to retire, whoever is going to benefit should be known. I do not see why these legal issues should emerge every time somebody dies or retires. We should not give the Government that leeway to claim that there could be legal issues which could delay payment of money belonging to an individual. This should be made very clear. I think we all agree that in this time and period, when we know that somebody is going to retire, all his documents should show his name, dependants, retirement age and all the necessary details nine months in advance so that legal tussles do not arise at all. So, we should not even discuss this issue whatsoever.

Mr. Temporary Deputy Speaker, Sir, I agree with the previous speaker who talked about interest. Apart from the interest, we should also impose a penalty charge where, if there is a delay for one reason or another, apart from the interest charged, there should be a penalty of a certain amount. If an officer delays to ensure that a retiree is paid, the same should be charged to that officer so that the Government does not lose money in terms of paying penalties for stupid mistakes that are made by certain individuals.

The Temporary Deputy Speaker (Mr. Poghisio): Order! That word is unparliamentary!

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I said, "for mistakes."

The Temporary Deputy Speaker (Mr. Poghisio): Order! I know you are new here but you

should mind the language you use.

Mr. Khamasi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think you heard the hon. Member saying "stupid mistakes" and he is denying it. We joined you in hearing him say that. Could you ask him to withdraw because it is unparliamentary?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kipchumba, can you do the honourable thing?

Mr. Kipchumba: I withdraw, Mr. Temporary Deputy Speaker, Sir.

Officers who are in charge of processing the pension should be charged for the mistakes that they make so that whatever penalties that accrue, they should be made to pay. The Government knows that an officer will retire after attaining a certain age. That is why I support the Minister when he says that they will computerise the Pensions Department. As I said earlier, there were cases where officers would manipulate their ages so that they could not retire on time. If the age is known--

Mr. J. M. Mutiso: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we have had an exhaustive discussion on this Bill, could the Mover be called upon to reply?

The Temporary Deputy Speaker (Mr. Poghisio): Well, I can only do that by putting the Question.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First of all, may I start by thanking all the hon. Members for their unanimous support that they have given to this Bill. I really felt humbled by the very kind words that were said by my colleagues when contributing to the Bill. This is our Bill and I am very proud to have initiated it, on behalf of this House.

Let me also take this opportunity to acknowledge the many letters that I have received from pensioners and public servants all over the country. They strongly believe that this is a wise move for this House to take. In addition, they sent to me hundreds of letters stating the problems they go through and wished that we could resolve them through this Bill. I do hope that after we pass this Bill today, their problems will be resolved.

As I said earlier, it has not been a smooth sailing to bring this Bill to this House. It has taken me three years since I started the process through a Private Members' Motion. As you know, this Bill was published last year, but perhaps, the previous Government did not want it to go through. That is why it has taken this long. I had to have it republished this year. However, that is now history. In future, we should change our Standing Orders so that hon. Members will have an opportunity to propose a piece of legislation without wasting much time. We have every Wednesday morning reserved for Private Members' Motions. Perhaps, in future, we should have a day reserved for Private Members' Bills because the Government appears to be very reluctant to allow hon. Members to bring Bills into this House and yet this is the reason why we were elected.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the Bill we are passing today is going to send a very clear message to the Government of Kenya that public officers including teachers, must continue to lead decent lives after retirement. Public officers have suffered badly. As we know, most of them end up as paupers or even die before they receive their pensions. The rights of public officers to pensions have been grossly abused by the Government. Public officers are retrenched left and right; and even as I speak now, the supplies officers are being threatened with retrenchment. Chances are that they are

going to be asked to go home and wait for their dues.

Three years ago, the Government retrenched 30,000 public servants and today, we still have a large number that has not received their benefits. If Parliament passes this Bill today, and I am very hopeful that it is going to be passed in the next few minutes, this kind of thing will not occur. Public officers, in accordance with Clause 16A that we are inserting here, will be retained in the Public Service with full pay until their pensions are paid.

Mr. Temporary Deputy Speaker, Sir, we have all along been blaming the Pensions Department for delays. I want to explain why they are to blame partially but a bigger blame goes to Ministries. We know Ministries are supposed to process those documents, and yet they delay to forward them to the Pensions Department on time. But overall, it is the Government that is to blame. Therefore, we cannot say this is the Ministry's fault, or the Pensions Department's fault. The Government, in totality, must take the blame for putting public officers into this problem. I am sure the Government will put an administrative machinery in place to deal with this problem as Mr. Lagat proposed. Accounting Officers must be responsible for all the delays. Probably, they will be made to pay for their mistakes or the delays that they cause. But that is not for this House to decide. The business of this House is to decide that public officers get their pensions before they go on retirement.

Mr. Temporary Deputy Speaker, Sir, when hon. Chelaite was contributing, she decried the corruption that exists in the Public Trustee Department. This is one area that we must zero in. We are already taking care of public officers by Clause 16A which states that they will be retained in the Service until they get their pensions. Even if it takes 100 years, we do not care. But the Public Trustee office, which is supposed to take care of funds of officers who die, on behalf of the dependants, has not been the "trustee" that it is supposed to be.

First of all, offices of the Public Trustee are located in distant places. For example, to reach the office of the Public Trustee for the whole of Eastern Province including Mwingi, and so on, you have to go to Machakos. I, therefore, urge the Attorney-General to decentralise the office of the Public Trustee to the districts so that widows and orphans can access their funds quickly. At the moment, these people go to all sorts of places where they are asked for bribes. But I am glad to say that after passing this Bill, the amendment in Clause 19A will ensure that if the Public Trustee delays payment of these funds in excess of 90 days, from that day on, interest will accrue. I think this is going to make the Public Trustee wake up and ensure that he pays this money.

Mr. Temporary Deputy Speaker, Sir, we did put a proviso that if there is litigation going on in courts, interest may not be payable. We know that courts are also to blame because cases of Public Trustee and letters of administration take years on end. So, I am taking this opportunity to urge the courts to deal with matters of estate administration with due speed so that we can reduce the suffering of widows and orphans.

Mr. Temporary Deputy Speaker, Sir, some hon. Members argued that the passing of this Bill will occasion additional expenditure by the Government. I said in the Memorandum of Objects and Reasons that no additional public expenditure will be necessary. But some hon. Members argued that it will be necessary because officers will be retained in the service and interest will be paid. That will only be necessary if Government officers are inefficient. If Government officers are going to delay payment of pension, yes, there will be additional expenditure. But this can be avoided. As far as I am concerned, if everything is done efficiently, there will be no need for additional Government expenditure.

At the moment, I have been shocked to see the number of staff working in the Pensions Department. The Government has a huge work-force, about 500,000 including teachers. But if you look at the number of people handling the cases of those officers, they are just about 56. This is ridiculous! In other words, the Government just wants people to serve and when they retire, the Government does not care what happens to them. Our Government has formed so many task forces

including a task force on Harambee.

Perhaps, the first task force that would have been necessary for this Government is a task force on how public servants can be paid their pensions. But it is interesting that our priorities differ. I urge the Minister for Finance to take a closer look at the Pensions Department and add more staff and equipment so that officers' pensions are processed quickly. But for us, if the Government is capable of paying public officers salaries after they retire, so be it. But this House has a responsibility to pass this Bill.

Mr. Temporary Deputy Speaker, Sir, I have talked about the Pensions Department. It is not wholly to blame. I think it is doing a good job under the circumstances. But sometimes I wonder why it takes one to three years before a cheque is paid. I am told it is because of understaffing. This may be true, but I think the Minister for Finance should look into this issue and ensure that there is additional staff for the department.

Mr. Temporary Deputy Speaker, Sir, as we have been told, officers are given nine months' notice before they retire, and yet processing of their pension only starts after they have left the service. This will be history, courtesy of this House today. If these amendments are passed, the Government, as an employer, must maintain proper records and computerise the Pensions Department.

The Assistant Minister for Finance, Mr. Katuku, said that this is the age of computerization and that they are going to start computerizing the Pensions Department. They should have started computerizing it, maybe, 10 years ago. But they are saying they are starting now! I am surprised that they have just woken up and realised that we are in the computer age. But then they have six months to make the necessary changes. Otherwise, the penalties will be very heavy.

Mr. Temporary Deputy Speaker, Sir, when I was moving this Bill, I appealed to the Government to ensure, and this is very important, that all future salary reviews for serving public officers should include review of pensions. Unfortunately, the scope of my Bill did not give me the mandate to make proposals for review. But I want to urge the Government to ensure that this is done. For example, the Government has already announced that with effect from 1st July, 2003, public officers will receive a pay rise. We congratulate the Government for this. But what about pensioners?

I would hate to divulge the pensions being received by retired hon. Members like Mr. Ligale, myself and even for the Minister for Finance who is not here. I know his pension because we retired at the same time and we were earning the same salary. I know how much he was earning. Yet, despite the fact that they are small amounts, we are some of the highest paid pensioners!

The Assistant Minister for Transport and Communications: (Mr. Ligale): How much do you earn?

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I am not fighting for myself. I am fighting for a person who receives the lowest pension. Do you know that the lowest paid pension today is Kshs500? We have hundreds of thousands of Kenyans earning Kshs500 as pension. That is the same amount the man will spend to board a *matatu*, pay accommodation for two days and by the time he goes home, he has nothing.

Pensions should be reviewed as a matter of urgency. In other countries, whenever salaries reviews are done for serving officers, pensions for retired people are also reviewed. Many of the letters that I have here, particularly one from an association calling itself "Association for Pensioners" - I do not know whether they exist - are giving proposals of how they would like their money--- And you can see the type of papers they write on. They have no money! They cannot afford a paper because they earn Kshs500. So, they have signed the paper to tell me to plead with the Government to increase their pensions.

An hon. Member: Who are those?

Mr. Musila: Those are *wananchi* who retired a long time ago and they are from all over the country. I have received letters from Emuhaya, Kisumu, Mwingi, Kitui and so on. We are always

priding ourselves by saying the "NARC Government" will do this and that. I want to use that phrase. I am sure the NARC Government would not wish to subject its people to the humiliation of getting Kshs500 per month. Therefore, I ask the Government to immediately put in place measures to ensure that pensions are reviewed upwards.

Mr. Temporary Deputy Speaker, Sir, finally, His Excellency the President has been in the forefront in championing the rights of Kenyans, particularly the low-income members of our society. This Bill is intended to benefit people who belong to that group. Therefore, on behalf of the pensioners of this country and this House, I want to appeal to His Excellency, Hon. Mwai Kibaki, to assent to this Bill immediately it lands on his table, so that the long suffering retired public officers, their dependants, and the survivors of the deceased may be assisted. Public officers in the service will have hope that when they retire and go home, they will be smiling all the way while taking the retirement benefit cheque to show to their wives and children.

With those few remarks, I beg to move.

(Question put and agreed to)

*(The Bill was read a Second Time
and committed to a Committee of the
whole House today by leave of the House)*

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Deputy Speaker
(Mr. Poghio) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Khamasi) took the Chair]*

THE PENSIONS (AMENDMENT) BILL

(Clause 2 agreed to)

Clause 3

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 3 of the Bill be amended by deleting the proviso to the proposed Section 19A and substituting therefor the following new proviso:-

"Provided that no interest shall be payable under this Section where the failure is occasioned by-

(a) legal proceedings in respect of the payment; or

(b) the dependants' failure to supply the Director of Pensions with all documents necessary for the making of the payment within the period specified."

Mr. Temporary Deputy Chairman, Sir, I strongly feel that we should amend this clause to avoid a situation where, for example, a person who has been retrenched files a case in court challenging the retrenchment. By the time the case is heard and determined, he may want to be paid his benefits with interest. Another example is a case where the beneficiaries may differ on who should be paid the benefits. These beneficiaries may end up in court to determine the person to be paid the money. I would like this clause to be amended so that in case somebody goes to court and it takes time before he is paid his dues, he is not paid the benefits with interest.

We also need part "b" of the amendment I have moved because the dependants of a deceased beneficiary may not be paid benefits because they have taken three or four years to claim them. In such a case non-payment of benefits will not have resulted from the failure of the Government but from that of the dependants to act on time. So, I plead with the House to approve the amendment I have moved to this clause. I said in the beginning that the Government is determined to pay pensioners their benefits in full immediately they retire.

I beg to move.

The Temporary Deputy Chairman (Mr. Khamasi): There are two aspects to this amendment, and I will propose it.

(Question of the amendment proposed)

Mr. Musila: Mr. Temporary Deputy Chairman, Sir, I have a lot of respect for the Assistant Minister, who is my friend. We tried yesterday to come to an agreement on this clause, but I have a problem with part "b" of the proposed amendment. Our experience with public officers is that, because they do not want to pay the interest on delayed benefits, they always blame dependants and widows for failing to avail the necessary documents in time.

(Applause)

This is the case, and yet dependants happen to be a very desperate group. I am talking about a person who has lost her husband or a bread-winner. Therefore, I oppose this proposed amendment, and say that this Bill should remain the way it is.

The Temporary Deputy Chairman (Mr. Khamasi): Hon. Members, it is important that you understand this clause. Mr. Musila, part "a" of the amendment is already in your Bill. So, you have to be very careful whether you want to throw away the whole amendment or only part "b" of it. If you do away with the whole amendment, you will negate what is in your Bill.

Mr. Musila: Mr. Temporary Deputy Chairman, Sir, I have talked about part "b" of the proposed amendment. In other words, I am saying that the Bill should remain the way it is. This is because the last paragraph of the clause being amended reads:-

"Provided no interest shall be payable under this Section where the failure is occasioned by legal proceedings in respect of payment."

In fact, Mr. Katuku should be careful because if pensioners know that he has proposed this amendment, he may not come back to Parliament.

(Laughter)

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Chairman, Sir. Have you heard what Mr. Musila has said? He has threatened me by saying that I may not [**The Assistant Minister for Finance**] come back to this House if pensioners know that I have proposed this amendment, and yet my voters have assured me that I will be in this House for as long as I serve them. Is he in order to threaten me by saying that I may not come back to this House?

The Temporary Deputy Chairman (Mr. Khamasi): Unfortunately, I did not hear what Mr. Musila said. Mr. Musila, if you threatened Mr. Katuku, I rule you out of order. **Mr. Musila:** Mr. Temporary Deputy Chairman, Sir, it was with a light touch. If he took that remark seriously, I would like to apologise to him.

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Katuku, I do hope that you will take it easy.

Mr. Kipchumba: Thank you, Mr. Temporary Deputy Chairman, Sir. Mr. Musila could not be more right. I said earlier on that all dependants should give the necessary information in advance. We do not expect to see a situation where the delay in paying benefits will be occasioned by beneficiaries. Therefore, we do not require the proposed amendment.

Mr. Muchiri: Mr. Temporary Deputy Chairman, Sir, I would like to join the Mover of this Bill by saying that this amendment is unnecessary. If we accept it, we will be going back to square one. So, I propose that we reject part "b" of the proposed amendment.

Mr. J.M. Mutiso: Thank you, Mr. Temporary Deputy Chairman, Sir. Part "b" of the proposed amendment which reads "the dependants' failure to supply the Director of Pensions with all documents necessary for the making of the payment within the period specified" is taken care of by the Probate and Administration Act. This Act compels dependants, or beneficiaries, to provide all the necessary documents under a court process. So, the proposed amendment to Clause 3 by the Assistant Minister is not necessary. I propose that part (b) of the proposed amendment to this clause be struck out.

Mr. Wario: Mr. Temporary Deputy Chairman, Sir, from day one, when somebody is employed, I believe he or she gives all the necessary information. We do not need to look for scapegoats here. Therefore, I am requesting that the Bill should remain the way it is.

The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction (Mr. Mungatana): Mr. Temporary Deputy Chairman, Sir, before we vote, I would like to support the amendment to the Bill which, however, seems unpopular. I would wish to be heard on this one.

One of the biggest problems that we have as a nation is the interest that accrues on Government debts. The interest derails the general development of our nation. The Government has supported this Bill in very clear terms. But what we are saying is that a situation might arise where the delay is not caused by the Government side. Therefore, we are saying that, in such circumstances, interest should not accrue on the pension. We are not saying that the pension will not be paid. We are saying that let no interest accrue in such circumstances. If interest is allowed to accrue, it will be you and me who are going to pay because somebody failed to take up his or her responsibility seriously.

I want hon. Members to look at this issue more carefully, and see the amendment for what it is. Let us not burden our Government with too much interest, especially in cases where somebody has failed in his or her duties.

With those few remarks, I support the amendment.

The Temporary Deputy Chairman (Mr. Khamasi): I will hear from two other Members! I will give this chance to Maj. Madoka!

An hon. Member: Is he a pensioner?

Maj. Madoka: Yes, I am a pensioner! I think the NARC Government has been talking about good governance and efficiency. If it is going to be efficient, there should be no opportunities for that to happen.

Therefore, I oppose the amendment.

Mr. M'Mukindia: Mr. Temporary Deputy Chairman, Sir, the proposed amendment alters the whole purpose of the Bill. The option of inefficiency in the Government which this Bill tries to close, is reintroduced through the back-door by allowing civil servants to hold on to data which they have. After all, the employee or retiree is a government servant. Who has more data than the Government itself? That waters down the objective of the Bill and we must oppose it.

Secondly, the whole spirit of the proposed amendment, as Maj. Madoka has said, goes against the NARC Government's spirit. I do not believe that the whole Government supports the proposed amendment. Where would that amendment stand in our proposals in the Manifesto? I also think that is the re-introduction of inefficiency among public servants.

For those reasons, I oppose the proposed amendment.

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Chairman, Sir. I want to clarify one thing which--- I am reading the mood of the House! The amendment is genuine---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Assistant Minister! What is your point of order?

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Chairman, Sir, the amendment as moved has been misconstrued as if it is negating the original purpose of the Bill. But if you look at Section 16, it is intact. We are not touching that one. It requires a person to get his or her cheque the day he or she leaves office. We are also talking about a situation where dependants of a dead person may not come forward---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Assistant Minister! You are debating! That is not a point of order!

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

(Clause 3 agreed to)

(Title agreed to)

Clause 1

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Chairman, Sir, as I indicated while responding to debate on this Bill, I wish to move an amendment to this Clause.

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

THAT, Clause 1 be amended by deleting the expressing "1st July, 2003" and substituting therefor the expression "1st January, 2004".

I have already discussed this amendment with the Mover of the Bill, and we have agreed on it. I hope that he will not disown me, as he did on the previous amendment although we had earlier on agreed that he would support it. So, I hope that this time round, he will support the amendment.

The intention of the amendment is to give the Government time to implement the Bill once it is passed. You realise that the proposed commencement date of the Act, once the Bill is passed, is 1st July, 2003, which has already passed. So, in the spirit of the Bill, I appeal to Mr. Musila to support this amendment.

(Question of the amendment proposed)

Mr. Musila: Mr. Temporary Deputy

Chairman, Sir, I would like to assure my friend that I did not disown him on the earlier amendment. I go by the wishes of the people I represent in this House. After consulting with them, I realised that I could not side with the Assistant Minister on that particular amendment.

The proposal by the Assistant Minister to change the commencement date of the Act from 1st July, 2003 to 1st January, 2004 is reasonable since the proposed commencement date has already passed. I agree, therefore, that we should give the Government five months to prepare itself so that as from 1st January, 2004, it can pay retirement benefits to public servants as they leave service.

Mr. Temporary Deputy Chairman, Sir, I support.

*(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 1 as amended agreed to)

Mr. Musila: Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Pensions (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Mr. Poghio) in the Chair]*

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE PENSIONS (AMENDMENT) BILL

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Pensions (Amendment) Bill and approved the same with amendment.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Finance (Mr. Katuku) seconded.

(Question proposed)

(Question put and agreed to)

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I beg to move that The Pensions (Amendment) Bill be now read the Third Time.

The Assistant Minister for Finance (Mr. Katuku) seconded.

(Question proposed)

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, it is important that we pass this very important Bill. The Ministry of Finance is well represented here, and I would like it to take this matter very seriously. Time has come for pensioners in this country to stop enduring unnecessary hardships due to poor service delivery by civil servants. I hope that the Minister will instruct his officers accordingly.

Thank you, Sir.

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, while in the Committee, Prof. Kibwana told us that if a bull from Ukambani met another bull from elsewhere, they smell each other. However, the Assistant Minister for Finance, Mr. Katuku, and Mr. Musila, both of who come from Ukambani, have been "smelling" each other, and I was left wondering whether---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. K. Maitha!

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, while supporting this Bill--

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Maitha!

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard Mr. K. Maitha refer to me and Mr. Musila as bulls. So, could you prevail upon him to withdraw that remark? I and Mr. Musila are hon. Members of this House. We explained to each other our different opinions on the Bill, and we agreed.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, the last time I heard somebody being referred to as a bull, it was not in a positive light. It is very interesting that at a moment like this one, we should be bringing up anything like that.

(Question put and agreed to)

*(The Bill was accordingly read
The Third Time and passed)*

Second Reading

THE NATIONAL COMMISSION ON GENDER AND
DEVELOPMENT BILL

The Minister for Gender, Sports, Culture and Social Services (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I beg to move that The National Commission on Gender and Development Bill be now read a Second Time.

The gender relations in Kenya have been moulded by a combination of factors drawn from the influence of various traditions, customs and cultural practices, levels of education and awareness, economic development and emerging patterns of social organisations, besides legislation. The

challenge that Kenya faces today is how to create an enabling environment which recognises the potential roles and responsibilities of women and men in the development of this country, and utilise the strategies that will address the socio-cultural barriers that have contributed to gender disparities.

Proper human development is about the wellbeing of all people without discrimination. It implies having programmes for expanding the choices of both men and women of all ages, classes, religions and other groupings on the basis of efforts by these groups themselves. Since Independence, the Government has demonstrated its concern for the welfare and social needs of women. This led to the participation of Kenya in the first UN conference on women in 1975 in Mexico. As a Government, we managed to establish the Women's Bureau in 1976 in the then Ministry of Culture and Social Services. The functions and responsibilities of the Women's Bureau, which was the national machinery for the advancement of women, included policy formulation, implementation, monitoring and evaluation, co-ordination of Government initiatives and programmes for women, collection and analysis of gender desegregated data, information and support to and liaison with NGOs, women organisations and other stakeholders.

In addition to the establishment of the Women's Bureau, the Government has undertaken policy commitments in the form of specific national statements on women's position. For instance, the various National Development Plans, Sessional Papers and the Poverty Reduction Strategy Paper have adopted a gender perspective. The National Assembly has adopted a number of Motions, including the Motion on the implementation of The Beijing Platform for Action in November, 1996. It also adopted the Motion for Establishing the Gender Commission in 1999.

Government efforts have been complemented by the activities of various stakeholders including NGOs, CBOs, the private sector, religious organisations, development partners and others. However, these efforts have not been accompanied by commensurate improvement in the lives of women. The global economic crisis, the sluggish performance of the national economy, made worse by the Structural Adjustments Programme and HIV/AIDS, have had a negative impact on the gains made in improving standards of living in general, and advancement of women as they are the most marginalised. The last two decades' increases in the cost of basic commodities and expenditure cut-backs in crucial sectors such as education and health have had their impact.

Mr. Temporary Deputy Speaker, Sir, we, as a Government of Kenya, have a gender profile that recognises the importance of policy frameworks to guide and facilitate stakeholders involved in the areas of gender and development. We have as a result initiated the formulation of national policies in gender and development. The policy frameworks recognise Kenya's commitment to the advancement of women as reflected in her signing and ratification of various international conventions such as the SIDA, the Nairobi Forward Looking Strategies for Advancement of Women and the Beijing Platform for Action, among others.

The Government considers gender equality as a necessary pre-condition for national development, and the realisation of the full potential of each and every Kenyan. We are very glad in this House that we have become gender sensitive; we have more Ministers and Members of Parliament who are women. In recognition of the fact that women and men experience poverty and all the attendant problems differently, the NARC Government is committed to, among other issues, strengthening its institutional framework for mainstreaming gender in all sectors of our society.

There are several challenges that face the gender issue. These include insufficient analytical clarity in the incorporation of the gender concern in planning, budgetary, policy formulation and programme implementation; the inappropriate attitudes among policy makers concerning changing roles of men and women in various social-economic structures and lack of an effective institutional framework for gender mainstreaming. However, there are ways of enabling both men and women to have equal access to employment and other economic opportunities, removing obstacles for women, who are the most marginalised, to enable them access and control productive assets, wealth and

economic resources, shelter and safe drinking water and promoting measures for conserving the environment.

Recently, Mr. Temporary Deputy Speaker, Sir, we heard that most of our women in the countryside spend almost two-thirds of their time searching for water. We want to empower them to ensure that those things are no longer only their responsibility. The solutions, also, are to guarantee Kenyan women and men equality before the law as provided for in the Constitution; enhance gender parity in political participation and decision making; enhance and sustain measures to eliminate gender disparities; enhance retention, transition and performance in education for both boys and girls; achieve the highest attainable standard of health for both men and women; improve the participation of women in the media and communication sector; and, promote gender-sensitive portrayal of both men and women in the media. The Government posits very well to bring the Gender and Development Bill 2003 as a top priority in the promises that they made during the election campaigns. Today, the National Commission on Gender and Development is one of the institutions identified in the National Policy on Gender and Development as key in ensuring its effective implementation. The Bill was first published in the year 2000 and it could not take place then. It went into First Reading in the year 2002 and it could not be completed. Finally, it has now been published, and we are in the Second Reading.

Mr. Temporary Deputy Speaker, Sir, the Objects and Reasons for the Bill are that the Government will establish a National Gender and Development Commission within the Ministry of Gender, Sports, Culture and Social Services. The Commission will report to the Minister, and it will have a broad mandate to co-ordinate and facilitate gender mainstreaming in national development, and to advise the Government on all aspects thereof. The membership of the Commission shall be:- One person eminently qualified in gender issues, appointed by the Minister, who shall be the Chairman; the Permanent Secretary in the Ministry, for the time being, responsible for gender; the Permanent Secretaries in charge of education, health and finance; the Attorney-General or his representative and six other members appointed by the Minister; of whom two shall be from the private sector while three shall be nominated by the National Council of Non-Governmental Organizations. Finally, one member shall be a public officer.

The functions of the Commission are:- Participation in the formulation of national development policies; exercising general supervision over the implementation of the national policy on gender and development; initiation of legal reforms on issues affecting women; formulation of programmes which promote gender equity in all spheres of life and in particular education, employment and access to national resources; determination of priorities for the welfare of women in relation to the socio-economic policies of the Government; planning, supervision and co-ordination of education programmes to create public awareness and support of gender issues; evaluation of aid policy to determine the impact on gender disparities; assessing and preparation of reports on Kenya's international obligations to the marginalized, who are women.

Mr. Temporary Deputy Speaker, Sir, there will be staff of the Commission and a Director of the Commission, who will be appointed by the Minister in consultation with the Commission, and whose terms and conditions of service shall be determined by the Minister. The Commission can also establish departments and units and their own structures. They will be also required to submit annual reports of their activities so that the Minister can table them before Parliament.

Funds of the Commission shall consist of monies provided by Parliament for the purpose of the Commission. Such monies or assets may accrue to the Commission in the course of exercising its powers or in the performance of its functions under the Act and will include all monies from any other source provided for, donated or lent to the Commission. The enactment of this Bill will occasion additional expenditure of public funds which shall be provided for through the Estimates. In exercising its functions, it is proposed that the Commission will work in liaison with Government Ministries and the Department of Gender.

Mr. Temporary Deputy Speaker, Sir, in conclusion, it is, therefore, envisaged that the National Commission on Gender and Development Bill will provide an institutional framework for gender mainstreaming which will lead to greater efficiency in resource allocation and utilisation.

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

The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I have [**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction**] the pleasure of seconding this Bill that has been brought to the House. I want to congratulate the Minister for the great effort and the first Government effort to put in place the structures that are required to ensure that the gains the women have made so far, will be institutionalised and we will move from where we are to greater heights.

Mr. Temporary Deputy Speaker, Sir, one of the things that make me support or second this Bill is the vision behind it. The vision that this Bill envisages in the future, is a Kenya whereby women will be involved in all levels of policy development and decision making in this nation. The women will hold important positions in this country and in my own opinion, I believe this is one of the biggest steps towards having gender balance. We are going to do better than Uganda. We are going to even have a President in the future who will be a woman.

Mr. Temporary Deputy Speaker, Sir, the future that this vision envisages is that the rural women of Kenya, who are our biggest voters, will be involved and informed about their rights and responsibilities in this nation. One of the functions of the National Commission on Gender and Development will be to educate women and Kenyans in general on issues touching on gender. We will educate our people on this vision that we are speaking of. Kenyans will come to realise that there are no jobs which are slated for men and some which are slated for women. There will be no time in the future when we will say: "You girl, go to the kitchen or do something like that", while the boy child rests. We are envisioning a situation in the future where all the people of Kenya will be equal. The new breed that will fully benefit from this National Commission on Gender and Development, will have the right to participate on an equal footing in the development of this nation. This National Commission on Gender and Development will educate our people to change from the culture that has been in existence during the times of our parents where you would find a father or a husband telling a woman: "You must leave your job and stay in the house and take care of the children." In this vision, we are going to develop the gender equality in the real sense of the word where men will respect the women in the roles they play in this country.

Mr. Temporary Deputy Speaker, Sir, I am seconding and supporting this Bill because of the important future that we will have including the position that Kenya will have in terms of catching up with some of these countries that are within our region. You will notice that Kenya until now, has had a problem because past regimes had not made specific efforts to ensure that the women of our country are taking the necessary positions that they ought to. For instance, we were supposed to nominate a certain number of women in the East African Legislative Assembly, but the past regime did not view this to be as important as it should be. We are saying that we are making a clean break from the past. We are not going to behave like the past administration where a certain party in its manifesto promised the Kenyan public that they would nominate women into Parliament once they come into power and it never happened. We are saying that we are now changing and making a clean break from the past. We want our women to have important positions as we hold in the nation today.

Mr. Temporary Deputy Speaker, Sir, this applies both to education and our cultural practices. We are saying that one of the functions of the National Commission on Gender and Development will be to evolve laws that are going to ensure that the rights of women are respected. We are saying that this Commission will evolve laws to ensure that matters that have happened in the past which have oppressed our women, such cultural practices like Female Genital Mutilation (FGM), will be things of

the past. Discrimination at places of work where you find favouritism towards one gender and leaving aside the ladies, will be things of the past. We are saying that this National Commission on Gender and Development will be involved in all matters including making various recommendations to various Government departments on what ought to be done to make sure that the sexes in this country operate on an equal footing.

Mr. Temporary Deputy Speaker, Sir, it will help also to ensure that our women are empowered economically and will not be used as voting machines as many of us have converted them into. This is one of the best Bills that the Government has brought and I beg both sides of the House to support it. It is my prayer that when this Bill becomes law, men will be challenged because it is now very clear when we go down to the constituencies, we find so many women organisations. They are in all aspects of development, but they do not have the power. They are there carrying out fund raising for small children, herding cattle and being involved in various economic activities and yet they are not given the power. I hope this Bill will put them at the right level and it will also serve as a challenge to us men to also come up with men organisations so that we can be at the same level.

Mr. Temporary Deputy Speaker, Sir, I would urge this House to give full support to this Bill because it will serve us all in this nation and it will bring fruition to the vision that this nation has for women.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I would urge this House to pass this Bill unanimously, as we have always done with other Bills which affect us directly.

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

(Question proposed)

Ms. Abdallah: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the National Commission on Gender and Development Bill.

I feel slightly ambushed because I really thought the debate on the Pensions (Amendment) Bill would take longer, but nonetheless, I wish to stand in support of this Bill that seeks to set up a Commission on Gender and Development. The only element that I am not very happy with is the word "Commission" because the NARC Government is doing very well in creating more commissions than their predecessor had done. However, this is a Commission that everybody needs to support because it will not only enhance the conditions of women in this country, but also influence the development agenda of this country.

Mr. Temporary Deputy Speaker, Sir, since most of the speakers have focused on the policy component of this Bill, I would like to focus only on the sections that we need to amend when the Bill reaches the Committee stage. The language used in this Bill needs to be addressed because despite it being a Bill on gender, it should be drafted in a language that is neutral. There are many sections that need to be amended and most of them are in Sections V and VI of the Bill.

Mr. Temporary Deputy Speaker, Sir, we need to have a definition of the term "gender issues". Also, we need to know the gender composition of the Commission. I have looked at the contributions on this Bill by the previous House and I would like to support a contribution made by hon. Karua in the previous House, when she said that we should replace the gender Commission with an equality board. As I mentioned before, the use of the word "Commission" will only be adding to the much overused term.

The term gender is cross-sectoral and the Director will be expected to report to the Minister for Gender, Sports, Culture and Social Services. This will create a confusion within the Department of Gender and, thus, that needs to be addressed.

Mr. Temporary Deputy Speaker, Sir, this Bill only looks at matters of gender disparities and issues concerning development. However, it has overlooked issues of decision making, which I feel,

should also be included in the Bill.

Mr. Temporary Deputy Speaker, Sir, I would like to end there and state that besides the few amendments that we have proposed, this is a Bill all hon. Members, from both sides of the House should support.

With those few remarks, I beg to support.

The Minister for Water Resources Management and Development (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill. I am very happy that it was moved and also seconded by male hon. Members of this side of the House.

For a long time, people have taken it that the word gender just means issues that concern women. It is not so. Gender incorporates both men and women. These are issues that concern all of us. Although it is the female gender that has been sidelined and left behind on many issues, when considering matters of gender, we are considering how we can bring harmony between the two genders, enlarge and equalise the opportunities for them. It is important that we have a Gender Commission that will work with Government departments and Ministries to ensure that gender issues and concerns are mainstreamed at all levels and that, there is awareness on gender issues in the country. One has only to look at the newspapers and also listen to our radio stations, to know that we really need a Gender Commission to create awareness on gender issues. When women comment on issues, the responses we get from the public are not on the issues raised, but after people see that the comment has come from a woman, their responses are gender based slurs and such issues. With regard to the on-going debate on abortion, the responses we hear on our airwaves and in the newspapers are personalised attacks on women contributing to the debate. When it is a man who has raised the issue, people try to answer the issue. That kind of ignorance and backwardness are some of the issues that the Gender Commission will be dealing with. We should instil respect for every person irrespective of gender, and have a culture where people deal with issues and not personalities. The same happens to political campaigns. Where there are women candidates, you will find that detractors will not go on issues, but on gender based insults and insinuations, which keep away many women, who would otherwise be very useful contributors to nation building from participating in decision making.

Mr. Temporary Deputy Speaker, Sir, all these are the issues that the Gender Commission will be addressing, especially when it creates awareness. When it comes to dealing with Government departments and Ministries, it is a question of evaluating and seeing the best way of equalising the opportunities of both men and women. We have been having an affirmative action policy on the girl child education and even on admission to universities. Once the Gender Commission, together with the Ministry of Education, Science and Technology address the disparities existing in the learning institutions and access to education between both men and women, we will no longer need affirmative action. Our children, both girls and boys, will compete on an equal basis. The same thing will happen to politics. When the Gender Commission will have done its work and the level of awareness will have been heightened, both men and women will compete for political offices without the need for affirmative action.

Affirmative action, though we have been campaigning for it, is a short term measure. In the long term, we need to create an enabling environment for both men and women to develop to their full potential. That is why the Gender Commission is so important. This is a Commission that will help our children, both boys and girls, to develop to their full potential. We have had to come through the thorny path, those of us who are there today, but our children do not have to tread the same path. All hon. Members of this House are in one way or another, connected to women, either as their mothers, wives, sisters or daughters. So, everybody has an interest in this Bill. That also applies to everybody in this Republic. We, therefore, want to call upon people who support this initiative and those who may not support it, to recognise that gender is a concern for everybody in Kenya. There is no way that our

nation will develop without both women and men accessing opportunities to develop to their full potential.

Mr. Temporary Deputy Speaker, Sir, when it comes to health, there are gender concerns there. When we call for cost sharing in health institutions and we even allow cost sharing on maternity services, it impacts on everybody. If there was gender awareness among policy makers, we would not have anybody making a policy that calls for cost sharing on maternity services. We would recognise maternity, not as a luxury, but as a national responsibility. A nation that does not invest in children has no future. We should recognise that nations where the birth rate is low, mainly the developed nations, are now having incentives on families that raise children. They are sometimes even giving money to families with children as a way of increasing the population and ensuring the survival of those nations. It is this Commission that will instil this kind of awareness, so that when we are making policies, whether in health, education or in any other area, we first examine how they will impact on both men and women. We should ensure that our policies do not bar the full potential of any citizen, irrespective of gender.

I am very happy, therefore, to note that the membership of this Commission will draw from among others, Permanent Secretaries in the Ministries of Education, Science and Technology, Health and Finance. When we are budgeting for our needs, the Ministry of Finance should also take gender concerns on board. For instance, when budgeting for health, the Government should note that there are some areas that we need to specifically provide for; for example, maternity, child care and such related issues. This is a very positive step. I want to agree with my colleague on the other side that at some stage, it will be necessary to enlarge this Commission to include other areas.

I had in the past year, tried to bring in the Equality Bill, which was going to have an equality tribunal. But what I am seeing is that the difference between that and this particular Bill, which is calling for the formation of a Gender Commission, is that the Gender Commission will be more on issues of policy, working with Government departments and ensuring that their programmes incorporate gender and also more on awareness. We still have room for creating other avenues which take care of other aspects of life. For example, an organisation that can check on the disparities between men and women for work of equal value or for similar jobs. There are so many disparities in our country in the way we treat both men and women. Women working in similar positions with men, are less likely to be promoted even when they work well. They are also less likely to earn as much as their male counterparts because of the prejudices that have existed. I am glad that this Gender Commission will, in a way, address those issues. The awareness will not just be to individuals, but also to organisations, employers and everyone. Therefore, the Gender Commission will begin to address those issues.

We need to recognise that we were all created equal by God, and we should be able to each develop to our full potential without let or hindrance. Kenya is joining civilised nations that allow their citizens and facilitates them, irrespective of gender, to develop to their full potential. I commend the Minister who has moved this Bill, Mr. Balala, and his Ministry for bringing in this very much awaited Bill. We passed in this House, almost two years ago, a Motion calling for the formation of a gender commission, but we are yet to enact such a law. I am very happy that today, we are debating this law and very soon, we will enact it. I would call upon all those who believe in the human rights of both men and women to support this Bill.

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! Ms. Karua, you still have 20 minutes to complete your contribution next week.

Hon. Members, I would like to remind you that there is an interruption of the House business so that we allow the Minister of State, Office of the President to move a Motion for Adjournment.

MOTION FOR THE ADJOURNMENT

UNDER STANDING ORDER NO.18UNSATISFACTORY REPLY TO
QUESTION ON AIDS COUNCIL

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, may I begin by first thanking the Chair for allowing this Motion for the Adjournment to come to the Floor of the House. This Motion is as a result of an unsatisfactory reply to a Question I had put with regard to the National Aids Control Council (NACC).

Mr. Temporary Deputy Speaker, Sir, from the outset, I would like to say that this is a very important issue. Although I am entitled to speak for 10 minutes, I will take only five minutes to allow hon. Members from both sides of the House to express their views on this serious matter.

The Question was on the location of the NACC. As we all know, last year when we were in the Opposition, we used to say that the NACC was being used as a cash-cow by the Government and that it should rightly belong to the Ministry of Health, where there is technical expertise. As I speak now, the NACC is actually operating without technical supervision. I believe that the Office of the President should be concerned with policy matters and co-ordination of Government efforts rather than technical aspects.

Mr. Temporary Deputy Speaker, Sir, because of lack of technical expertise at the Office of the President to supervise the NACC, the NACC itself is now working as an independent entity resulting in corruption. This has been groused over frequently in our press. The other day, we read about threats by the donor community to withhold funds to the tune of Kshs12 billion to the NACC because of corruption. We risk losing this money because the threat is real. It is time that the Government took action. We are not criticising this Government for the sake of it. We are not even criticising them because we do not like this and that person. We are criticising it as a matter of principle. Some of us are on record, having said that this organisation rightly belongs to the Ministry of Health.

Mr. Temporary Deputy Speaker, Sir, I would like to highlight just a few cases of corruption at the NACC. The Aids Prevention Forum of Kenya was recently paid Ksh7.5 million. This is a briefcase NGO. We know of guidelines given by NACC as to the approval process for funding of anti-HIV/AIDS activities all over the country.

(Loud consultations)

Mr. Sungu: Excuse me please! As I talk now, our constituents are suffering.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Sungu, please, address the Chair!

Mr. Sungu: Mr. Temporary Deputy Sir, I beg your protection because I have only five minutes and I do not want to be disrupted.

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! Allow Mr. Sungu an opportunity to be heard!

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. This money is being wasted at the highest level when our people are dying in our constituencies.

Mr. Temporary Deputy Speaker, Sir, let us also look at the payment of salaries. You will find that the difference between the salaries of the director and the deputy is Kshs1.2 million. There is no organisation which can operate like that, if the director is earning that much while his deputy earns less. Effectively, he has no deputy.

Hon. Members: Shame! Shame!

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I have the accounts here and if anybody wants proof, I can table them. According to these accounts, 53 per cent of the National AIDS Control Council (NACC) budget goes to payment of salaries, house allowances and gratuity and yet this money is meant to be utilised by the people for advocacy, helping AIDS orphans, providing medicine and so on. Let me just give you a brief review of budgeted expenditure that this organisation has spent. Recently, Kshs2.5 million was spent on petty cash and this amount had not been included in the Budget while expenses on a legal task force amounted to Kshs249,100. There was another item on pre-payments which amounted to Kshs6 million. Expenses on vehicles amounted to Kshs1.8 million, while there is also an item called Government of Kenya Refund to Cadef amounting to Kshs8.5 million. If the donor community through Cadef is giving us money, why should we refund it back to them? We have reason to believe that some of this money is ending up in the pockets of those who are entrusted with the control and management of the NACC.

Let me conclude that there are some briefcase NGOs which have found their way into the NACC. They apply for money and get it on the same day. They say they are working in Homa Bay, Karachuonyo, Laikipia or Kiambu, yet they are not present on the ground. When our Constituency AIDS Committees apply for this money, it takes years to approve. These are some of the issues that I want the House to address. We do not have enough time to address the whole issue, but this is so important that I would like to stop there so that other Members of this House can have a chance to air their views. This way, we will get this Government to listen to us. We mean good; we do not mean bad.

With those few remarks, I beg to move.

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir. The NACC as far as the conscience goes, is a health problem. I do not care what anybody else thinks, but I consider it a health problem. Most Members of NARC were in the Opposition last year and their consciences will haunt them to their graves because they have now changed their minds and they are now milking a cash cow in the name of NACC. The head of that Council is corrupt. You cannot go there to investigate the activities of that Council until you go through her office, for her to manage you properly before you start discussing the matter. We are talking about Kshs5.2 million in salaries when people are dying. We need a moral obligation. We must have morality beyond greed. We have to stop eating corpses' money. It is a shame!

Twenty per cent of the NACC's budget goes to talk shops in big hotels. The Constituency AIDS Committees have nothing to do. You apply for the money, but it does not come. One wonders of what use it is. You can see the lack of seriousness in the Front Bench. The Minister who is in charge of this particular Council is not here today, but when he came for the approval of the Ministry's Vote, we gave him the money quickly. They want to sit on that money to keep on eating it. If you went to see the audit report of that particular body which is in the public domain, there are signs of corruption. A contract of US\$350,000 was given to somebody who was sitting in Nairobi, pretending to be consulting in Malawi. That is not what we want to see from the Government. We promised Kenyans hope and that we would provide medical care for all and yet, people are misusing donor funds. It is a shame and it is primitive. Let us wake up. Let me tell the NARC Government again that we are watching you. You are losing popularity too fast. You are not obeying a single item in that agenda. We sympathise with you. We want to be with you, but let us be with you for a good reason. Do not change your minds simply because you have been enticed to do so. The civil servants are corrupting you very fast. They want you to tow their line because most of them were in the previous regime and they want the status quo to remain.

Could we now wake up from our slumber? We must know that we are not properly dressed. Let us dress up to the occasion. Let us dress up to the expectation of Kenyans. Bring what you promised Kenyans because I do not believe for a moment, that the Minister in the Office of the

President actually has the moral obligation to control that money, other than enjoying and distributing it to a few people who are "briefcase" NGOs. Most of them do not even have an office, but they walk into the NACC offices and walk out with some money at the expense of Kenyans. I wonder where we have taken our morality. I do not care what people think about it, but it is immoral and a curse, to even misuse money meant to be used by people suffering from HIV/AIDS. I do not see how this money can help someone who is misusing it.

The other day I was talking to somebody in that particular office. It was amazing the amount of control that particular chief executive has today. She does not consult anybody. She does things her own way. She knows which buttons to press and how much money each one of those people after her neck are worth.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Omingo. We are here not to particularly discuss the character of any person.

Mr. Omingo: I am sorry, Mr. Temporary Deputy Speaker, Sir. I withdraw and apologise. I am saying the rampant corruption in that Council is what is worrying. We are not saying that the Ministry of Health is not to blame because it has also failed us somehow, by not even managing the drugs properly. At least, there can be some expertise in that particular Ministry to advise in terms of crisis management of a particular disease. Why can we not, as a Government, make a decision once and for all about these matters. It does not matter who will pull your neck today because I know the problem is the cash cow. Whether you pretend or not, you know the truth is the cash cow. That Council should be put under the Ministry of Health. If we have a reasonably managed Ministry of Health, I believe it would make sense. Some donors are not giving us funds because the Office of the President has some money to drill boreholes, since they are managing water projects. The Office of the President employs District Officers, it manages security and it will manage the Ministry of Health in terms of running the NACC. Why are we trusting them with all that money? Could they now own up? The Office of the President should not interfere with operations of the Ministry of Health, otherwise their die is now cast---

The Temporary Deputy Speaker (Mr. Poghisio): Your time is up.

Mr. Omingo: Thank you. I beg to support.

Dr. Wekesa: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to voice my feelings on this very important national issue. AIDS is a national disaster and all of us have experienced great suffering from our people. We see people die every day due to this disease and they leave behind orphans without food. We are seeing those who are mandated to manage finances for AIDS driving big cars and drawing huge salaries, while this is happening. We must look into this issue.

Recently, while I was in Britain, I talked to one of the Members of Parliament and he was very concerned that the AIDS funding is controlled from the Office of the President. I want to join my colleagues in urging that we as Members of this august House, should agree today that the funds meant for AIDS programmes must be properly utilised. This money should be managed by the Ministry of Health. We know why everything was taken to the Office of the President. We know what happened in the last many years. We are here as the NARC Government and we want to make changes. The change we want is accountability. I have no problem with the Director of NACC getting that big salary, provided she has colleagues in the Ministry of Health to give her support and the expertise that she needs. I am completely opposed to the funds for HIV/AIDS being at the Office of the President. I would like to join my colleagues in urging the Government which is represented here, that we must take these funds where they belong; and that is the Ministry of Health. We have a very efficient Minister in the name of Mrs. Ngilu. I think she is doing a commendable job, and she wants to control this funding. We have heard her feelings, and I think in the spirit of working together as a team, we should support this gracious lady who is prepared to work for this country.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir. HIV/AIDS is a crisis in this

country. We sit here in Nairobi and talk about HIV/AIDS, whereas we should go to the villages. Last time there was a Question brought into the House with regard to HIV/AIDS orphans, and the Ministry of Health did not even know how many they were, and their distribution. Then there is this fight between the Office of the President and the Ministry of Health on the control of the National Aids Control Council (NACC) who use more than 50 per cent of the funding that is coming into this country on luxury cars, offices and enriching themselves while children are left alone, parents are dying and grandmothers are acting as guardians and parents. It is a crisis at the village level and all of us know it. All of us have been touched by this crisis. It is a tragedy to have people at the national level fighting all the time and yet there are a lot of funds coming into this country which manage and service big Land Rovers while there is a real crisis at the village level.

Mr. Temporary Deputy Speaker, Sir, I do not even want to recommend that any one Ministry should man these funds. They do not have the moral authority and they do not understand the impact of HIV/AIDS in the villages. We have villages which do not even have adults. I say this because I work in the NGO world at the community level. My recommendation is, we have to manage these funds differently. As far as I am concerned, we should go the way we are going with all other funds and that is, at the constituency level. These funds should go to the constituencies and then we empower hon. Members of Parliament to form committees at that level with all kinds of leaders; church leaders, councillors, villagers, beneficiaries and orphans themselves to manage these funds. What we should have at the national level is a small clearing house which is accountable. It is scandalous that any one person in Kenya with over 70 per cent of the poor living below the poverty line earns Kshs2 million per month.

Hon. Members: Shame! Shame!

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, if the NARC Government is serious about fighting corruption - I have even said this in other fora - they do not have a strategy to fight it. The NACC should be shut down, be investigated and people to be made to bring back that money. I think it is a national scandal. It is too bad that we only have half an hour to debate this Motion, but I am sure it will be in the interest of every Kenyan and all hon. Members of Parliament to make sure that we debate this issue here and take action.

I beg to support this Motion and commend Mr. Sungu for bringing it.

Ms. Mbarire: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important national issue. We have many young people today, dying of HIV/AIDS. In 1999 there was a conference in Mombasa, and I remember I presented the youth statement on HIV/AIDS to the hon. Members of Parliament then, and I remember they were asked to go and form Constituency AIDS Control Committees (CACCS). Since that day, I have not seen any activities at the constituency level and still people continue to die of HIV/AIDS.

When I look at the audited reports of the NACC, they said only 6 per cent of the Kshs200 million plus went to the HIV/AIDS advocacy at the constituency level. This is a shame. We want to see the NACC working and money being sent to the constituencies. The only way out is to disband the current NACC, restructure it, put it in the right Ministry and then we can have money at the constituency level.

Mr. Temporary Deputy Speaker, Sir, I have with me a proposed budget for the NACC and 53 per cent of the money; Kshs63 million, that we passed here is going to personnel emoluments. I am asking---

The Temporary Deputy Speaker (Mr. Poghio): Order! Order, hon. Members! Unfortunately, this Motion is allotted only 30 minutes. We now must call upon the Minister to respond.

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Wanjala!

Mr. Wanjala: Thank you, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Wanjala! There will be no more points of order.

(Several hon. Members stood up in their places)

Order! Order! If you want to bring a Motion, you can bring it to the House later. We only adjourned the business of the House for 30 minutes in accordance with the Standing Orders. Mr. Wanjala, there is nothing you can do about it. There are no more points of order.

Proceed!

The Assistant Minister, Office of the President (Prof. Kibwana): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to respond to the Motion.

I want to begin by providing some facts. Since 1984 when the first HIV/AIDS case was reported in this country, 2.5 million out of a population of 31 million are HIV/AIDS infected; 1.5 million have died since 1984; 30 per cent of whom are women aged between 20 to 30 years and men aged, 25 to 30 years. From 1996, 200,000 people are infected; each day, 700 people die of HIV/AIDS related diseases and bed occupancy is about 40 to 60 per cent, depending on which area of Kenya one comes from. The orphans that we have because of this pandemic are about 1.2 million. This country is losing Kshs210 million every day because of HIV/AIDS related diseases. I think it is important to give these facts to demonstrate that we are dealing with a very serious problem.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! Mr. Assistant Minister, really, the issue here is concerning a specific issue. You do not have much time to go into those statistics. Go ahead and address the issue specifically.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, I think it is important to demonstrate that this is a serious problem.

Between 1984 and 1999, the Ministry of Health was responsible for co-ordinating matters related to HIV/AIDS. This changed because NASICOP was not able to do the job. As a result, after 15 years, it was decided that this was going to be done by an independent entity. This gave birth to NACC.

Mr. Temporary Deputy Speaker, Sir, the salary hon. Members have said the Director of the National AIDS Control Council (NACC) earns is not correct. The salary of the Director of the NACC is Kshs1.6 million. When her salary is taxed, she takes home Kshs1.1 million.

Hon. Members: No! No! You are lying! Shame!

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, what I have said is factual. It is important for hon. Members to table whatever document they have to prove their claim. This is because inaccurate information is being brought into this debate. Therefore, I would like to request hon. Members who have information to the effect that the salary of the Director of the NACC is---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Mr. Assistant Minister, hon. Members want to know why the NACC is in the Office of the President instead of being in the Ministry of Health. That is the gist of the matter.

The Assistant Minister, Office of the President (Prof. Kibwana): Thank you, Mr. Temporary Deputy Speaker, Sir, for your piece of advice. I have told this House the salary the Director of NACC earns per month, and any document any hon. Member has to the contrary should be tabled.

The Ministry of Health has been allocated an equal amount of money as the NACC to treat patients with HIV/AIDS. It is important to note that this money is from the STI and the DEA Projects and the Global Fund. The Ministry of Health has also a problem in spending some of this money. The NACC is in charge of advocacy and co-ordination of the fight against HIV/AIDS, because the entire population is affected. We have a number of orphans whose parents died of HIV/AIDS and this is not a medical issue. The HIV/AIDS impacts negatively on the overall development of the country.

On corruption, the Efficiency Monitoring Unit (EMU) has already been asked to find out how the NACC uses its funds. If any hon. Member here has got facts to the effect that there is corruption at the NACC, he or she should bring them to the attention of the EMU. I have said that anybody who will be involved in corruption will be prosecuted. It is clear that His Excellency the President has personally decided to take charge of the fight against HIV/AIDS. It is important to appreciate his effort. There is a Cabinet committee on the national campaign against HIV/AIDS, which is chaired by the President. The Minister for Health is the Vice-Chairperson of this Committee.

I do agree that the Constituency AIDS Control Committees (CACCs) are very important in the fight against HIV/AIDS, and should be strengthened. It is also important to organise a seminar for hon. Members so that they can---

Hon. Members: Tosha! We do not want those seminars!

(Mr. Wanjala stood up in his place)

The Temporary Deputy Speaker: Order, Mr. Wanjala!

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, the seminar will educate hon. Members of Parliament on the HIV/AIDS.

This may be an emotive issue, but if hon. Members of Parliament do not appreciate the role played by the NACC, which is under the Office of the President, in the fight against HIV/AIDS, we will have turf wars, where one Ministry will appear to be fighting another Ministry. The donors will take cognisance of this and we will not get money to fight HIV/AIDS.

As I end my reply, I urge that we must appreciate the fact that for the last two years, the NACC has achieved a lot. Right now, the NACC is co-ordinating the fight against corruption and the HIV/AIDS in Africa. I do hope that hon. Members will sober up in this debate and not focus on turf wars, which will not help us as a country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: He has told us nothing!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Order! Hon. Members, that concludes the business on the Order Paper. The House is, therefore, adjourned until Tuesday, 22nd July, at 2.30 p.m.

The House rose at 7.00 p.m.