

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 14th June, 2006

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Estimates of Development Expenditure of the Government of Kenya for the year ending 30th June, 2007.

The Estimates of the Recurrent Expenditure of the Government of Kenya for the year ending 30th June, 2007.

*(By the Assistant Minister for
Finance (Mr. Kenneth) on behalf
of the Minister for Finance)*

The Medium Term Expenditure Framework (MTEF) Budget for the Kenya National Assembly 2006/2007 to 2008/2009.

(By Mr. Oloo-Aringo)

QUESTIONS BY PRIVATE NOTICE

DISBURSEMENT OF DEVELOPMENT FUNDS TO HEALTH CARE FACILITIES

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

(a) Is the Minister aware that the Ministry of Health issued a circular to Provincial Medical Officers on 15th November, 2005, directing that funds earmarked for refurbishment/ construction of buildings under Development Vote for 2005/2006 financial year be disbursed to health centres/dispensaries and accounted for by management committees?

(b) Why has the Ministry for Finance vetoed the above method of disbursement of funds in favour of tendering for building materials for dispensaries/health centres at the district level?

(c) When will the Minister rescind his decision and revert to the procedure given by the Ministry of Health circular which is more efficient and aimed at reducing costs?

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

(a) I am aware.

(b) We have not issued any veto to instructions issued by the Ministry of Health. However, all Government expenditure has to be done within existing laws, financial regulations and procedures currently in force in the Government.

(c) In view of the answer given in part "b" of the Question, part "c" does not arise.

Mr. Munya: Mr. Deputy Speaker, Sir, I have a very detailed circular from the PS, Ministry of Health instructing the Provincial Medical Officers to have money sent directly to the dispensaries and health centres so that they can be able to manage that money and do buildings cost-effectively. Now, procurement is being done at the district level and when you ask them why, they say it is the Ministry of Finance that told them not to send the money directly to the dispensaries.

In this era where we are trying to decentralise and channel money to the grassroots so that it can be used properly, why is the Ministry of Finance still following backward procedures that are making it expensive for us to provide healthcare?

Mr. Kenneth: Mr. Deputy Speaker, Sir, as far as we are concerned, the Ministry of Health has its own budget approved by this very House. They can only spend that money under the existing regulations and framework. We have not interfered in any way. If they are saying that the Ministry of Finance has issued a circular, like in the case of the hon. Member for Tigania, there is none. They just have to spend the money under the existing regulations.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, we have always had interference of other Ministries by this Ministry. Last year, we could not construct roads because the Ministry of Finance interfered with the budget of the Ministry of Roads and Public Works. Now they are interfering with the Ministry of Health. They know that if the money is spent at the district level, it will be misappropriated and corruptly spent. Why can they not issue a circular or amend the procedures and regulations of spending money so that it can be spent at the health centre level?

Mr. Kenneth: Mr. Deputy Speaker, Sir, first of all, I am not aware that this Ministry interfered with last year's budget of the Ministry of Roads and Public Works.

Mr. Deputy Speaker, Sir, if Mr. Angwenyi has such evidence, he should substantiate. It would be very good for the order and decency of the House.

Secondly, Government financial regulations and procedures are available to everybody including Mr. Angwenyi and they have to be followed to the letter. If Mr. Angwenyi has found them very inconsistent, he should bring an amendment to the Floor of the House.

Mr. Munya: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House which particular regulations would be broken if the health management committees of dispensaries and health centres do procurement?

Mr. Kenneth: Mr. Deputy Speaker, Sir, it is not my work to say which procedure would be broken. It is for the Ministry of Health to follow laid down procurement procedures approved by this House.

AUCTIONING OF KENYA EMBASSY IN THE NETHERLANDS

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

(a) Could the Minister confirm that the premises of the Kenya embassy in the Netherlands is in the process of being auctioned?

(b) What has led to this action?

(c) What steps is the Minister taking to avert the impending auction?

The Minister for Foreign Affairs (Mr. Tuju): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I would like to clarify that the premises of the Kenya Embassy in the Hague are not in

the process of being auctioned. A Dutch company, Nedermar Technology B.V. Limited applied for leave to levy a pre-judgement attachment of the premises owned by our embassy in the Netherlands. The orders were sought and granted *ex-parte*, that is in the absence of the representation for the Kenya Government. The orders are of a conservatory nature and have not been served on the Government of Kenya.

(b) This action arises out of a security-related contract signed by the Government in November, 2002, just one month prior to the elections. All payments for contracts of this nature have been stopped by this Government.

(c) The Ministry has sent a protest note to the Government of the Netherlands stressing the principle of inviolability of the mission's premises conferred by the Vienna Convention on diplomatic relations and long recognised under customary international law. Additionally, the Attorney-General has also instructed a firm of lawyers to file an application seeking to lift the orders. Furthermore, the Government intends, through the Attorney-General's office to mount a rigorous defence as it is in the Government's view that the contract is illegal, unenforceable as it was procured through fraud and misrepresentation.

Mr. Cheboi: Mr. Deputy Speaker, Sir, what we are dealing with here is extremely dangerous for this country. Those orders were granted on 8th March, 2006. When the lawyers were instructed to try and set it aside, they lost the case on Monday this week. The Minister has also not told us how much money this court case costs the Government. It involves 40 million Euros which is approximately Kshs4 billion. The Minister has also not informed us about the lawyers who are acting for our country. They are lawyers from France. This is an addition to the expense incurred. Why did the Ministry not find it necessary to hire lawyers from Kenya or if there is a jurisdiction problem, lawyers from Netherlands? This would have made the issue a bit cheaper and faster. Possibly that is why we lost the case on Monday.

Mr. Tuju: Mr. Deputy Speaker, Sir, I would like to inform my brother from across the House that if he needs to know slightly more, he will be shocked.

First, the Nedermar Technology B.V. Company does not exist in the address which they gave in the contract. It is not registered as a Netherlands company. It is an offshore company. One of the things we require is that: Would the real Nedermar stand up so that we know who they are?

Secondly, the contract was signed six weeks before the last elections and I do not want to blame the former Government for it because dishonest people are dishonest people whether they sit on that side or this side of the House. It was signed six weeks before the last elections. The person who signed it is not indicated or designated. It is just a signature.

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

I am going further. Just listen! This Government is acting in the best interest of Kenyans to refuse to pay for that sort of contract.

Mr. Deputy Speaker, Sir, the hon. Member talked about the lawyers from France. They have an office in the Netherlands and they are well known by this Government. That is why they have been retained to do that job. I did state that the orders are of a conservatory nature. The substantive case has not been brought for hearing. In fact, it is very much at a preliminary stage. That is why we are not even worried about it. We have no reason at all to worry about that because we do not even know who those people are. The address they claim to be theirs is wrong.

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. Who signed a waiver of diplomatic immunity on this contract? Secondly---

Mr. Deputy Speaker: Order! Capt. Nakitare, ask one question at a time. You have already asked your question. Let the Minister answer it.

Mr. Tuju: Mr. Deputy Speaker, Sir, the contract was signed on 19th November, 2002; that

is six weeks before the elections. Under normal circumstances, a diplomatic waiver could only be signed by the then Minister for Foreign Affairs or the then President. However, because this contract is fictitious, we do not want to put blame on the former Minister for Foreign Affairs or the former President. The person who signed the contract cannot be identified from that document. So, there are very many questions that arise from that contract document.

Mr. Muturi: Thank you, Mr. Deputy Speaker, Sir. It was alleged that the application to step aside had been lost on 12th June, 2006. It is important that the Minister responds to that issue. But be that as it may, the principle of inviolability of the diplomatic immunity of the Kenyan mission in Netherlands is well known, even to the tribunal that purported to give the initial orders. Why was the Government of Kenya not represented at the initial hearing? Was it because of laxity on the part of the Attorney-General's office?

(Mr. Wako smiled)

I can see he is smiling as usual.

Mr. Tuju: Mr. Deputy Speaker, Sir, first of all, I said that this is an off-shore company and we do not know it. We would love to see it come forward, whether it is in Kenya or in the Netherlands. Indeed, the case in the Netherlands was filed by lawyers in that country but the company is not domiciled in the Netherlands. Those are some of the preliminary objections that we can even raise. However, if I may answer the hon. Member's question on the granted *ex parte*, and Mr. Muturi being a lawyer, he knows that, that means Kenya was not represented because it was not served. Dubious people do dubious things, including not serving you with notices.

Mr. Cheboi: Mr. Deputy Speaker, Sir, the issue was *ex-parte* initially, but it is no longer because, as a country, we have already instructed lawyers to represent us and they have lost the preliminary applications. The issue is not whether that company is off-shore or not. However, the issue is that we are in the process of losing a property because we were unable to act in good time. Could the Minister assure this House that he will do all he can to, first of all, protect Kenyan properties abroad? Could he also give us the value of the Kenyan Embassy in the Netherlands? Otherwise, they may seek orders to attach another embassy.

Mr. Tuju: Mr. Deputy Speaker, Sir, I thank the hon. Member for his concern for our property abroad. Indeed, it should be the concern of all of us. I would like to assure this House that we will do everything to protect our properties. However, given the circumstances and the details of the case, I assure this House that as Kenyans, we have a very good case. It would be appropriate for me to give you further details of the fraudulent nature of this case, so that we do not worry about it.

First of all, the information that the hon. Member has to the effect that we lost in our objections is not true because we just filed them. Indeed, it was an initiative from this Government to file the objections because up to today, the Kenyan Government has not been serviced with notice.

NON-ALLOCATION OF FPE
MONEY TO SCHOOLS
IN MOSOP CONSTITUENCY

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

(a) Is the Minister aware that Ketam Primary School in Sigot Location, Kosirai Division and Kipkaren Primary School in Kipkaren Location, Kipkaren Division have not received monies for the years 2004/2005 and 2005/2006 to support their Free Primary Education Programmes?

(b) Could he ensure that the schools immediately receive their allocations?

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the two primary schools (Ketam and Kipkaren) have received most of the disbursements that support the Free Primary Education Programme for the 2004/2005 and 2005/2006 financial years, except for the following:-

(i) Ketam Primary School did not receive Kshs131,040 for Account II in 2004/2005 and 2005/2006 financial years. The money was directed to an account number given by the school but was rejected by the bank.

(ii) Kipkaren Primary School did not receive Kshs131,560 for Account I in the 2004/2005 and 2005/2006 financial years due to the wrong bank sort code which led to the rejection by the bank.

(b) The Ministry has initiated the payment process and the stated amounts will be sent to the correct accounts given by the schools.

Mr. Sambu: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for her answer. Part "b" of her answer says that the Ministry has initiated the payment process and the stated amounts will be sent to the correct accounts given by the schools. Is that the amount for the 2004/2005 and the 2005/2006 financial years? Those are new schools and I guess that those amounts are the ones for repair and maintenance (RMI) for pit latrines and water tanks. Could the Assistant Minister confirm that the 2004/2005 and the 2005/2006 financial years funds will be sent and not what is expected in the new financial year?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that all the money for the two years which was not sent to those schools, will be sent in two weeks' time. The amount that was not sent for Account II for Ketam Primary School and Account I for Kipkaren Primary Schools will be sent to those schools' accounts.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, on another occasion, I brought a Question to this House regarding a school by the name Banda Salama in my constituency and the Assistant Minister promised that it would get money after she answered the Question. That is exactly two months ago. What is happening at the Ministry of Education? Why is there a delay in releasing funds to that school?

Mrs. Mugo: Mr. Deputy Speaker, Sir, sometimes, mistakes happen when it comes to bank accounts and when we deal with so many schools because the money is sent directly to those schools' accounts. Sometimes, there is a mix-up when schools share the same name. However, the hon. Member spoke to me about this matter and I told him to bring to me a letter from the school to prove otherwise, so that I could call the officer and we sort out that problem. However, he has not come to see me.

I am surprised that the hon. Member asks me that question when he meets me in Parliament. Let him come to the Ministry so that we can sort out the matter because I was told by the officers concerned that the money has been sent. I would like to have proof that the money has not been sent to that school.

Mr. Sambu: Mr. Deputy Speaker, Sir, just like Mr. C. Kilonzo has said, before I had brought the Question to this House, I had gone to the Ministry and seen the relevant officers whom I gave the correct account numbers. However, I did not see the need to see the Assistant Minister.

Could the Assistant Minister instruct the officers at the District Education Office to appoint an officer to deal with the funds for the Free Primary School Education Programme? This is because many head teachers and committee members sometimes do not know how to handle the transmission of that money.

Could the Ministry appoint officers at the District Education Office to do that work?

Mrs. Mugo: Mr. Deputy Speaker, Sir, all the head teachers have received guidelines on how to deal with those accounts. We also train school committees which deal with this issue on the ground. The District Education Officers in each district are properly trained to handle that money.

If they do not do their job properly, I will get back to them. However, they are there.

SEXUAL ASSAULT ON UPPER HILL
SECONDARY SCHOOL STUDENT

Ms. Ndung'u: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) What has the Minister done to minimize bullying of students in boys secondary schools particularly with reference to incidents of sexual assault?

(b) What investigations have been made on the alleged repeated sexual assault on a Form Two student of Upper Hill Secondary School admitted to Nairobi Women Hospital on 30th May, 2006?

(c) What action has the Minister taken to ensure the culprits of this alleged assault are apprehended and taken to court?

(d) Could the Minister meet the expenses for medical treatment and rehabilitation of the student who is still admitted in hospital?

The Assistant Minister for Education (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has well stipulated guidelines on how to deal with students discipline cases in all secondary schools in this country. Students bullying and sexual harassment among others, are handled by teachers at the school with reference to individual school rules.

(b) The matter I am referring to today is on the alleged sexual assault on a Form Two student of Upper Hill Secondary School who was admitted to Nairobi Women's Hospital on 30th May, 2006. The Ministry has alerted the police and investigations into this matter have been instituted. A high powered delegation from the Ministry, which included the Assistant Minister who is my colleague, Mrs. Mugo who is also the Member of Parliament for the area visited the school yesterday. Again, she had a meeting with the Board of Governors (BOG), the hospital administration and the parents at the hospital.

The alleged sexual assault student is still traumatised to be subjected to any rigours interviews. Really, there is a great deal we have to learn from the student. A more comprehensive report would only be available at the end of the investigations which are still under-way.

(c) The Ministry has handed over the matter to the police for thorough investigations so that the perpetrators of the alleged sexual assault could be apprehended and taken to court.

(d) Involvement of the Ministry on issues of medical and rehabilitation expenses is not applicable since we do not have a budgetary allocation for that. However, the point I want to make here is that investigations are under-way. Until the student can give us more information, we cannot come to any conclusion as to what exactly happened.

Ms. Ndung'u: Mr. Deputy Speaker, Sir, basically, the Assistant Minister has said that no action has been taken. This incident happened 14 days ago and the injured student said that he was sexually assaulted by fellow students. This means that the culprits are still sleeping with other boys in the school. The Parents Teachers Association (PTA) issued a Press Statement denying that the incident happened in that school. Could the Assistant Minister tell us the steps he has taken to ensure the PTA and the headmaster do not interfere in this issue?

Dr. Mwiria: Mr. Deputy Speaker, Sir, the fact that we have left the matter to the police is an indication that we do not believe in any interference. In fact, the police has taken up the matter. There had been allegations that some students committed this act but the victim has been unable to tell us who they are. So, until we are told that, the allegation is neither here nor there. The BOG has also said that it will co-operate with the investigators on this case. That is according to the Press Statement that Mrs. Mugo issued this morning. So, it is in our interest to get this matter resolved and we have nothing to hide. I believe that the school management knows there is nothing it can

do, given the fact that the matter has been left to an independent authority, which is the police to investigate.

Mr. Rotino: Mr. Deputy Speaker, Sir, what is the Ministry doing to stop this crime recurring in various other schools?

Dr. Mwiria: Mr. Deputy Speaker, Sir, in addition to the rules and regulations that we have in place, we will try to strengthen guidance and counselling. But also, I think the beginning point is for us to accept that there is a problem. There have been rumours for many years, not just in boys schools, but also in girls schools. There are cases of homosexuality in both boys and girls schools. Kenyans have to accept it is a problem and ask questions such as what is the background at home and what are the societal factors that are likely to lead to this. Until we confront it head-on, we are behind it. The solution to the problem will be found if we all accept that it is not just the Ministry that has to deal with it. The parents and we, as a society, have to be involved.

Maj. Madoka: Mr. Deputy Speaker, Sir, given the seriousness of this matter, may I suggest that this Question is deferred until we get a full report after the inquiry?

Dr. Mwiria: Well, we will wait until we get the police report and we will give the House additional information. But as to what I was asked to answer today, I think it suffices. So, that would be a different matter.

Ms. Ndung'u: Mr. Deputy Speaker, Sir, I am glad the Assistant Minister sees this matter as important. Unfortunately, he has not indicated what they will do to parents and teachers who will interfere with this case. The Assistant Minister is aware that the chair of the PTA, a Mr. Gaturu, sent a Press Statement to all the media houses, which included the details of this young man, and the name of his parents. What steps is the Ministry going to take to ensure that irresponsible parents like him are dealt with in a proper manner?

Dr. Mwiria: Mr. Deputy Speaker, Sir, this will be part of the investigation. If Mr. Gaturu is found to have given out the Press Statement, he will have to apologise. But I would like to assure Members and the public that if people want to interfere with investigations, they will also be dealt with, just like we would deal with the head-teachers of schools if we find out that they are covering up these kinds of acts.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that investigations will be carried out without interference when he very well knows that he was in the company of the chairman of the same school in his own car?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I have nothing to hide. I asked the Chairman of the PTA to give me some information. Even if I have to come and answer a Question in Parliament, I like to seek information from all the parties. He seemed to have a report from a doctor who was not able to examine the student. He can enter my car; I have nothing to hide. I met him at the gate, he said he wanted to come in and tell me something, and because there was nothing I was hiding like the Armenians, I just let him stay in. So, I do not think that is a problem. It was in broad daylight. I was only seeking more information. So, I assure the Member that I have not been compromised and it is not so easy to compromise me.

(Applause)

FLOODING OF RIVER YALA

Mr. Arungah: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice:-

(a) Is the Minister aware that 30 families in Mushianka area of Khushiku sub-location have been rendered homeless due to floods on River Yala?

(b) What measures is he taking to ensure that the river does not burst its banks?

(c) What assistance is the Minister going to offer in resettling the displaced persons?

The Assistant Minister for Water and Irrigation (Mr. Wanjala): Mr. Deputy Speaker, Sir, you remember in the morning, I promised to table this document. I hereby table it.

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

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

(a) I am aware that 60 families were affected by a phenomenon of rising ground water table in Ilala Village in Khushiku sub-location in Khwisero Division of Butere/Mumias District.

(b) There are no measures being undertaken to contain the river water. This is because the water level in the river does not pose any danger to the surrounding communities.

(c) I am also aware that the Provincial Administration has been co-ordinating emergency activities through the disaster management committee where my Ministry is participating.

Mr. Arungah: Mr. Deputy Speaker, Sir, in answer to a Question I asked last week, addressed to the Ministry of Health, it was acknowledged that indeed, there was flooding in this area and I had expressed gratitude at that time at the measures that were taken by the Ministry. Now, we are being told there was no flooding. The Ministry of Water and Irrigation is saying there is a phenomenon of rising ground water. Be that as it may, what measures are being taken to ensure that these people can live in peace, because this is an area where we have 60 families settled?

Mr. Wanjala: Mr. Deputy Speaker, Sir, the prevailing situation in that area can be classified as a natural disaster which is beyond human control. The water table rose due to the heavy rainfall pattern which was experienced in that area at that time. The heavy rains caused the ground water table to rise with the sub-surface flow emerging out of the ground as surface run-off traversing a number of farms for a distance of about 260 kilometres until it reached an opening on the ground and drained some 300 metres downstream. This water can come up even inside houses and it is, therefore, difficult to control.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, you heard the Assistant Minister saying that nothing is being done to resettle the displaced persons. Having acknowledged that this is a natural disaster affecting Kenyans of genuine need, is it in order for the Assistant Minister to say that nothing is being done to re-settle Kenyans, however few or many they are?

Mr. Wanjala: Mr. Deputy Speaker, Sir, we have said this is a natural disaster caused by too much rain. The water is coming from underground. The river level also rose, but it has not burst its banks. We have assisted in the co-ordination of emergency activities to help the people, like providing food.

Archbishop Ondiek: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that natural water cannot be controlled while in his own constituency, it has been controlled?

Mr. Wanjala: Mr. Deputy Speaker, Sir, we have been able to control floods in Budalangi because they come from the river. But this one is emerging from underground.

Mr. Arungah: Mr. Deputy Speaker, Sir, in answer to part "c", the Assistant Minister said that the Provincial Administration is co-ordinating emergency activities. I would like to know in very specific terms, what are these activities?

Mr. Wanjala: Mr. Deputy Speaker, I think our microphones are not very clear or audible. Could he repeat the question?

Mr. Deputy Speaker: Order, hon. Members! The Assistant Minister could not hear the question. Mr. Arungah, could you, please, repeat your question?

Mr. Arungah: Mr. Deputy Speaker, Sir, the Assistant Minister says the Provincial Administration is co-ordinating emergency activities. What are these emergency activities?

Mr. Wanjala: Mr. Deputy Speaker, Sir, as I said, the Department of Emergencies through

the Provincial Administration was co-ordinating these emergency activities together with our Ministry. We have provided free malaria treatment to 217 people. We have also issued 400 ITNS free mosquito nets. We have also done immunization of children. In addition, we have provided health education on malaria control and prevention. We have also conducted a *baraza* meeting to sensitize *wananchi* on how to control the springs emerging from the underground.

Mr. Deputy Speaker: We will now move to Ordinary Questions.
Question by the Member of Parliament for Rongo Constituency!

ORAL ANSWERS TO QUESTIONS

Question No.197

GOVERNMENT EXPENDITURE ON LAWYERS IN GOLDENBERG INQUIRY

Mr. Ochilo-Ayacko asked the Attorney-General:-

- (a) who the lawyers representing the Government at the Goldenberg Inquiry were;
- (b) how much they were paid and who negotiated the payment; and,
- (c) whether he could justify the payments.

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

- (a) There were no lawyers representing the Government at the Goldenberg Inquiry.
- (b) In view of "a", "b" does not arise.
- (c) In view of "a", "c" does not arise.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, you have heard how preposterous this answer is. The Office of the Attorney-General, in view of its importance, should be above reproach. It should also be very generous in terms of information to this House. I know that the Goldenberg Inquiry was a public inquiry paid for by the members of the public. If the Attorney-General says that the Government was not represented by the lawyers who were involved, namely, Dr. Khaminwa, Dr. Kamau Kuria and others, then who paid for their services? Was it not the public?

Mr. Wako: Mr. Deputy Speaker, Sir, the lawyers he has mentioned were Assisting Counsels to the Commission. They were not lawyers representing the Government. This is a very important issue. As everybody knows, I am normally very generous; bending over backwards to assist in answering Questions here. But this is an issue that is very fundamental. Commissions of inquiry by their very nature, are supposed to be independent. If I were to admit, even for a single moment, that the three Assisting Counsels were lawyers representing the Government, I would be undermining the whole concept of commissions of inquiry and the excellent work that was done by the Goldenberg Inquiry.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, could the Attorney-General tell us how much these Assisting Counsels were paid by the State?

Mr. Wako: Mr. Deputy Speaker, Sir, that is now a different Question. If it is asked properly, I will answer it.

Mr. Deputy Speaker: Mr. Attorney-General, what is your answer to the supplementary question by the Member of Parliament for Mutito Constituency?

Mr. Wako: Mr. Deputy Speaker, Sir, I have just answered it. However, if the Chair wants me to answer it on the clear basis that they were not lawyers representing the Government and it is on the HANSARD to that effect, then I will be pleased to give that information.

Mr. Deputy Speaker: Mr. Wako, I think the Member of Parliament for Mutito Constituency asked about those lawyers who were Assisting Counsels. How much were they paid? That was the question. He was not referring to lawyers representing the Government.

Mr. Wako: Mr. Deputy Speaker, Sir, that is a different Question. Lawyers representing the Government is completely different from Assisting Counsel to the Commission. As I have tried to explain, Assisting Counsels assist an independent commission. The Question is about lawyers representing the Government.

Mr. Deputy Speaker, Sir, I do not want to undermine the very basis of a commission of inquiry by, in any way implying that Assisting Counsels are actually lawyers representing the Government before an independent commission inquiring into a matter which is of great importance to the people of this country.

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

Mr. Deputy Speaker: Order! It is out of order for hon. Members to be standing when another Member is speaking. The Attorney-General was answering a question and yet, several hon. Members were on their feet.

Now, Mr. Sungu, what is your question?

Mr. Sungu: Mr. Deputy Speaker, Sir, given the fact that the powerful Attorney-General has, indeed, told us that these were Assisting Counsels, may we, as a House, be told using the powers available to him, how much they were paid, because they paid from public coffers?

Mr. Wako: Mr. Deputy Speaker, Sir, if that question was asked in the proper way, even tomorrow or next week, I will be able, ready and willing to give an answer. However, it should be phrased in the proper manner as to how much the Assisting Counsels to the Commission were paid. I will be able to answer it.

Mr. Deputy Speaker: Last question, Mr. Ochilo-Ayacko!

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, we can all see that the Attorney-General is hiding under legalistic language and technicalities.

The Government is constituted by various departments, including courts and other departments that are not traditionally defined as Government. However, the bottom line is that they work for the public and are paid for by the same. Is it, therefore, in order for the Attorney-General to conceal the names of these lawyers and how much they were paid? Is it also in order for him to hide under legalistic arguments to deny this House very vital information? Is the Office of the Attorney-General really being transparent.

Mr. Wako: Mr. Deputy Speaker, Sir, I am not concealing the names of the lawyers or Assisting Counsels. In fact, the Questioner has actually announced the names of the Assisting Counsels. These names are in the public domain. They were mentioned in the Gazette Notice appointing the Goldenberg Commission of Inquiry. Standing Order No.37(12) says:

"A Question, the answer to which is readily available in ordinary works of reference or official publications, shall not be asked."

So, the names of the Assisting Counsels are in the public knowledge. They should not even be asked about. What might be asked, if it came properly before this House, is: How much were they paid? If that is properly asked in the properly manner, I would answer.

Mr. Deputy Speaker: Very well! I do not think we need to argue here with the learned Attorney-General, because I believe he has a point in the sense that the Question asked about lawyers representing the Government. Now, if Mr. Ochilo-Ayacko or any other hon. Member wishes to ask a

Question relating to the Assisting Counsels, I would be pleased to approve it, then it will be answered by the Attorney-General. For the time being, I believe that matter rests there.

Next Question by the Member of Parliament for Ndhiwa Constituency!

*Question No.361*NON-PAYMENT OF PENDING BILLS
TO CONSTRUCTION COMPANIES

Mr. Ojode asked the Minister for Finance:-

- (a) whether he is aware that many construction firms are winding up as a result of non-payment of pending bills; and,
- (b) whether he could table a list of the firms owed money to date and how much has been paid following Kenya Gazette Notice No.297.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Deputy Speaker, Sir, I want to seek the indulgence of the House, so that we respond to this Question comprehensively on Thursday, next week. This particular Question came to the Treasury this week. It had initially been directed to the Office of the President which re-directed it to the Ministry of Roads and Public Works. The committee dealing with pending bills was constituted by the Office of the President. Although it was directed to the Office of the President, I am willing to deal with it conclusively next Thursday.

Mr. Deputy Speaker: What do you have to say, Mr. Ojode?

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not have any objection.

Mr. Deputy Speaker: Very well! The Question is deferred to Thursday next week.

(Question deferred)

Question No.348

CONSTRUCTION OF NGELENYI WATER DAM

Mr. Deputy Speaker: Bw. Mwandawiro hayuko? Swali limetupiliwa mbali!

(Question dropped)

Next Question, Dr. Awiti!

*Question No.020*REVIVAL OF HOMA BAY
INDUSTRIAL ESTATE

Dr. Awiti asked the Minister for Trade and Industry:-

- (a) whether he is aware that the Industrial Estate in Homa Bay, which was intended to provide rural employment in southern Nyanza region, has collapsed;
- (b) whether he is further aware that some of the sheds have been vandalized; and,
- (c) what measures he is taking to revive the estate.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware.

(b) I am aware.

(c) The Ministry of Trade and Industry and the Kenya Industrial Estates are addressing the long gross turnover of industrial activities in Homa Bay, currently estimated at around Kshs10 million per year, as follows: Follow up their repossession and development of the Homa Bay

Industrial Estate land which was illegally and irregularly allocated to private developers; encourage entrepreneurs to take advantage and seek additional capital to expand their businesses from financial and micro-finance institutions, given the prevailing low interest rate of borrowing capital; continue to encourage entrepreneurs allocated industrial sheds in Homa Bay through the Kenya Industrial Estates to utilise them for the intended purposes; and, urge political and other leaders to encourage the people of Homa Bay and elsewhere to deepen their entrepreneurship and embrace new production practices.

Dr. Awiti: Mr. Deputy Speaker, Sir, two weeks ago, I had asked about the fate of industrial estates in Kisumu. This time round, I have asked what is happening about the industrial estates in Homa Bay. The Government does not seem to have a clear policy on industrialisation in the Nyanza region or in the country generally. The Assistant Minister says that they are preparing to repossess the land which had been taken away from those who had been allocated. How are the entrepreneurs going to raise capital when in the first place they do not have the land?

Could he tell us the specific steps they have taken, or they are taking, if any, to repossess the said land, so that it can be given to the entrepreneurs?

Mr. Miriti: Mr. Deputy Speaker, Sir, the hon. Member is well aware that the Ndung'u Report listed the land grabbers of this industrial estate. Action is being taken on the Ndung'u Report.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister will agree with me that it is not only in Homa Bay where we have this kind of problem. All Kenya Industrial Estates have gone under, including the ones in Nairobi. Let us forget about the Ndung'u Report which may never come to this House. What is he doing to resuscitate the projects within the Kenya Industrial Estates countrywide?

Mr. Miriti: Mr. Deputy Speaker, Sir, we are trying to get funds so that we resuscitate all the industrial estates in the country. Since the Budget Day is tomorrow, I would like to urge the hon. Member to wait for it.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how much money has been allocated to the Kenya Industrial Estates in the Budget that is to be presented to this House tomorrow, so that we can know that this Government is concerned about the welfare of the poor people?

Mr. Miriti: Mr. Deputy Speaker, Sir, I plead that we do not anticipate debate. Let us wait until tomorrow.

Mr. Deputy Speaker: Last question, Dr. Awiti!

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

Mr. Deputy Speaker: Order! Order, Mr. Ojode! I have just given you a chance!

Dr. Awiti!

Dr. Awiti: Mr. Deputy Speaker, Sir, you can see that this Government is, really, not concerned about providing employment. They promised to create 500,000 annually. We are in the 4th year since it came to power but Kenyans are still waiting for the promised jobs to be created. Reviving the Kenya Industrial Estates would have been the best way to create jobs to jobless Kenyans. Could the Assistant Minister tell the House how much money has been allocated to the Kenya Industrial Estates, specifically in Homa Bay District?

Mr. Miriti: Mr. Deputy Speaker, Sir, the issue of Kenya Industrial Estates and all the projects that went under due to mismanagement is being addressed. There is a definite programme to resuscitate the industrial estates. The first step which we are taking is to repossess the land that was grabbed. The second step is to support small-scale businessmen venturing into industrialisation.

Mr. Deputy Speaker: Next Question, Mr. C. Kilonzo!

KPLC'S REFUSAL TO PAY
FOR WAYLEAVES IN YATTA

Mr. C. Kilonzo asked the Minister for Energy:-

(a) whether he is aware that Kenya Power and Lighting Company (KPLC) has not paid for wayleave to residents of Kwa Ndolo and Kivingoni in Yatta Constituency, who do not have title deeds;

(b) whether he is further aware that the proposed payments for wayleave are far too little to justify the farmers consenting to the wayleave; and,

(c) whether KPLC could review the proposed payments and accept any documents of ownership from the Ministry of Lands where no titles are available.

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

(a) I am aware that KPLC has not paid for wayleave to some residents of Kwa Ndolo and Kivingoni in Yatta Constituency, who do not have title deeds. However, those affected are in the process of acquiring title deeds and will be compensated as soon as they get them.

(b) I am not aware that the payments for the wayleave are too little as they are based on the following criteria: Value of the land affected by the wayleave trace, and the size of the wayleave trace affected for each resident. Other mitigation factors like the size of the affected land as well as the size of the remaining portion that is not affected are also considered when arriving at the amount of portion of land. The KPLC does not fully purchase the affected areas of land parcels but only issues restrictions on the use of the affected portions. Therefore, it does not compensate at full value unless the affected parcels are already too small to the extent of compromising the safety of its owners or users.

(c) It is not legally prudent for KPLC to accept for payment, other documents of ownership from the Ministry of Lands and Housing where title deeds are not available. Documents other than title deeds are rejected in order to avoid any counter-claims that may arise later.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, in the 1970s, after completion of Masinga Dam, KPLC put up the power transmission line from Masinga Dam to Nairobi. At the same time, the company informed the affected people that if they did not have title deeds, it would not compensate them for their land. To date, those people have not been paid. With regard to the current power line being put up, the same issue is coming up. If KPLC is not willing to pay, why is it taking possession of people's land?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, before we put up any power transmission line, we agree with the owners of the land. They know that in order for them to be compensated, they must prove ownership of the land by legal documents. So, the owners of the land were made aware of that condition before they signed the contracts with the KPLC.

Mr. Manoti: Mr. Deputy Speaker, Sir, the KPLC has not done anything for the people who have paid money to be supplied with electricity for the last two years. We have seen quite a number of poles standing around---

(Loud consultations)

Mr. Deputy Speaker: Order! Order, hon. Members! Mr. Manoti, could you repeat your question?

Mr. Manoti: Mr. Deputy Speaker, Sir, the KPLC has received a lot of money from people who want to be supplied with electricity. Some of them have waited for over two years. What is the Assistant Minister doing to ensure that those people are either supplied with electricity or they are refunded their money, which has been retained by the company interest-free?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, money has been received. However, for the last two years, we have only received money from the customers whom we have [Mr. Kiunjuri] agreed to connect. Because of the hindrances that I have mentioned here severally, we are not able to connect those customers. I can assure the hon. Member that we are fast-tracking and he can see on the ground that a lot of work is being done. We intend to speed up the completion of all the projects that have not been completed. However, we are doing our level best.

Mr. Deputy Speaker: That question is completely irrelevant because we are dealing with the way leave issue.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I am asking the Kenya Power and Lighting Company (KPLC) to be fair to these poor people even if they have to use letters of allotment. It is the duty of the Government to issue title deeds to these people. It has not done so for the last 40 years. It is only fair that the Government does not repeat what it did in the 1970s. Why can the KPLC not use the letters of allotment and pay these people? In any case, the KPLC owns properties which it has bought without title deeds. What is the logic behind saying that the company cannot pay these people if they do not have title deeds and yet it wants to take possession of these parcels of land?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I sympathise with the hon. Member. However, the best we can do is to form a committee consisting of the KPLC and the Ministry of Lands to verify whether the documents are proper. If we verify and we are sure that these are the rightful owners of the parcels of land, then we can go ahead and pay them even before the issuance of the title deeds.

Mr. Rotino: Mr. Deputy Speaker, Sir, I have not received a written answer to Question No.362?

Mr. Deputy Speaker: Minister of State, Office of the President, the hon. Member is complaining that he has not received the written answer. Do you have it?

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, I have the written answer and we sent a copy of it to Parliament.

Question No.382

COST OF DISARMAMENT EXERCISE
IN WEST POKOT

Mr. Rotino asked the Minister of State, Office of the President:-

- (a) how much money was utilised in the disarmament exercise in West Pokot District in 2005; and,
- (b) how many guns were recovered.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) A total of Kshs11.5 million was spent by the West Pokot District Security Intelligence Committee for the purpose of disarmament in the area. However, much more has been spent by other Government departments in the implementation of various other sectoral development projects as part of the disarmament programme.

(b) To date, more than 2,281 firearms and 4,741 rounds of ammunition have been surrendered or recovered in the North Rift through this programme.

Mr. Rotino: Mr. Deputy Speaker, Sir, first of all, the Assistant Minister has said that 2,281 firearms have been recovered from the North Rift. I did not ask about the North Rift, but specifically about West Pokot. He is trying to camouflage West Pokot with North Rift. However, West Pokot is not the North Rift. The Assistant Minister should be specific, so that he does not

create the impression that all these guns have been recovered in West Pokot.

He has said other Government departments spent money in the disarmament exercise, but he has not told us what the money was spent on. That is the crux matter. If the Government intends to disarm the Pokots, what are the other Government departments doing to help the Pokots because they had not bought the guns for leisure?

Mr. Kingi: Mr. Deputy Speaker, Sir, we have answered Questions in this House about the disarmament exercise. During the several meetings that we have held with the leaders from this area, it has been agreed that instead of stating the number of guns which have been recovered by the various District Officers, we should state the general number of firearms that have been recovered from the entire area. This is the new approach that we have decided to use.

With regard to what the other Government departments are doing, as we carry out the disarmament exercise, several other projects are going on in the area including reviving or re-opening schools which have been closed for many years. We are also re-opening markets and dispensaries that had been closed because of insecurity. For example, we have opened four health centres in West Pokot District and one in Trans Nzoia. We have opened four market centres in Baringo, five in Marakwet and five in Samburu. In addition, several primary schools have been opened in the area.

Mr. Lesrima: Mr. Deputy Speaker, Sir, 50 per cent of the guns that were recovered were recovered from Samburu District and Kshs8.3 million was spent in the exercise. After that, the Samburus became vulnerable. Twenty one schools have closed down. What measures is the Assistant Minister putting in place to protect the people who have surrendered their guns from the ones who have not? Secondly---

Mr. Deputy Speaker: Order! Ask one question at a time! You have asked a question and you should let the Assistant Minister respond to it.

Mr. Kingi: Mr. Deputy Speaker, Sir, as we carry out the disarmament exercise, we are putting up police stations and patrol bases in most of the areas where the disarmament exercise is going on as a measure to ensure that security is maintained.

Mr. Rotino: Mr. Deputy Speaker, Sir, I would like to request the Assistant Minister to tour West Pokot District and other districts in the North Rift, so that he knows what is happening on the ground. He comes from the Coast Province and he does not know where the North Rift is.

Could the Government consider posting more police reservists to the area to protect the people? Other communities are not being disarmed like the Assistant Minister has purported.

Mr. Kingi: Mr. Deputy Speaker, Sir, at the earliest opportunity, I will do that. However, disarmament is going in all places. It is not being done selectively.

Question No.362

EXPANSION OF UGEGE/NZOIA BRIDGES

Archbishop Ondiek asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Ugege and Nzoia bridges on Road C90 in Ugenya Constituency are too narrow and can only accommodate one vehicle at a time yet they are on a classified road;
- (b) whether he is further aware that the two bridges are in a deplorable state, even after Ugege Bridge was recently repaired at a cost of Kshs1.5 million by the Ministry; and,
- (c) what immediate steps he is taking to repair and expand the bridges.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker,

Sir, I beg to reply.

(a) Yes, I am aware that Ugege and Nzoia Bridges on Road C90 in Ugenya Constituency are too narrow and can only accommodate one vehicle at a time. I am also aware that these two bridges are on a classified road, Road C90.

(b) I am not aware that the two bridges are in a deplorable state. Nzoia Bridge was repaired in 2005 at a cost of Kshs1 million, out of an allocation of Kshs1.5 million. The balance of Kshs500,000 was used to upgrade Ugege Bridge, which needed repairs. I am only aware that the approaches to the bridges require urgent attention.

(c) The traffic on Road C90 does not justify the expansion of the bridges at the moment. However, the improvement of the approaches at Ugege and Nzoia bridges will be undertaken under the gravelling contract of Ukwala-Ugunja-Butere Road, which is on-going.

Archbishop Ondiek: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. He knows that road very well. Being an engineer, he knows what a classified C90 road is. I am surprised to hear him say that traffic on that road does not warrant the expansion of the bridge. Road C90 is classified as a heavy traffic road. That is the oldest road in Siaya District. Could the Assistant Minister look into that matter urgently, so that those bridges could be expanded?

Eng. Toro: Mr. Deputy Speaker, Sir, I know that road because we had used it with the hon. Member two years ago. I am saying that, at the moment, we do not have a programme to expand the two bridges. However, because of the importance of that road, we have awarded a gravelling contract. Thereafter, we shall observe the traffic density and decide whether we shall expand the bridges in future. But I can assure the hon. Member that, as soon as we have the proper statistics after upgrading the road to gravel, we shall expand the bridges.

Mr. Deputy Speaker: Last question, Archbishop Ondiek! We are way past Question Time!

Archbishop Ondiek: Mr. Deputy Speaker, Sir, the Assistant Minister knows very well that, that road requires urgent attention. The gravelling that is going on presently cannot allow those bridges to be repaired urgently. Could he instruct the engineer on site to take immediate action on those bridges?

Eng. Toro: Mr. Deputy Speaker, Sir, the bridges have been repaired. What is left is the approaches to the bridges. Ugege Bridge will be repaired because it lacks guard rails at the moment. It was repaired at a cost of Kshs500,000, but it lacks the protection rails. But that will be done by the current contractor, who is upgrading the road to gravel standards. The hon. Member should not be worried about that road. We will do all we can, under the gravelling project, to make sure that the road is well maintained; including the bridges.

Mr. Deputy Speaker: Very well! Hon. Members, that marks the end of Question Time!

CONSIDERED RULING

QUESTIONS TO BE DEFERRED UNTIL COURT CASE IS CONCLUDED

Hon. Members, some time ago, there were three Questions that were asked on the Floor of this House, but could not be answered because Ministers responsible claimed that they touched on matter before the courts. Mr. Speaker undertook to give a ruling on those Questions. I will, therefore, read the ruling regarding the Questions. I ask hon. Members to listen carefully.

Hon. Members, you will recall that on Tuesday 28th March, 2006, a Question by Private Notice by the hon. Member for Bomet Constituency, Mr. Nick Salat, was listed on the Order Paper to be answered by the Minister for Trade and Industry. The Question read as follows:-

(a) Could the Minister table the report of the Task Force that investigated the procurement of Pre-shipment Verification of Conformity (PVOC) to Standard Services by the Kenya Bureau of Standards on 13th, February, 2006?

(b) What is the Minister doing to implement the Task Force Report?

In response, the Assistant Minister for Trade and Industry indicated that he was unable to table the report as demanded, since it related to matters awaiting determination before court, under a Miscellaneous Civil Application No.1335 of 205 in Nairobi. The Assistant Minister further stated that the Report of the Task Force was meant to shed light on the award of the tender that was subject of the court proceedings. The Question was, subsequently, deferred to Wednesday 29th March, 2006, to allow the Minister to give the Chair the pleadings by the parties involved in the dispute, so as to assist the Chair in determining whether the issues contained in the Question were in deed, *sub judice*.

The Assistant Minister was, however, unable to make available, documents to assist the Chair in making an appropriate ruling on the Question, when it came to the Floor on Wednesday, 29th, March, 2006, which necessitated its further deferment.

Hon. Members, the Assistant Minister later provided the pleadings in the Nairobi High Court Miscellaneous Civil Application No.1335 of 205 and, in those pleadings, the applicant prayed for:-

(a) An order or *mandamus*, compelling the respondent; Kenya Bureau of Standards, to provide full and detailed information of the valuation of all the relevant proposals for tender and Pre-shipment Verification of Conformity to Standards.

(b) An order of prohibition, prohibiting the Kenya Bureau of Standards from signing any contracts, unless and until the said information has been provided, and the applicant has been given adequate and reasonable time to consider the same and act on it.

All those issues are pending for determination in court.

Hon. Members, I am informed that, subsequent to the award of the tender, the Minister for Trade and Industry constituted a task force to look into the process and circumstances surrounding the tender. The task force prepared a report which was submitted to the Minister. It is the subject of that Question. It is clear in my mind that, if the awarding of the tender was not contested by the applicant in the above case, the Minister would not have constituted a task force to inquire into the awarding process.

The report being held by the Minister for Trade and Industry will definitely have a bearing on the case pending in court. It is my considered view, therefore, that the substance of this matter is *sub judice* and hence, the Question violates the provisions of Standing Orders No.37(10) and 74. I, therefore, order that the Question be deferred until the court case is concluded.

(Applause)

Hon. Members, we have another Question that was deferred as a result of similar matters. You will recall that on Thursday, 30th March, 2006, a Question by Private Notice by the hon. Member for Makadara Constituency, Mr. Reuben Ndolo, was listed in the Order Paper to be answered by the Minister for Tourism and Wildlife. The Question read as follows:-

(a) What are the terms of the agreement between the Government of Kenya and Thailand over the sale of elephants, lions and giraffes to Thailand?

(b) What are the long-term benefits for Kenya in the deal?

(c) Could the Minister confirm that the necessary procedures were followed before the agreement was signed?

In response, the Assistant Minister for Tourism and Wildlife, Mr. Kalembe Ndile, pleaded

sub judice and declined to answer the Question.

Hon. Members, allow me to draw your attention to the following points.

(1) Standing Orders No.37(10) and 74 restrict any reference in the House to matters *sub judice*, and Standing Order No.37(10) provides that reference shall not be made in a question to any particular matter which is *sub judice*.

Standing Order No.74 provides that:-

"No hon. Member shall refer to any particular matter which is *sub judice* or to any matter which is in its nature secret."

The Question is in regard to the Memorandum Of Understanding (MOU) between the Government of the Republic of Kenya and the Government of the Kingdom of Thailand signed on 9th November, 2005, *inter alia* to give the Kingdom of Thailand assorted wildlife animals from Kenya for custody in Thai zoos. It also touches on an application for judicial review for orders of prohibition as *certiorari* challenges the powers of the Minister to commit or give Kenya's natural resources and heritage to a foreign state. That the action is *ultra vires* his powers under the Constitution, the Wildlife Conservation and Management---

(A mobile phone rang)

Mr. Deputy Speaker: Order! I think that is a very serious breach of House procedures when I am making a very important ruling from the Chair and the hon. Member is busy playing with his mobile phone. I do not want to go on with that. Could the hon. Member stand, bow and apologise to the House?

(Mr. Omamba stood up in his place)

Hon. Members: Shame! Shame!

Mr. Deputy Speaker: You are forgiven and, therefore, sit down. Hon. Members, let us proceed!

The Question is in regard to the MOU between the Government of the Republic of Kenya and the Government of the Kingdom of Thailand signed on 9th November 2005, to *inter alia* give the Kingdom of Thailand assorted wildlife animals from Kenya for custody in Thai zoos. It also touches on an application for judicial review for orders of prohibition and challenges the powers of the Minister to commit or give Kenya's natural resources and heritage to a foreign state. That the action is *ultra vires* his powers under the Constitution, the Wildlife Conservation and Management Act, and the Environment Management and Co-ordination Act, and that some of the animals to be exported fall under the convention on international trade in endangered species of wild fauna and flora *et cetera*. The orders of prohibition prohibiting the Government from gifting or translocation from Kenya the assorted animals and the order of *certiorari* which quashes the MOU were issued by the High Court on 9th January 2006. The matter is active meaning that the case is still pending for determination. The Question is, therefore, *sub judice* and the same should await the conclusion of the pending court case.

(Applause)

Now, hon. Members, you will also recall that on 4th April, 2006, a Question by Private Notice by the hon. Member for Makadara, Mr. Reuben Ndolo, listed on the Order Paper to be answered by the Minister of State for Administration and National Security read as follows:-

(a) Why did the police raid The Standard Media Group premises on the 2nd March, 2006?

(b) who authorised the raid and which officers conducted it?

(c) what steps, if any, have

been taken against the officers involved in the operation?

In response, the Minister of State for Administration and National Security informed the House that he could not answer the Question because the matter was *sub judice*. The Standard Limited and Baraza Limited are the petitioners and are seeking:-

(i) A declaration that the entry, search and other acts perpetrated by officers of the second respondent at the petitioners premises on 2nd March, 2006 was unlawful.

(ii) A declaration that the burning of copies of newspapers and taking away of their property is a breach of their fundamental right of ownership of property; and,

(iii) A declaration that switching off of the petitioner's television transmission was also a breach of the petitioner's right of freedom of communication.

Now, hon. Members, Standing Orders Nos.37(10) and 74 restrict any reference in the House to matters of *sub judice*. Standing Order No.37(10) provides that:-

"Reference shall not be made in a question to any particular matter which is *sub judice*".

Standing Order No.74 provides that:-

"No Member shall refer to any particular matter which is *sub judice* or to any matter which is in its nature secret.

Hon. Members, I, therefore, cannot stress enough that it is important that we should never attempt to prejudice court proceedings. Parliament and the courts should not trespass upon each other's jurisdiction and in this particular instance I am of the considered view that in answering the above Question the Minister will of necessity be stating facts that will prejudice the pending court case.

I, therefore, direct that the Minister may not respond to the Question until the court determines the matter.

Thank you, hon. Members.

(Applause)

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

Mr. Deputy Speaker: Order! Not on the rulings of the Chair.

Mr. Angwenyi: Mr. Deputy Speaker, Sir. It is just a clarification.

COMMUNICATIONS FROM THE CHAIR

CIRCULATION OF SUPPLEMENTARY ORDER PAPER

Mr. Deputy Speaker: No! Hon. Members, I want to draw your attention to a Supplementary Order Paper which has already been circulated. It is the one that we are going to proceed on this afternoon.

Next Order!

MUSEUMS AND HERITAGE BILL

Mr. Deputy Speaker: Hon. Members, I am informed that the amendments to be introduced in the Committee of the Whole House for these two Bills, namely, The Kenya Maritime Authority Bill and The National Museums and Heritage Bill have not been received and, therefore, we will skip that order until we get the amendments.

*(Committee of the whole House
deferred)*

Next Order!

MOTIONS

ADOPTION OF REPORTS OF THE
THIRD AND FOURTH SESSIONS
OF PAN AFRICAN PARLIAMENT

Mr. Oparanya: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

- (i) THAT, this House adopts the Report of the Third Session of the Pan-African Parliament of the African Union held on 29th March, 2005 to 11th April 2005 in Midrand, South Africa, laid on the Table of the House on Thursday, 6th April, 2006
- (ii) THAT, this House adopts the Report of the Fourth Session of the Pan-African Parliament of the African Union held from 21st November, 2005 to 2nd December, 2005 in Midrand South Africa laid on the Table of the House on Thursday, 6th April, 2006.

Mr. Deputy Speaker, Sir, for hon. Members to understand the operation of Pan-African Parliament, I would like to give a historical perspective of the Parliament. This House is currently represented in the Pan-African Parliament by the following hon. Members:-

Hon. Wycliffe Ambetsa Oparanya, MP who is the leader of the delegation
Hon. Njoki Ndung'u MP
Hon. Nyiva Mwendwa., MP and,
Hon. Mwanicha Okioma, MP

Mr. Deputy Speaker, Sir, the Consultative Act established the African Union and its organ which was signed in Lome, Togo, on 11th July 2000 by 54 countries established the Pan-African Parliament with its organs which are:-

The Assembly of the Union
The Executive Council
The Pan African Parliament itself
The Court of Justice for Africa
The Commission
The Permanent Representative Committee
The Specialised Technical Committee
The Economic Social and Cultural Council and,
The Financial Institution.

Mr. Deputy Speaker, Sir, Article 17 of the Consultative Act specifically provides for the establishment of the Pan-African Parliament in order to ensure the full participation of African people in the development and economic integration of the continent.

The protocol treaty establishing the Pan African Parliament (PAP) was finally ratified by 46

countries in Sirte, Libya on 2nd March, 2001. The PAP Parliamentarians represent collectively the people of Africa. So, when we are in the PAP, we do not represent countries, but we represent the people of Africa.

Mr. Deputy Speaker, Sir, the first five years of the Parliament shall be consultative and advisory. It will only have advisory powers during that interim period of five years. Within those five years, each Parliament in the 46 states which have ratified the PAP protocol will be represented by five hon. Members of Parliament of which one must be a woman.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the objectives of the PAP are as follows:-

(i) To achieve greater unity and solidarity between African countries and the people of Africa.

(ii) To defend the sovereignty, territorial integrity and independence of the African member states.

(iii) To accelerate the political and social integration of the continent.

(iv) To promote and defend African common positions on issues of interest in the continent and its people.

(v) To encourage international co-operation taking due account of the Charter of the United Nations and the Universal

Declaration of Human Rights.

(vi) To promote peace, security and stability on the continent.

(vii) To promote democratic principles and institutions, and popular participation and good governance.

(viii) To promote and protect human and people's rights in accordance with the African Charter on Human and People's Rights and other relevant human rights instruments.

(ix) To establish the necessary conditions which enable the continent to play its rightful role in the global economy and international negotiations.

Mr. Temporary Deputy Speaker, Sir, the PAP seat is in Midrand, South Africa. That was decided by the Heads of States in Addis Ababa in July, 2004.

The PAP has ten committees. These ten committees do most of the parliamentary work. It is mandatory that hon. Members of that Parliament belong to at least a committee which chooses its own chairman, vice-chairman and secretary.

Mr. Temporary Deputy Speaker, Sir, the PAP was inaugurated in Addis Ababa on 18th March, 2004, where it elected its own President, Hon. (Amb.) Getrude Ibengwe Mongella from Tanzania. It has four vice-presidents, each elected from each designated African region. There are five designated African regions that is, the North, South, East, Central and West. The President and the four Vice-Presidents from each designated areas, form the PAP Bureau, which has been vested with the power of administering the running of the Parliament.

Mr. Temporary Deputy Speaker, Sir, the PAP sits for two sessions, each for 10 working days in March and October of every year. At the end of each session, the Parliament passes resolutions that are taken to the Heads of States' Assembly which is called the Summit for consideration and adoption, if possible. The Summit usually meets twice a year in January and July of every year.

The PAP prepares its own budget, which is presented to the Parliament by the Chairman of the Monetary and Financial Affairs Committee. The PAP also discusses its own audit report. The audit report is also discussed at the plenary during the parliamentary session.

Kenya is privileged to have the first Clerk of the PAP, Mr. Murumba Werunga. Since the inauguration of the PAP, there have been some achievements. Having been an hon. Member since the inauguration, I will be pleased to take this opportunity to mention some of the achievements of the PAP. They include:-

(i) The PAP has been able to come up with its own rules and procedures.

(ii) The PAP has been able to prepare its own strategic plan for the years 2006 to 2010.

(iii) The PAP has been involved in conflict resolution on the continent and it has sent several missions to Darfur in Sudan, the Democratic Republic of Congo (DRC), Cote d'Ivoire, Togo and Somalia. Because of conflicts on the African Continent, the international community is spending US\$5 billion which is equivalent to nearly the entire Kenyan Budget.

During the Third Session, some of the issues that were discussed which are detailed in the report that I presented in this House include:-

We discussed the Budget of the PAP which now stands at US\$25 million of which a half of that US\$12.5 million is met by the African Union (AU) and the other half of US\$12.5 million is met by the Member States directly through their national Parliaments.

Mr. Temporary Deputy Speaker, Sir, the PAP, because of financial constraints, has been able to establish a trust fund, which is now in operational. This trust fund is for anybody who wants to support the cause of the PAP.

During the Third Session held at Midrand, South Africa, we discussed peace and security issues in Africa. We received a detailed report on the conflict in Darfur, Sudan. We also discussed the UN Millennium Development Goals as they affect Africa. The issue of the UN Millennium Development Goals attracted a lot of interest. The hon. Members of PAP stated that African countries are unlikely to achieve the UN Millennium Development Goals because of the following reasons:-

(i) The imbalance in world power sharing.

(ii) Lack of consensus among the great powers with regard to crucial issues in the world.

(iii) The upsurge of conflict in more than 40 countries in Africa. In fact, there are more than 25 million displaced persons.

(iv) In Africa we have over 12 million refugees.

(v) In Africa we have the HIV/AIDS epidemic.

(vi) Over 10 million people in Africa live below the poverty threshold on less than US\$1 per day for subsistence.

Lastly, Mr. Temporary Deputy Speaker, Sir, we discussed reforms of the United Nations (UN) Security Council, and the Pan-African Parliament (PAP) resolved that Africa as a continent should be allocated two permanent seats with veto power and two-year term renewable seats in the UN Security Council. The Members of the PAP agreed that the following issues be addressed if development goals have to be achieved. As you know, we are all looking at the Millennium Development Goals (MDGs) and the way they affect this continent. It is important that we look at a solution that is African-based to ensure that, as a continent, we meet the MDGs.

We also agreed that we need a fund because in the case of the Europeans and Americans, they pay their farmers a lot of funds in the form of agricultural subsidies, which is equal to the entire Gross Domestic Product (GDP) of the African Continent. We feel that provision of subsidies should be eliminated. In fact, the World Trade Organization (WTO) is pursuing this issue and such funds should be channelled to develop Africa as a continent. The World Bank and the International Monetary Fund (IMF) are doing very little to ensure that Africa achieves the MDGs. They have

imposed the Structural Adjustment Programmes (SAPs) on the continent without looking at the economies of the different countries or how these SAPs affect the continent. Developed nations use Africa as a dumping site for cheap goods, thus killing local industries. This should be discouraged. That is why we need a level playing field at the WTO. It is the consideration of the PAP that debt is a critical issue in the entire Africa and debt cancellation is vital if African States have to develop.

Lastly, we looked at the rationalization of regional economic blocs. There are 14 RECS and you find the various countries belong to more than one economic bloc. In essence, there is a lot of duplication of resources. It is our request that the regional economic blocs should be harmonized so that instead of having 14 economic blocs, we should have at least five each covering the designated regions of Africa, namely: north, west, central, south and east Africa.

Mr. Temporary Deputy Speaker, Sir, during the 4th Session of the PAP, we looked at the Strategic Plan for 2006 to 2010. At the moment, the PAP is an advisory and consultative organ. We are planning that by 2009, the PAP will become a full legislative organ. This is provided for in the Strategic Plan which was approved during the 4th Session of the PAP. We also discussed our budget, and as I have stated earlier, the PAP budget is US\$25 million, out of which half of it is met by the African Union (AU) Commission while the other half is met by the member states individually through their national parliaments. We also discussed the Blair Commission as it refers to economic recovery for the African states.

Lastly, Mr. Temporary Deputy Speaker, Sir, we discussed peace and security in Africa. This issue is usually discussed in every session. The PAP also discussed the political events in Uganda relating to the arrest and trial of the opposition leader, Dr. Besigye. The PAP took appropriate steps through the Chairman of the AU to ensure that the Government of Uganda guaranteed the independence of the Judiciary in order to accord Dr. Besigye a fair trial in a civil court.

During that session, we also discussed a coup that took place in Mauritania on 3rd August, 2005, when soldiers took the reigns of power instead of carrying out democratic elections to have that country under civilian rule. The PAP debated a report on the mission in Mauritania and resolved that democratic elections be held in that country within 18 months. The House also resolved that military coups should not be tolerated in the continent.

Mr. Temporary Deputy Speaker, Sir, as a Member of the PAP, I have learned a few lessons which I need to share with this Parliament. The PAP has live coverage which is provided for by the Government of South Africa. That is a lesson to be learnt by us because that is a young parliament and it already has live coverage. So, it is important that even our Parliament here should have live coverage, maybe, that will increase the attendance of hon. Members in this Parliament. The other lesson I learnt is that the parliamentary budget is discussed on the Floor of the House. In this Parliament, I have never seen the Budget of the House. There, it is discussed on the Floor of the House. Even the report of the auditors of the Parliament is discussed on the Floor of the House to ensure that there is accountability and transparency in the expenditure of the Parliament.

Mr. Temporary Deputy Speaker, Sir, at the PAP, most of the work is done in the committees. Committees are crucial in the management of the Parliament as all Motions are discussed in the relevant committees and the reports are presented to the Parliament by the various committees through their chairmen. If we were to have an executive Parliament, we will need to strengthen committees. In the PAP, committees are well facilitated because that is where a lot of work is done so that by the time Motions come to the Parliament, Members have knowledge of what they are going to discuss.

Mr. Temporary Deputy Speaker, Sir, as opposed to what we do here by standing to catch the Speaker's eye - sometimes you can stand here the whole day without catching the Speaker's eye - hon. Members record in advance, even a week in advance, indicating which Motion they are going to contribute on. The Speaker then just calls out your name and you stand up to contribute to

the Motion.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move. I would also like to request Mr. Mwanicha to second the Motion.

Mr. Mwanicha: Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion which has been ably elaborated by the leader of the Kenyan delegation to the Pan-African Parliament (PAP).

Mr. Temporary Deputy Speaker, Sir, as Mr. Oparanya said, the Clerk of the PAP is a Kenyan. I would also like to say that the Minister for Finance of the PAP, who is actually the Chairman of the Finance Committee, is none other than Mr. Oparanya himself who has read the Report of the two sessions. Mr. Oparanya and, indeed, the Kenyan delegation and Kenya as a country is playing a very major role in that Parliament. However, what is letting us down is the fact that out of the 55 countries represented in that Parliament, very many of them have not paid their arrears. To our surprise, despite the fact that the Minister for Finance and the Clerk of that Parliament, Mr. Murumba Werunga, are Kenyans, Kenya is one of those defaulters who have not paid their arrears. I would like to take this opportunity to ask the Minister concerned to ensure that Kenya has paid up so that we can play our rightful role in that Parliament.

Mr. Temporary Deputy Speaker, Sir, the PAP has financial problems arising from the fact that member countries are not paying their dues. Because of that, you will find that even attendance by hon. Members from different countries is not steady. I would like to take this opportunity to thank the Government of Kenya and this Parliament because Kenyans are regular in our meetings for the ordinary sessions and also for the committees. There are many countries who only attend ordinary sessions. They do not attend committees. Some countries do not actually attend that Parliament because of lack of funds.

The PAP has looked for ways of raising funds. In that respect, they have set up a trust fund that will approach various donors, partners, countries and well-wishers who are willing to support the cause of the African people so that they can contribute to the fund. This will ensure that the PAP has sufficient funds.

The PAP was lucky in the sense that the Government of South Africa agreed to build a Parliament where all hon. Members from all countries have offices. I would like to say that the offices we have in the PAP are much better than what we have in our Continental House. We have all that, thanks to the South African Government.

Among other issues that were discussed by the Parliament were the fact that some countries in Africa are flouting their own constitutions. The case of Uganda came up where President Museveni had been in power for quite some time. The Constitution said that Presidents could only go on for two terms. However, after completing those two terms, President Museveni thought that he should go for a third term. This issue was looked at. There are, indeed, a number of countries contemplating reviewing their constitutions to lift term limits. The PAP made a resolution to the African Union (AU) to ensure that if the Constitution states two terms, it should be so and such presidents should bow out and give a chance to other people to lead their countries. I sincerely hope that in this country, we shall continue the way we started with the last two Presidents and the current one; that after the two terms as stipulated in the Constitution, the President bows out and a new President is elected. In that regard, we walked tall in South Africa when we said that we have respected the Constitution with regard to the provision of term limits.

We work through Committees. I personally serve in the Committee of Agriculture, Rural Economy and Natural Resources. One of the aspects that we looked at and made recommendations to the AU was that of the plunder of genetic resources, both plants and animal material. Companies from the West come to developing countries and pick plant materials which they then develop in their laboratories in their countries to produce medicine that they sell very expensively to the

developing countries.

We also looked at the fact that most African countries still produce commodities as their cash crops that are bought cheaply from developing countries. They are exported to the West and there is value addition. That is the case with Kenya's tea and coffee, where we process our tea, export it at the Mombasa Tea Auction and then it is re-packed. Basically, the value addition aspect is the re-packing which is then sold world-wide as tea by Lipton or Twillings from London when that tea actually comes from Kenya. We looked at this issue and our advice by way of resolution to the AU is that it is about time the African countries started value addition of their export commodities in their country.

Mr. Temporary Deputy Speaker, Sir, since the Report was elaborated very well by the Chairman, I would like to take this opportunity, once again, to thank him.

With those few remarks, I beg to second.

(Question proposed)

Ms. Ndung'u: Mr. Temporary Deputy Speaker, I stand here to support the Motion to adopt the two reports. I want to thank very much our Speaker and Parliament for allowing our participation as Members of the Pan African Parliament (PAP). The PAP is faced with financial constraints. Until today, there are some countries in Africa that are not able to send their Members of Parliament to the Pan African Parliament Sessions. I wish to congratulate Mr. Werunga, on behalf of this House, on his appointment as the Clerk of the Pan African Parliament.

I also wish to thank the hon. Members of the PAP from this House, and the Southern African Region, for giving support to the selection of Mr. Werunga as the Clerk of the Pan African Parliament. There was a lot of competition, because we had candidates from North Africa and other countries in the South. Now, we are very happy, because the Clerk of that Parliament is a very influential person. He is the person who runs the affairs of that Parliament.

Mr. Temporary Deputy Speaker, Sir, the Kenyan team has had a high turnover. For some very interesting reasons, Members of the PAP who were selected at the beginning of our term have consistently been snapped up into the Cabinet. Therefore, we have to replace them each time with Backbenchers. That is why currently we are four instead of being five. I think the party which is responsible for filling the 5th slot needs to be encouraged to do so, so that we can be a complete team the next time we have a Session.

I wish to assure this House that the Kenyan team has quality and expertise to participate in the PAP Sessions. There are many challenges, because we Members of the PAP are from different parliaments. Some parliaments are not elected. Other parliaments do not use the procedures we use. Some parliaments follow the Francophone system while others follow the Anglophobe system. We, the African countries that belong to the Commonwealth, have come up with parliamentary procedures. We are trying to get other Members of that Parliament to understand the process of putting business on the Order Paper and how to file Motions. I wish to congratulate the Kenyan Members of Parliament, who have regularly filed Motions and asked Questions, to the extent that the Speaker of the Pan African Parliament noted it. She once asked: "When will you, Kenyans, stop bringing these Questions and Motions, because you seem to be the only country that does this?" We should be congratulated; I wish to congratulate my colleagues for being very active.

Mr. Temporary Deputy Speaker, the Pan-African Parliament, however wonderful it is, has many teething problems. First, is the high turnover of its Members. This is because there are no permanent Members of that Parliament. Members of that Parliament can only serve as long as they are Members of their national Parliaments. This means that every time we go down to Midrand, we find new Members from whatever country that happens to have had elections that year. Like this

country, other countries have a very high turnover of Members of parliament. Therefore, we should lobby and ensure that in the next term of the Pan-African Parliament we have permanent Members. This will allow Members of this Parliament to focus on their duties.

Mr. Temporary Deputy Speaker, Sir, the other shortcoming is that we Kenyans seem to have difficulties in our linkage with our Executive. We have many times asked the Minister for Foreign Affairs to issue us with diplomatic passports for easier travelling, but nothing is forthcoming. Most of all, we have tried our best to ask for our inclusion in the African Union summit meetings attended by the President. It is fruitless for us to be in the Pan-African Parliament and when our President goes to meetings of the Presidents of the African Union, he does not go with the Kenyan Members of the Pan-African Parliament. This seems to be a problem that we have here in Kenya. All our colleagues in other African countries always accompany their Heads of States to these meetings. Therefore, this issue needs to be looked into.

Also the relationship between the Ministry of Foreign Affairs and Parliament needs to be looked into. Initially, we had difficulties, because we were not recognised as an official delegation in South Africa. It took the intervention of the Minister for Foreign Affairs, who talked to our High Commissioner in South Africa. It was embarrassing to the extent that we, as the Kenyan delegation, were not aware of it when our former President came to address the Pan-African Parliament. We just saw him arrive like other delegates. We were chasing after him to say that we were the Kenyan delegates to that Parliament. That was the worst kind of etiquette I had ever seen. If we must do our work, as Members of Parliament, we need to be accorded our official status.

Mr. Temporary Deputy, Sir, I also want to say that we are having problems with linkage between our parliaments. I am glad that we are debating these reports now. But there are some documents which have been signed by our Head of State. These documents and conventions need to be ratified, or to be approved, by this House, but there is no communication to that effect. For instance, the Protocol on Women Rights was signed by President Kibaki along with other Presidents in 2003. Yet, up to today this country has not ratified that protocol. When we asked the Minister for Sports, Gender and Social Services about it, he told us that the Cabinet had not yet approved it, and that it is only the Cabinet that can ratify it. So, what happens is that we go to the Pan-African Parliament and find that we are lagging behind in ratifying protocols. We were not able to explain to our colleagues from other parliaments, why we, in this House, are not able to effect what has been agreed by our Heads of State. These issues need to be addressed.

Mr. Temporary Deputy Speaker, Sir, finally, I think the Pan African Parliament faces financial challenges. I am saying this because this Parliament, like the African Union, is owned by Africans. Our membership is African, but we really must be able to liberate ourselves from donor funding and donor dependency. It is true that in the Second Session of the Pan-African Parliament I filed a Motion on reparations. It asked our Heads of States to set up a committee with immediate effect at our secretariat in Addis Ababa to determine what kind of reparations need to come to us from those countries that colonised us. Until today, when we have gone through our Third and Fourth Sessions, my Motion has never been put on the Order Paper. I received a formal letter from the Speaker of the Pan-African Parliament, which advised me that the matter was sensitive. That letter went against all the rules of procedure of the House, and I have not been able to see that Motion. Now, I wish to ask: How independent we are? Are we still owned by the West, even at the level of the Pan-African Parliament, because we need donor money to set up our institutions? These are challenges that we must address.

With those few remarks, I beg to support.

Mrs. Mwendwa: Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion and congratulate the Leader of our delegation. As you can see, for once the Pan African Parliament is doing very well. We represent this Parliament on 50-50 basis; we have two gentlemen and two

ladies. This is how parliaments and other institutions should be represented.

Mr. Temporary Deputy Speaker, Sir, our group leader has talked, quite in detail, about how the Pan African Parliament operates. My other colleagues talked about the same and I do not wish to repeat anything that has already been said.

However, I wish to urge the party which has not nominated its Members, that is, KANU, to nominate a lady Member of Parliament. Other countries which are Members of the Pan African Parliament have more than 50 per cent lady Members of Parliament representing their countries.

The Pan African Parliament is new and, like all new institutions, it is faced with quite a number of problems. One of the problems that we have faced is interpretation. If I speak in English in the Pan African Parliament there will be interpreters to interpret the English language into French, Portuguese, Arabic and Kiswahili. Sometimes we are short of translators and we find that to be a big problem. When we break into Committees it is even worse because we do not get as many interpreters as when in the plenary.

Mr. Temporary Deputy Speaker, Sir, I have been very much impressed by the Pan African Parliament because it is actually involved in the wellbeing of Africa. I must commend the Committee which was sent to Darfur to investigate what was going on. We had been given different reports from the UN and other quarters. However, when we sent Members of Parliament from the Pan African Parliament to go on the ground and investigate, we got the proper information with regard to the fighting in Darfur. The information we got was much clearer to us compared to the reports we were getting from the UN and elsewhere.

Mr. Temporary Deputy Speaker, Sir, we also have situations whereby Members of Parliament go to observe elections in other countries. I have been very proud as a Kenya; unlike yesterday. When in the Pan African Parliament, we actually boast like fools, although properly. Why? It is because here in Kenya we conducted our last general elections better than any other African country that I know of. So, we always tell them to come over to Kenya and get people who can show them how to run an open and fair election. If you hear what some countries do, you will realise that they are worse than what we used to be in the 1960s and beyond. They literally pick leaders and say that they have conducted elections. So, we have set a precedent with regard to conducting proper elections. We should be proud of that and share our experiences with other African countries.

It is commendable that, after many years in power, our former President did not say that he wanted to change the Constitution so that he could go for another term in power. Hon. Mwanha did not mention that, but it is true that the Ugandan President has been in power for close to 20 years. For him to go for another five years was quite interesting. I am sure he could have done what he expects to do in the next five years during his previous terms in power. The Pan African Parliament actually stands for good governance, democracy, the rule of law, peace and development in the continent. Therefore, we have in place rules that bar us from going against our own respective constitutions. You know that when you want to change things for yourself you can justify almost anything so that you try to make it legal when it is actually illegal. We were very upset when Heads of States in Africa went to celebrate the installation of a person who had extended his term of office. However, we were happy when the intention of doing the same in Nigeria flopped. We can see the rule of law, acceptance and respect for the constitution being applied.

Mr. Temporary Deputy Speaker, Sir, I would like to talk a bit about the Committee in which I serve in the Pan African Parliament. I am on the Committee on Trade, Customs and Immigration. In this Committee, we work towards harmonising trade, customs and immigration in Africa so that at the end of the day---

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Have you noticed

that the hon. Member seated over there is doing so with his back facing the Chair? Is it in order for him to do that?

The Temporary Deputy Speaker (Mr. M'Mukindia): I notice that and he is certainly out of order! So, the Member should remain warned!

Mrs. Mwendwa: Mr. Temporary Deputy Speaker, Sir, I was talking about the Committee in which I serve. We have 11 Committees in the Pan African Parliament. We try to ensure that at least one Member is in any one of the Committees. I sit in the Committee of Trade, Customs and Immigration. We are working towards harmonisation of trade, customs and immigration so that at the end of day we are going to have one African Chamber of Commerce. Here, we shall strive to ensure that trade is completely open in Africa. Of course, we shall seek to harmonise the currencies, immigration and trade. You can see that it is not going to be an easy task because already we have blocs of trading partners in North Africa, Southern Africa, West Africa and East and Central Africa. We are working hard to find a way of harmonising all these blocs.

It is true that we are not at the same level in whatever activity we undertake. For example, in North Africa, countries such as Egypt and other Arab nations are more developed than us. Look at South Africa! It is not an African country! I can tell you for sure that when you go to South Africa, you will see a country which is in the Continent of Africa and with a lot of Africans, but virtually everything is done like in the developed Western world.

There are no potholes on their roads. I have seen such roads in Germany, which is better than even the United Kingdom. They are very advanced. It is true apartheid was very bad for them. But the silver lining is that they now produce their own cars, their cars are washed by machines. We are trying to harmonise regulations so that trade in North Africa, Southern Africa, Eastern Africa and Central Africa can be equal. So, you can see how difficult this is going to be. But we are determined. The work of the Pan African Parliament is to bring Africa together, and at the end of the day, we will become one country, the United States of Africa. Therefore, issues of trade, customs and immigration are very important.

Mr. Temporary Deputy Speaker, Sir, it is interesting to sit in the Pan African Parliament with other Members and share experiences. But I would say I do not think that we are right there. This is because two-thirds of the bills are footed by South Africa, Libya and Nigeria, just like America spends more money than any other country in the UN. It is discouraging for us not to meet our little side of the bargain. We must do it for us to become a force to reckon with. If we do not do that, we will find it very difficult to develop alone as single states.

With those remarks, I beg to support.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to add my voice in supporting this Motion.

I wish to start by thanking the Members of this Parliament who are representing us in the Pan African Parliament for the good job they are doing there, as reflected by the report that was tabled in this House.

The good things in the Pan African Parliament, including live coverage and good offices are things we can borrow. But I honestly believe that the Pan-African Parliament should not just be a talking shop. How binding are the resolutions that you make in that House? That is critical. A report has been tabled here. If it is passed, what then? What does it mean for Africa?

One of the issues you tackled in those sittings is the fact that some African Governments are now changing their constitutions so that they can accommodate more than two terms for sitting Presidents. I would rather the Pan African Parliament reprimands those African Governments and Parliaments that are actually doing that instead of having singled out President Museveni. I believe there is a Parliament in Uganda that must have assisted in changing the

constitution. So, perhaps, we need to direct our venom towards those types of African Parliaments instead of singling out individuals who are out to extend their terms through the backdoor.

Mr. Temporary Deputy Speaker, Sir, now that we have representatives from this Parliament, it has been mentioned that we are missing one Member from KANU. I guess this should be hurried up so that we have complete representation in that House, and perhaps, request the Members that sit in that Parliament also to popularise the usage of Kiswahili. There are many languages of operation in that Parliament, but it would be interesting to see Mr. Oparanya presenting his case in Swahili as well as the Tanzanians do. That would also go a long way in enhancing the usage of Kiswahili.

It is also ridiculous to hear that, with this kind of representation in that Parliament, Kenya has not paid up. This is something we have to do to avoid embarrassment.

I would like to challenge Members of the Pan African Parliament to seek solutions to some problems which might look like they are African problems. The HIV/AIDS scourge is now turning to be an African problem, especially where you congregate in South Africa, which has one of the highest infection rates in the world. The other issue is famine and hunger, war and corruption. All these are starting to look like African problems. These are issues Members should also be trying to seek solutions to.

Otherwise, I wish to commend the Members who represent us in the Pan African Parliament, and wish them well.

With those remarks, I beg to support.

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion. I want to start by congratulating the African Union for establishing a legislative arm. I was one of the founder Members from this House. I had the privilege to serve in the Pan African Parliament. I also had the privilege to be the first Chairman of the Budget Committee which made the first Budget of the Pan African Parliament approved by the Heads of State in Abuja, Nigeria.

Mr. Temporary Deputy Speaker, Sir, I also want to join my colleagues in congratulating the Republic of South Africa for accepting to host the Pan African Parliament. Indeed, we commend them for the resources they put in place to build the physical facilities of the Pan African Parliament. I think those countries in the continent that are able to assist other African countries to assist the African Union, to further the interests of Africans, should also follow the example of South Africa.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to caution that the agenda of those African countries that are ahead of many of us, should consider our advantages and disadvantages.

For example, the South African Government has said that it has US\$60 billion available for investment in Africa for their pension fund. But, at what cost are they giving us that money? They are giving us that money at a very high cost. For long-term investment, we cannot borrow at 16 per cent. That kind of investment, I do not think, would repay. The rate of return for many good investments is about 13 per cent. So, although we are talking as Africans, I think we should go one mile further to assist our brothers and sisters. If we have money, let us lend it at reasonable rates.

Mr. Temporary Deputy Speaker, Sir, I also want to join my colleagues in saying that when the Pan African Parliament (PAP) was set up the African Union (AU) did not set a legislative agenda; whether what is discussed in that Parliament has any effect on any of the African countries. As it is now, PAP is just advisory. It can just advise the African countries and governments. So, I think we, as the Kenyan Parliament, should send a message that we would like the AU to make that organ effective. Heads of States should come together and agree on a programme on how we can change from the advisory role to the role of making certain legislations. Otherwise, if we do not do

this, it will be a talking shop.

Mr. Temporary Deputy Speaker, Sir, the second issue that I want to raise is about budgets. As I know, the budget is prepared by the Budget Committee and then they present it to Parliament. Then, the President presents it to the Heads of States. We are lucky that the President of the PAP is from the East African region. Kenya played a part to make sure she was elected. Amb. Getrude Mongella, as President, has done this region proud. But when this budget is being presented to the Heads of States, many African countries do not come forward to give their part of the contribution. The AU, as we all know it, with its activities; peace-keeping, operation and maintenance costs, cannot provide enough money to the PAP. So, a way should be found on how countries can be requested to give more money to run it. Otherwise, I do not think it will be effective.

During the AU Summit meeting in Khartoum, there were a lot of problems put on the way for the PAP to get its money. The African countries were not contributing enough of their share.

Mr. Temporary Deputy Speaker, Sir, I also want to join my colleagues in saying that the Members of the PAP should take a message back to their countries about peer review. Peer review basically is about the Heads of States comparing notes on how governance issues are tackled; both political, economic and social. This is an area which already the Africans have agreed on; that to make our continent a better continent to live in, we must self-assess ourselves continuously. The issue which is mostly dominant is that of the Heads of States seeking a third term in office. I think those who have sought a third term have made a bad precedent. We, as Africans, want to agree on how to conduct our affairs.

Secondly, those who have been in office should be able to give direction and open the way. In South Africa, for example, the retired President was very good. He gave hope to the retiring Presidents that nothing will happen to them and that their normal life will continue. They also get hope that they will continue enjoying their benefits and that their countries will proceed in the normal manner. However, if we keep on frightening them, I think this is the issue that brings a lot of problems. Therefore, I would like to join my colleagues in saying that Africans should review their issues constantly.

Mr. Temporary Deputy Speaker, Sir, the other point I would like to make is that as we roll on, we would like Members to this PAP being elected, rather than being nominated by their national parliaments. This will ensure that if we are sending five or ten people from Kenya, they will represent the interests of this country. So, as we continue, the AU should find a way of making the representation elective rather than nomination. This will go a long way to assist the working of PAP.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to say that our Parliament should assist the Members of the PAP. This is because if the budget does not cater for them when they are in Midrand, South Africa, they find it very hard to live there. So, our Parliament should make sure that they take care of our Members when they are in the PAP in South Africa.

I would like to congratulate the Members from the Kenyan Parliament who are in the PAP for the good work for presenting these two reports to this House.

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

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I rise to support the Motion on the two reports on the Pan African Parliament.

The father of Pan Africanism, the late Kwame Nkrumah, once stated: "Seek yee the political kingdom first and all shall be open to you." The late Jaramogi Oginga Odinga also said that a journey of 1,000 miles begins with one step. I believe that in creating the Pan African Parliament, African Governments have made the first step towards Pan Africanism.

Mr. Temporary Deputy Speaker, Sir, it is very important to appreciate the fact that, in

Africa, we need to be together because we have got many problems. The problems of poverty, health and conflicts cannot be gainsaid because they are happening all over Africa, including Kenya.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I beg that I be protected, so that I may concentrate on my contribution.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Order! Hon. Members, please, consult quietly!

Proceed, Mr. Mr. Sungu!

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. I was being distracted.

It is important for us to come together because our problems in Africa are similar. In togetherness, we can do a lot of good to the people of Africa. Kenya has played a very important role in trying to solve problems in neighbouring countries, such as Somalia. We even hosted the fledgling Parliament of the Federal Republic of Somalia. The role that Kenya played through the Inter-Governmental Authority on Development (IGAD) in resolving armed conflicts in Sudan, Eritrea and Ethiopia should not be in vain.

Mr. Temporary Deputy Speaker, Sir, nonetheless, the Pan African Parliament should not be a talking shop like any other parliament. This Parliament is faced with problems of the entire continent of Africa. As I speak, the Chairman of the African Union (AU), to which this Parliament is answerable, is, in fact, from Sudan. Sadly, it is in Sudan itself where there are a lot of problems. We cannot forget the problem of Darfur, where a supposed militia group called *Janjaweed* is funded, armed and supported by the Sudanese Government to kill and maim innocent Africans. It is a shame to the African continent that such atrocities can occur at this time. It shames the Pan African Parliament.

Mr. Temporary Deputy Speaker, Sir, that is why I do not agree with issue of African Peer Review Mechanism (APRM). Peer review means that other Presidents will come and talk with fellow Presidents, or other parliamentarians will come and speak about the crisis here without any tangible results being realised. Will we ever gain anything out of such talks? I dare say that the answer to that question is "no". It is "no" because these people always want to protect themselves. That is why the AU member presidents elected a President who is presiding over an army that is killing innocent people in Darfur to be their Chairman. The people of Sudan are refugees in their own country. We now have to call upon the world to feed and protect them. The AU cannot defend them because we do not have enough money. That is hypocrisy of the first order.

Mr. Temporary Deputy Speaker, Sir, I believe that the Pan African Parliament must now set an agenda for Africa. It must be forward-looking, so that we can call a spade a spade when we talk about African matters in the Pan African Parliament. As Africa matures into democracies individually and collectively, in East, West, South and Central Africa, we must make sure that the Pan African Parliament addresses the issues that affect us.

Peace and security is so important. You may grow countless acres of maize, rice, beans, potatoes or *miraa*, but those commodities will not help you if there is no peace. Prevention of conflicts is very important.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I still crave your protection because I am being distracted by hon. Members who are busy consulting in a very unorthodox manner! Do I have your

protection?

The Temporary Deputy Speaker (Mr. M'Mukindia): You have my protection! Proceed!

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that prevention of conflicts is so important. Without security even in Nairobi City, you cannot move along River Road. So, our people in Africa need the services of the Pan African Parliament. It is a shame to us as a continent and as a country, that we are yet to raise an army for the African Union through the Pan African Parliament. I remember the other day President Yoweri Museveni talking about Somalia in the United Nations. He said: "Before you have a country, the first word is "army, army and army".

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Order! I have been lenient enough to Messrs. Ethuro, Kombo and Murungi. If you continue like that, you know the consequences. Please, give chance to Mr. Sungu to be heard.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I do not know whether the hon. Members consider this debate boring. If they are bored, they could actually withdraw from the Chamber. This matter is so important. I am concerned that this country should look into this aspect. In fact, the Chamber should now be full to capacity when we debate such matters. Therefore, I beseech hon. Members to take this debate seriously and hear the voice of Kisumu.

Mr. Temporary Deputy Speaker, Sir, President Yoweri Museveni said at Safari Park Hotel that all that Somalia needed was an army. You can see what is happening in Somalia. Right now, rival faction groups are fighting in Somalia despite the fact that we have tried to help them over and over again to raise their country from the ashes that the late Siad Barre left. It is, therefore, very important that we look into these issues. We should be able to afford an African army to keep the peace in Darfur, Somalia and elsewhere, instead of relying on the United Nations. That is why we must also look into the issue of coming up with a proper budget for the Pan African Parliament.

Mr. Temporary Deputy Speaker, Sir, we have talked about trade issues. The report actually talks about such issues. However, I am very much worried, just like one of my colleagues who spoke here a few minutes ago, that the report talks of making Africa have a common Chamber of Commerce which will lead to the elimination of Customs Duty and other taxes. We must also look at ourselves. We must be wary of issues of globalization and the problems that come with the process. I am afraid that one day, Kenya may lose its Independence if we do not look at regional issues properly and accept them as they come because they have been forced down our throats by foreigners through foreign ideologies.

Mr. Temporary Deputy Speaker, Sir, I say so because the COMESA Treaty that we ratified is now killing the Kenyan sugar industry. The treaty is now allowing us to compete with Egypt and other more powerful economies. Traders in those countries import sugar from none-COMESA countries, re-pack it and claim that it is Egyptian produce. That way, we end up killing our own industry. If this kind of thing is allowed to happen, it could destroy this country. That is why I want to advise that when it comes to harmonisation of trade and looking afresh into Customs tariffs, that would be fair enough. However, when it comes to eliminating boundaries in terms of trade like we have in the COMESA Treaty, we must tread carefully because we could actually lose our Independence.

I fear that the more powerful nations in Africa will dominate us. We already know of economies which are more powerful than ours because they relied on apartheid. I hate apartheid to the bone. I am really sympathetic to an hon. Member of this House who appeared to somehow glorify apartheid, arguing that it did build South Africa. Whatever comes out of anything devilish is

devilish. Therefore, the Pan African Parliament should as well represent the aspirations of Kenyans and this Parliament which appointed hon. Members to that Parliament.

Mr. Temporary Deputy Speaker, Sir, I would like to repeat what has already been said by one of my colleagues; that, it is high time hon. Members of the East African Legislative Assembly and those of the Pan African Parliament from Kenya to be elected directly by the Kenyan public during general elections.

With those few remarks, I beg to support.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I rise in support of this Motion.

I have been looking at what the objective or the mandate of the Pan African Parliament (PAP) is. It is clear that, among other things, its role is to facilitate the effective implementation of the policies and objectives of the African Union (AU), AEC and ultimately, the African Union. It is also there to promote the issues of human rights and democracy in Africa, encourage good governance, transparency and accountability in member States. It is also supposed to promote peace, security and stability, facilitate co-operation and development in Africa and strengthen continental solidarity and build a sense of common destiny among the people of Africa. This is the first Pan African Parliament and its term is coming to an end. So, these are the pioneer hon. Members of this Assembly. It is expected that once African nations nominate their hon. Members to this Assembly, it is for the hon. Members to develop the Assembly to become effective in its duties.

Mr. Temporary Deputy Speaker, Sir, I have listened to my colleague who was just contributing and I appreciate the frustrations that some of us may feel because we are not moving fast enough. The duty is not with the member States, but with us as Parliaments, especially our nominees who sit in the PAP. Therefore, they should take the collective thinking of the House. We must be asking ourselves whether we have set adequate mechanisms where the hon. Members who represent this National Assembly can get the collective thinking of this Assembly to input into the PAP. If it is on the issues of peace-keeping, have we input our thoughts into the minds of the hon. Members who represent us, so that the idea of having a Pan African peace-keeping force becomes an agenda in the PAP?

The responsibility of steering the unity and mutual support of African States rests with the National Assemblies of Africa because they are the ones who nominate hon. Members to the PAP. So, let us think of ways and means of enriching their debates by ensuring that we have forums where we can liaise with our hon. Members, not necessarily by waiting for the reports, but also by interacting with them before they go to debate to ensure that they reflect collective thinking of the people. I would urge the hon. Members who are representing us in the PAP to get the entire HANSARD of this debate, because it is going to represent the collective thinking of the Membership of this House, so that the good contributions from all the hon. Members can act as their guide when they go to that Parliament.

Mr. Temporary Deputy Speaker, Sir, we share a common destiny and similar problems. When you look at the issues that PAP has deliberated on, you will find that they all affect us as Africans in one way or the other. Issues of insecurity in Africa are shared across the board. If the neighbouring State has a problem of insecurity, it affects the neighbouring State. We cannot speak about the situation in Somalia without speaking about the insecurity in our borders with Somalia. We cannot talk about the situation in any country that is our neighbour without seeing the ripple effects into the next State.

It is, therefore, in our common interest that we seriously look into the issues of security and the issues of having a peace-keeping force, but bearing in mind also that as developing countries, we may have problems of sustaining budgetary provisions for such a peace-keeping force. We need

to be asking ourselves how much each country loses every year due to insecurity. If we evaluate that cost, we would realise that we should each be devoting some amount of money to issues of peace-keeping to enable development to take place in our countries and in our continent.

I can see that PAP debated the issue of how Africa can achieve the Millennium Development Goals. First on the agenda was a very relevant issue, namely, the imbalance in power-sharing. I am sure this did not relate to Africa. It is the imbalance in power-sharing in the world because that influences the pace at which we develop. They cited the lack of consensus among the great powers with regard to crucial issues. Even in the United Nations, it emerges that most countries are paying lip service to most issues. Even though the developed countries committed themselves to helping the developing countries to achieve the Millennium Development Goals, there is no sufficient support coming from those quarters. I know that most of our nations, Kenya included, are struggling to achieve the Millennium Development Goals.

The best way for us to achieve the Millennium Development Goals is not by stretching the begging bowl to the developed nations, but through fair trade, so that our commodities can receive their fair value and then we can develop using our own resources. If there was a fair trade for our agricultural products like tea, coffee, flowers and other horticultural products and we did not encourage cartels that rip-off the farmers and transfer the benefits of farming to the developed nations instead of transferring them to the developing nations, we would not require aid. I, therefore, think that it is the duty of Parliamentarians who are representing us in the PAP to address these issues squarely, so that Africa can negotiate as a block when we attend the World Trade Organisation (WTO) meetings. When we go to those meetings, we should be approaching the issues as a block and then we can benefit as a continent.

I have seen that the issue of natural resources is one of the issues that PAP discussed. They talked of having a common policy on the natural resources. The abundance of natural resources in Africa has proved to be a source of insecurity. Foreign powers promote internal civil wars which facilitate the looting of natural resources through conglomerates. That is what is happening in the Horn of Africa. One has to just look around and see who is supporting which fight and fuelling civil wars in Africa. We need to approach these issues and have a common policy about exploitation of our natural resources.

Mr. Temporary Deputy Speaker, Sir, some African countries that are so rich in natural resources are classified as some of the poorest countries in the world. This is a paradox! Africa is still supporting the development of the Western world at its own expense through lack of proper policies in relation to the way we utilise our natural resources through the existing oppressive world trade regime. These are the issues that we entrust the PAP with, and as I keep on saying, enriched by our contribution as an Assembly, we will be able to tackle them.

I am happy to note that PAP has started addressing these issues. That is why we need to make our contribution now, so that our representatives can take the issues forward for the benefit of Africa. It is gratifying to know that one of the areas of concern; HIV/AIDS scourge which is ravaging Africa, is also being addressed by the Pan-African Parliament (PAP). Issues of poverty, which are interlinked with natural resources and fair trade, were also part of the discussions that took place.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate our representatives and the entire PAP for showing that, even in their first term, they are tackling issues that are of concern to us. We ask them to build up on that. I have heard my colleagues saying that they should be elected directly. I do not know whether it is the right time for that. However, it is the right time for the issue to be mooted, so that it is given due consideration. We need to look at the implications and what constituencies will be created for the election of such Members. Let this debate go on, so that we can enrich PAP, then it can come up with rules that will govern Member States to go to direct

elections. But for now, the rules are that national assemblies of member-countries nominate Members.

Mr. Temporary Deputy Speaker, Sir, I heard a colleague say that one slot for Kenya is vacant, and it belongs to a particular political party. I agree that one slot is vacant, but I do not think it is correct to ascribe it to any political party. When party leaders in this House sit down, they will allocate it depending on the current realities of affiliations in this House.

Mr. Temporary Deputy Speaker, Sir, the Ninth Parliament has been very dynamic in terms of alignments. Like I have said before, we will need to look at our rules to see whether what is happening militates against internal party discipline and growth of democracy. We can address it so that the next Parliament does not have the kind of dynamism that has been exhibited by this Parliament, which I once referred to as "migration".

Mr. Temporary Deputy Speaker, Sir, once we cure that, the formulae that normally obtain when there is sharing of slots in this Parliament will be used. But as for now, it is not easy to discern which slot falls where, without people sitting down and seriously negotiating. However, the term of PAP Members has only two months left. Therefore, as we elect Members for the next term, it will be the headache of this House to work out arrangements which will help us achieve that. It will be the same thing for the East African Legislative Assembly. Last time, when we elected Members, the power arrangements were different. Now that we will be electing Members again, the power arrangements are different. We need to start thinking about those issues and come up with formulae that will represent the reality on the ground. That is something that most institutions are not taking cognisance of. I have seen institutions writing and saying that such and such a slot belongs to this or that party, without considering the realities on the ground as they are today. We need to deal with that issue.

I have looked at the resolutions and recommendations and I support them. I am happy to note that, while the past resolution is calling for member-states that have not signed the Peer Review Mechanism to do so, Kenya has not only signed it, but it submitted itself to be the first in the Peer Review Mechanism. That is not because we are perfect. We are not afraid to be assessed, so that our strengths and weaknesses could be pointed out. That is the only way we can grow as a democracy and nurture transparency and accountability.

Mr. Temporary Deputy Speaker, Sir, we also note that, even before the Peer Review Mechanism came up, by sheer proximity to our neighbours, we cannot be blind to the fact that, what happens within the neighbouring countries affects us. Hon. Members will recall that when the multi-party wave came in the early 1990s, and Tanzania went multi-party first, countries like Zambia and Kenya followed suit. The wave went throughout Africa. It was preceded by a pro-democracy wave that went throughout Eastern Europe and the former Eastern Block. So, we really cannot say that we are not our brother's keeper because whatever happens influences us either negatively or positively. Therefore, it is easy to see the reasoning behind the Peer Review Mechanism. It may be that, that mechanism does not impose sanctions on the defaulters. Those issues were raised by Mr. Sungu. Parliament can look at those issues and see how we can strengthen them and have a method of sanctions. Where there are serious human rights violations or violations of an agreed code of conduct or protocol, there are sanctions on a member-state to force it to conform. That way, the effects of the breach will not negatively affect any one member-state or its citizens.

In other words, can we have a mechanism - like in the developed world - where we can intervene before the situation gets out of hand? We need to look at those issues. Although we may say that we are weak in our budget, the question is: Is it not more expensive to address the issues after a disaster? Recently, this country incurred debts during the Sudanese and Somalia peace processes. The reasoning behind it was that, it is more costly to have a neighbour in turmoil than to

help address that problem. That is the philosophy that ought to guide all of us. It has been applied elsewhere in Africa. We must pull our meagre resources together to intervene in each others' woes before it is a total disaster. West African nations, under the umbrella of ECOWAS, once intervened in one of their countries when there was turmoil. Although they do not have adequate capacity to intervene continuously, it shows that, together, African nations can do something to stop the useless civil wars that lead to the continued rape of Africa's natural resources by the western conglomerates.

Mr. Temporary Deputy Speaker, Sir, all in all, I want to commend PAP and, especially, our representatives there. On behalf of the Government, I support the adoption of this Report.

With those many remarks, I beg to support.

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, I think you have given sufficient hearing to this Motion. I would like to ask Mr. Oparanya to say a few words in conclusion, before we finalise the matter.

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, if you do not mind, let me donate my five minutes to hon. Ethuro to say something and then I will reply.

The Temporary Deputy Speaker (Mr. M'Mukindia): That is fine.

The Assistant Minister for Planning and National Development (Mr. Ethuro): Thank you, Mr. Temporary Deputy Speaker, Sir. I really do not have much to say, but I wanted to use this opportunity to affirm the spirit of the unity of the African people, which we are now exhibiting through the African Union (AU) and also giving that voice through the Pan-African Parliament (PAP).

I think this continent requires more bonding than never before. If you look at the economic trends internationally, each of the continents are coming together. We are talking of the European Union (EU). Of course, you know the exploits and the achievements of the United States of America (USA), and it is only natural that we in Africa should be able to come together, if not for any other reason but for our own survival.

Mr. Temporary Deputy Speaker, Sir, this is a continent that has registered some of the poorest countries in the Least Developed Countries (LDCs); that the people are still going hungry when we have big rivers like River Congo which can supply hydro-electric power to the rest of Africa and even to parts of Europe. The potential of Africa needs to be realised and this can only be realised when we have regional blocs that can come together in order to exploit our natural resources. However, you will realise that we have so many blocs when we should be looking forward to only one bloc. I want to believe that Kenyan Members of the PAP should be able to take that agenda forward so that we reduce the regional blocs that we have. We have a few that can manage and actually push our agenda.

Mr. Temporary Deputy Speaker, Sir, if you take Kenya in particular, we are in the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC), and we cannot even be able to agree on a single currency so that our people can be able to move freely within the region. I want to say that this is one issue that is bothering us, particularly for those of us who come from the border areas. These artificial borders created by the colonialists without taking into consideration that our people cut across these boundaries is what is causing problems for us.

With those few remarks, I support the Motion.

Mr. Oparanya: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I take this opportunity to thank all the hon. Members who have contributed to this Motion. Secondly, I also take this opportunity to thank the Kenya Government which has enabled my delegation to attend all parliamentary and committee sessions without any financial problems.

Mr. Temporary Deputy Speaker, Sir, as an organisation that is coming up, the PAP faces some challenges which have been highlighted by some of the speakers, more so those who are its

Members. However, the most important challenge is lack of finance. The PAP has been experiencing financial problems and this is because most of the countries are in arrears and most of the African states belong to various organisations in Africa. You will find that Kenya belongs to the AU, Inter-Governmental Authority for Development (IGAD), COMESA and the EAC, and all these organisations require contributions from this country. Sometimes it is a problem for the countries to meet their various obligations if they have to contribute to so many organisations within the African region, and that is an area that we need to address.

Mr. Temporary Deputy Speaker, Sir, the other issue is that this year, the Heads of State decided that five African states; that is Algeria, Nigeria, Libya, Egypt and South Africa will contribute 75 per cent of the AU budget, and obviously if they are doing so then they are going to have the major say in all that happens in Africa. This was a mistake that the Heads of State made, to allow five countries to contribute 75 per cent of the budget and only 25 per cent is left for the other 53 states to contribute.

You will find that last year, Kenya contributed about 4.1 per cent but because of the new arrangement, it has been reduced to contribute only 1.4 per cent. So, the other countries had to forfeit some of the fraction to the other five states, which means they will have a major say, in what happens in Africa. If they have a major say it means all the appointments at AU and so on, will be wholly decided by them.

Mr. Temporary Deputy Speaker, Sir, the PAP has been very vocal especially on those countries that do not respect their constitutions.

In Uganda, the presidential term limit was extended and it has also happened in Benin. So, two countries have already extended their presidential terms by amending their own constitution. The PAP is categorical that this extension of presidential terms is a bad precedent and should not be encouraged or tolerated. I should thank the Nigerian Parliament for having rejected the extension of the term of the current President, who has been the former Chairman of the AU.

Mr. Temporary Deputy Speaker, Sir, I would also take this opportunity to request those member countries who have not ratified the PAP Protocol to do so because we have 54 independent countries in Africa but Morocco pulled out of the AU because of the problem of Saharawi. In fact, 53 countries remained in the AU and out of these countries, 46 of them have ratified the PAP Protocol leaving out the seven which are yet to do so, and I will use this opportunity to request the seven countries to ratify the PAP protocol.

Mr. Temporary Deputy Speaker, Sir, the other issue is that as a delegation from Kenya, we have been experiencing problems dealing with the officials of the Ministry of Foreign Affairs. As I said earlier, resolutions that we passed at the PAP were transmitted to the summit, which is usually held twice a year in January and July of every year. The Ministry officials are the ones who accompany the President to those summits and we are not given a chance even to brief the President on what has gone on and why some resolutions had to be agreed on. I request the Minister for Foreign Affairs to grant us that chance because it is being given to the other member states.

Mr. Temporary Deputy Speaker, Sir, the PAP has given us quite a bit of experience as Members of that Parliament because we have had an opportunity of going to missions on observation of elections in other countries. As my colleague said, Kenya is doing very well since elections in this country are quite fair and free, compared to other countries that we have had opportunities to observe their elections.

Mr. Temporary Deputy Speaker, Sir, the other experiences that Members of the PAP have had is that we have discussed the New Partnership for African Development (NEPAD) working environment, how the United Nations Security Council and the Peace and Security Council work in Africa. Now the Members of the PAP are well updated on those issues.

Mr. Temporary Deputy Speaker, Sir, as Members of that delegation, we have also promoted the idea of the Constituency Development Fund (CDF) because other Members from other countries have been interested in knowing how it works in this country. I was once given an opportunity to explain how the CDF works and most of the African states have said that they will send delegations here so that the same concept is introduced in their countries. Kenya, as a country, is respected because of its democratic principles, and especially freedom of speech that is being experienced under the NARC Government.

There are also issues that we have learnt from hon. Members from other countries. Some of these issues include opinions they have formed about Kenya. One of the issues that keeps on coming up when we meet our colleagues in the Pan-African Parliament (PAP) is that of corruption. They feel that Kenya is one of the leading corrupt countries in Africa. This is an issue we need to address urgently. They also feel that Kenyan hon. Members are selfish because they keep on increasing their allowances. These are issues that come up and it is important that I mention them to my colleagues, so that we are aware of what other hon. Members of Parliament from other countries think about us.

Mr. Temporary Deputy Speaker, Sir, I chair the Committee on Monetary and Financial Affairs of the PAP. I have had an opportunity of leading several delegations of the PAP to various capitals in Africa. I have found out that Kenya has done very well in most areas in terms of security, cleanliness of our cities and so on. However, there is one area that Kenya is performing very poorly. That is on the issue of infrastructure. I have visited about 10 countries in Africa, and I have noticed that infrastructure in Kenya is in a very poor state. I hope that since the Minister for Finance will present the Budget tomorrow, that issue of infrastructure will be addressed very seriously if we have to compete with other African states.

Mr. Temporary Deputy Speaker, Sir, I hope that by establishing the PAP, we shall consolidate the vision of the African people, so that we have one united States of Africa in future.

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

(Question put and agreed to)

ADOPTION OF DEFENCE COMMITTEE REPORTS ON STUDY
TOURS TO THE DRC AND DJIBOUTI

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

(i) THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Study Visit to the Republic of Djibouti from 6th to 8th September, 2005, laid on the Table of the House on Wednesday, 26th April, 2006.

(ii) THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Study Visit to the Republic of Congo (DRC) from 15th to 18th September, 2005, laid on the Table of the House on Wednesday, 26th April, 2006.

Mr. Temporary Deputy Speaker, Sir, these are two very short reports because the broad picture has already been represented by the previous Motion. The previous Motion talked about the entire Africa. I support that Motion very strongly. I reserved my comments because I was going to address this Motion. I am very conversant with this issues because my line of training is international relations. I would have really liked to support my friend by contributing to the Motion, but I did so in that spirit.

Mr. Temporary Deputy Speaker, Sir, this report is very short indeed. I hope hon. Members will adopt it before the House rises because from tomorrow it will be very difficult to have a simple Motion like this one get an opportunity to go through. Since everything has been put down and explained, I would like to go through this report, starting from the introduction, which is very clear. Our mandate has been well explained on page one. The Ministries that we deal with are also explained on the same page on the report on Djibouti. The membership is also fully elaborated. I am sure hon. Members have had an opportunity to look at this report. This is a simple and straightforward matter.

On the background of the visit to Djibouti, I would like to laud the Chair for ably heading this delegation. I want to thank the Chair from the Floor of the House for a well done job. As your Chairman, I was very satisfied with you for heading this delegation. You also had very good support from all hon. Members of the delegation. That is why the report is very clear.

The purpose of the visit to Djibouti was as a result of the meeting we held in Kigali, Rwanda. We held the first meeting of the Inter-Parliamentary Forum, which is a Kenyan baby. The Kenyan Parliament, through the Departmental Committee on Defence and Foreign Relations, decided to form an organisation in the name of the Great Lakes and the Horn of Africa Region. We formed a forum where only hon. Members of Parliament will have an opportunity to dialogue among themselves, to discuss issues affecting regional relations and also conflicts in the region. Some of the countries which did not turn up for our meeting in Rwanda included the DRC, Djibouti and also Ethiopia. The meeting in Kigali decided that we start a new mission to visit and explain to the DRC, Djibouti, Ethiopia and Eritrea the purpose of the forum. That was a resolution that was decided on by the Kigali meeting. That went on very well and that is what is partly explained here in this document.

Mr. Temporary Deputy Speaker, Sir, the Committee was hosted by the countries that we visited. These countries understood this matter very clearly and they gave very strong support on the idea of hon. Members of Parliament propagating that forum which will be used as parliamentary diplomacy. As it is now, regional diplomacy is left to the Ministries in respective countries. However, we decided, as hon. Members of Parliament, to form this type of forum where we shall complement the Ministries in the region in terms of bringing them together. We have had the experience that when hon. Members of Parliament are talking to each other, they become frank because they are not restrained by diplomatic etiquette. Most of the time the Minister for Foreign Affairs spends a lot of time talking about things without clearly addressing them. This has also happened during the Heads of States meetings. We have a problem of trying to please each other. However, when hon. Members of Parliament meet, it is our experience that they are very open to each other, just like we are open to each other here. We are only divided by artificial boundaries, which were left by the colonial governments. Those boundaries divided our nations. For example, you will find a majority of Luhyas are in Uganda, while some of them are in Kenya. The same case applies to the Maasai. So, we decided that the only way to get somewhere was to get the Maasai, through parliamentary diplomacy of Tanzanian Members of Parliament and also hon. Members of Kenya, to have political dialogue where they can evenly thrash out their problems.

Mr. Temporary Deputy Speaker, Sir, I hope that you have looked at these reports, and that you have also listened to the report; I think this parliamentary forum is our baby. We want to thank the Government, through Parliament and the Speaker of the National Assembly, because they have supported this mission and ideas. That is very welcome. The next meeting is expected to be held in Sudan at the end of July, 2006. We think that this kind of parliamentary diplomacy and the forum will be supported all the time.

Similarly, Mr. Temporary Deputy Speaker, Sir, we also visited Kinshasa, in the Democratic Republic of Congo (DRC), and we explained to the hon. Members there, who are counterparts, and

who were not able to come to the Kigali meeting because of logistical reasons. They also supported the move. In the same token, I also went to Ethiopia where I had a meeting with the Speaker of the Ethiopian Parliament. He strongly supported this position. There are quite a number of things that these Members of Parliament learnt from us, for example, the Parliamentary Service Commission (PSC). Most Members of Parliament there wanted to know how it had come about and how it is operated. We all benefited from each other. We exchanged notes with them and that way, we got closer.

I remember the first time we went to Tanzania, we did not agree very well because they thought that Kenyans were just a bunch of proud men and women who do not appreciate the kind of business they do with others. We also encountered the same scenario in Uganda. They are our biggest business partner. We are quite happy that the Government of Kenya has appointed a very able ambassador to replace the one who was there previously. The philosophy of the Departmental Committee on Defence and Foreign Relations is to make sure that we get good ambassadors to the countries we do business with us, or where our trade is enormous. For example, previously, during the Cold War, the best ambassador was expected to be in places like New York, London, and so forth. But now, through our Committee, they have accepted our proposal that we need to post ambassadors to countries we trade with. I want to thank the Ministry of Foreign Affairs for that. We also need to get the best out of that arrangement because the war today is not of military but economic nature. I would also like to call it "economic diplomacy".

Mr. Temporary Deputy Speaker, Sir, I know that my friends would like to contribute to this Motion, and I urge Parliament to consider that we will not have any other chance once the Budget debate starts after tomorrow. Therefore, I would like to give my colleagues this opportunity so that by the time the House rises, we will have finished debating these reports.

It is now my humble duty to present and commend this report to the House.

With these few remarks, I beg to move.

The Minister for Transport (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion. In doing so, I wish, on the outset, to congratulate the Chairman and the Members of the Departmental Committee on Defence and Foreign Relations for the excellent work they are doing as a watchdog Committee on the Ministries concerned, and in this respect, for what they have contributed to the success of the Ministry of Foreign Affairs. I am saying this because I served as the Minister for Foreign Affairs at the time they made these visits, and I must admit that I benefitted tremendously from their observations and recommendations arising from the visits they made.

The concept of organizing an inter-Parliamentary Committee or forum that advises parliamentary democracy for the region is a very welcome idea. It has done a lot in fostering closeness between countries of the region and in ensuring that we have co-ordinated initiatives in bringing about peace and stability in the region. We all know that the Horn of Africa and the Great Lakes regions have been areas of turmoil, with a lot of lives lost, and instability whose effects have gone beyond the borders of those countries. Many countries have been affected in one way or the other.

Mr. Temporary Deputy Speaker, Sir, there is the problem of the infiltration of small arms from the northern part of the region as well as from Central Africa and the Great Lakes Region, but through dialogue and interaction between and among leaders, particularly elected leaders, most of these problems can be contained and, in the process, make our region a very peaceful one. It is very important for us as African countries to know that our survival depends on our economic success and advancements. The meetings which have been held have opened up a chapter of charting the way forward to ensure that we co-operate more closely in the advancement of our economies. I will take the example of the Committee's visit to the DRC. We all know that the DRC is the fourth-

largest trading partner with Kenya. In fact, it is the fourth-largest country that receives goods manufactured in Kenya. It is, therefore, a very important trading partner for Kenya. Our economy depends, to a large extent, on the activities, peace and stability in the DRC.

Mr. Temporary Deputy Speaker, Sir, I am pleased that the Committee came up with very constructive recommendations, which were taken up immediately by ourselves. I recall that the then Minister for Foreign Affairs, and I happened to be the one, made an immediate visit to the DRC to advance the exact points that this Committee recommended; that is to open up dialogue at that level of ministerial interaction, and also delivered a special message to His Excellency the President. That message included a very important section where he invited the President of that country to make an official visit to Kenya at an appropriate time. They will have their elections some time next month. I am sure that thereafter, we will receive a positive response and the country will be informed accordingly.

Mr. Temporary Deputy Speaker, Sir, trade is extremely important. However, trade without peace and the availability of appropriate infrastructure becomes meaningless. The northern corridor is the lifeline of the eastern part of the Democratic Republic of Congo (DRC). We, on our part, have to do a lot more to ensure that the corridor is maintained and developed to withstand the heavy weight of luggage, both on road and rail, for the purposes of opening up meaningful trade with the DRC and other countries such as Rwanda, Burundi and even Uganda. What I am saying is all contained in the Report that was tabled by the Committee. There are a lot more issues that have already been acted upon. One example is to open up flights to the DRC; to implement the Bi-lateral Air Agreement, to ensure that we have flights to other capitals of the DRC.

Mr. Temporary Deputy Speaker, Sir, soon after this Committee's visit to the DRC, the Kenya Airways (KQ) started flights to Lubumbashi in the south-eastern part of the DRC. This is a development that was initiated soon after the visit and upon receipt of the Report.

We are extremely grateful for what the Committee is doing. I am sure that we shall benefit a lot more from the interaction with other elected leaders in the region. I have just mentioned the DRC, but, indeed, the visit to Djibouti opened up chapters of greater co-operation and advancement and exchange of development initiatives between our countries.

It should be noted that this concept has already been considered by other regions of Africa. Many countries in Africa do not have meaningful avenues for interacting very closely on areas that relate to neighbouring countries to advance trade and other areas of co-operation. It is a concept that I am sure, if adopted fully by other regions in Africa, will contribute to that intended objective of ensuring that Africa as a continent benefits more from intra-trade; that is trade between our countries, over and above international trade with other continents.

Mr. Temporary Deputy Speaker, Sir, once again, I would like to mention that the Committee has made recommendations that have been implemented. I will give another example that is extremely useful and needs to be taken into consideration. Those are matters relating to security. There is a problem of wars that we all know about, and Kenya has been contributing troops to many of these countries. Of course, these troops are contributed and many people just read of the decisions made from the media. However, when legislators and policymakers meet to chart the way forward, that co-operation becomes more meaningful. I can assure you that Kenya is held dearly and highly as a country that has contributed to the peace and security of the region. I know that the DRC will sooner or later approach us for assistance in training some of their police officers and other peace-keeping people within their internal security arrangement.

At this juncture, I would like to once again reiterate my support in seconding this Motion. I would also like to urge the House to give it equal support and to adopt both the Reports and the input that was made by the Chairman.

With those few remarks, I beg to second.

(Question proposed)

Capt. Nakitare: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take only five minutes because I realise that there is little time left before the House is adjourned.

I stand to support this Motion with a lot of observation, particularly having been an hon. Member of this Committee. I participated in both visits. One thing that I would like to address and point out to this House is the fact that this Committee also deals with foreign relations. While I completely commend the contents of the Report, I would also like to emphasise the events that came up recently, where foreigners invaded this country and dented our image. This Committee was supposed to be on the forefront to deal with that issue of foreigners who spoil our reputation. However, much has been said by my colleagues, and I have said that I will only take five minutes. It is important for us, as hon. Members of this Committee, to emphasise the co-operation and also address the issues against which developed countries are dumping arms in this country and in Africa as a whole. We had a bitter experience in the DRC. It is a history for us, and it is a big lesson. I am completely against any country that sells arms to Africans to fight amongst themselves.

Mr. Temporary Deputy Speaker, Sir, on the issue of polarised situations; economic, political and socio-economic conditions in Africa, where we are scrambling to get our economy on its feet, our leaders must come together and understand the reason why we are against proliferation of these arms. The question of African refugees must be addressed. So many of our people have been displaced because of military juntas and tribal clashes. Therefore, as an hon. Member of the Departmental Committee on Defence and Foreign Relations, I support this Motion and terminate my contribution to give my colleagues a chance to speak and probably bring the Motion to the end.

With those few remarks, I beg to support.

Maj-Gen. Nkaiserry: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support and recommend that the reports on both the visits to Djibouti and the DRC be adopted by this House.

As a member of this very important Committee, I have some points to make. Kenya is strategically located in the Horn of Africa, but unless we engage in very active participation in the political arena of the region, we may be left behind. We are equally a most important and peaceful country in this region. The mission of the Committee is to promote parliamentary diplomacy. It means that in our region our Parliament is in a position to lead the way in democratisation, demanding for good governance, economic co-operation and enhancing transparency and accountability in our region.

I am saying this because when we look at the economy of the region we see that we need to enhance our diplomatic relations with other countries. I am glad that the Minister for Foreign Affairs is here. We had an opportunity to meet him. We told him why we need, as a country, to have an effective ambassador to the DRC in order to be able to market our image and goods in that country. We heard from him that the DRC is the fourth largest trading partner with Kenya. We proposed, after our visit, that a consulate be opened in Goma in eastern Congo. In that way, all our goods will be easily marketed, hence we will be able to increase our trade in the DRC.

Mr. Temporary Deputy Speaker, Sir, our recommendations will have far reaching impact on our economy. They will also improve our diplomatic relations with other countries. When you look at the situation obtaining in DRC you will realise that we are likely to have a UN peacekeeping force stationed in that country. Kenya should actually be in the forefront in the region in sending peacekeeping forces to this country for two reasons. First, it will be useful economically because dollars will be sent back to Kenya by the peace keepers. Two, it will make it a leader in the

Great Lakes Region in military and political matters. We request that this House urges the Ministry of Foreign Affairs to adopt our recommendations.

With those few remarks, I beg to support.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise in support of this Motion on behalf of the Government. It flows very logically with the Motion on the Reports on the Pan-African Parliament, which we have just adopted. This Motion is about forging stronger links and co-operation with our neighbours for the mutual benefits of our people.

I have seen the recommendations of the Committee, that the Government should invite His Excellency the President of the DRC, President Kabila, to make an official visit here to strengthen our political, economic, security and cultural co-operation. There is also the recommendation that the Minister for Foreign Affairs should officially visit DRC to affirm Kenya's recognition of the Government there and enhance our bilateral co-operation, and that the joint commission between Kenya and DRC be revived as soon possible to explore opportunities for co-operation in trade, tourism, infrastructure and agricultural interests.

Mr. Temporary Deputy Speaker, Sir, a further recommendation is that we should support the transitional process in DRC. This will include many areas such as training of the military personnel, police officers, electoral officers and many others. We support this Motion. It is in our interests and in the interests of the continent that we forge greater links.

I commend this Committee for making these visits and we will look into accelerating the implementation of its recommendations.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, you will agree with me that we have given this Motion sufficient coverage and hearing. As the hon. Ms. Karua said, it flows from the Motion we debated a while ago.

I will now call upon the Mover to reply.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, for the good of this House and the Report before this House, I wish to urge hon. Members to agree with the Report.

I also want to thank hon. Members who have contributed to the debate on this Report. We feel satisfied, as hon. Members of the Committee, with the reaction of this House in supporting this Motion.

With those remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 15th June, 2006 at 2.30 p.m.

The House rose at 6.30 p.m.