

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 31st March, 2005

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

INTRODUCTION OF INFORMAL SECTOR SMALL ENTERPRISES AND HAWKING BILL

Mr. Wamwere: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:- THAT, noting with concern the growth and proliferation of uncontrolled small-scale enterprises, and hawking on our streets and road reserves and appreciating that this informal sector is our main source of livelihood for overwhelming majority of our urban population who cannot procure jobs or who have been retrenched or fired, and aware that this sector of our population needs to be economically empowered and given legal protection and recognition; this House do grant leave for the introduction of a Bill for an Act of Parliament entitled the Informal Sector (Small Enterprises and Hawking Bill) to establish a regulatory and oversight authority to provide for macro-finance to small business enterprises and to the hawking fraternity.

INTRODUCTION OF HEROES BILL

THAT, whereas Kenya has its heroes and heroines who have contributed in a special way to our liberation and development in various sectors over the years and aware that these heroes and heroines deserve a place in our history as a nation; this House urges the Government to bring up a legislation to establish a heroes Act for the burial of these heroes and to provide for assistance for naming our streets and institutions after the departed heroes.

DISTRIBUTION OF IDLE LAND TO LANDLESS PEOPLE

Kwamba, ikieleweka kuwa ardhi ni raslimali iliyo kusudiwa kutumiwa na Wakenya wote, na wala si kutajirisha wachache, ikifahamika kuwa ardhi isiyolimwa au kutumiwa imezagaa kote nchini, huku kaumu ya Wakenya wakibaki bila kazi au ardhi ya kufanyia kilimo; Bunge hili
linahiimiza Serikali kupunguza umaskini huu kwa kuchukua hatua kabambe kama vile kuitoza

kodi ardhi isiyotumika au kuinunua na kuwagawanyia raia ardhi inayolipiwa kodi bila kutumika au iweke kiwango cha ardhi kitakachokuwa halali kumilikiwa na mtu binafsi.

REVIEW OF MINIMUM
WAGE GUIDELINES

Kwamba, ikieleweka kuwa wafanyakazi wengi katika nchi hii wamesononeka kwa muda mrefu kutokana na malipo duni walipwayo kufanya kazi kama vibarua kwa miaka mingi na kubaguliwa kazini kwa misingi ya kikabila au rangi yao; Bunge hili linahimiza Serikali iongeze kiwango cha chini cha malipo ya wafanyakazi ili waweze kuimudu gharama ya maisha, iwape ahadi ya kudumu wafanyakazi vibarua waliofanya kazi kwa miaka mingi, iwape uhuru wa kujiunga na chama chochote cha wafanyakazi na ikomeshe kabisa ubaguzi wa rangi au wa kikabila mahali pa kazi.

ORAL ANSWERS TO QUESTIONS

Question No.002

REFUNDING OF ANGLO LEASING
MONEY TO CBK

Mr. Ndolo asked the Minister for Finance:-

- (a) whether he could inform the House how much money was returned to the Central Bank of Kenya from transactions relating to Anglo Leasing;
- (b) if he could further inform the House the account where the money was paid; and,
- (c) who the signatories of the account are.

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

(a) The total amount returned to the Exchequer through the Central Bank of Kenya (CBK) from transactions relating to Anglo Leasing and Finance Company Ltd is Kshs468,656,509.45. This is related to both the Forensic Laboratory Project and the Immigration Security Project. Information available on Telegraphic Transfer (TT) shows that payments were transmitted to the CBK by Schroder and Company Bank AG, Zurich on instructions from their client Anglo Leasing and Finance Company Ltd.

(b) The funds were paid into GOK accounts held with the Central Bank as follows:-

(i) Kshs375 million for the Forensic Laboratory Project was credited to the Paymaster-General CFS Public Debt Account R-050. The signatories to Paymaster-General CFS account are: The first signatory is either the Senior Principal Accounts Controller, Mr. Kingathia or his Deputy Mr. B. Kinyagia. The second signatory is either the Chief Accountant in Public Debt Section, currently Mr. Githuga or Accountant 1, Mr. J. Aomo.

(ii) Kshs93 million for the Immigration Security Project was credited to the Recurrent Account of the Ministry of Home Affairs, PMG R-005. The signatories to the Recurrent Account of to the Ministry of Home Affairs, Immigration and Registration of Persons, is the Principal Accounts Controller, Mr. Benjamin Andayi and Chief Accountant, Mr. George Ouma and other senior officials, namely, Mr. John Mokaya Bongoko and Edward Kariuki Chobi.

(c) Signatories to the Government Accounts are as I have given above.

Mr. Ndolo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer even though I did not get a written reply.

However, the Assistant Minister has told this House that Kshs468 million was returned. There

is still a balance of about Kshs500,000. Where is the rest of that money? Why was that money returned in the first place?

Dr. Godana: On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Member meant to say Kshs500 million, not Kshs500,000, just for the record.

Mr. Deputy Speaker: Mr. Ndolo, what did you mean?

Mr. Ndolo: I meant Kshs500 million, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well.

Mr. Katuku: Mr. Deputy Speaker, Sir, according to my records, that is not the case. My records indicate that the money which was paid to the Forensic Laboratories Project and Department of Immigration transactions amounted to Kshs468,656,509.45. I do not know where he is getting the difference from. I think he has a different way of making calculations.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, could the Minister tell this House who are the directors of Anglo Leasing and Finance Company and under what circumstances was the money returned? I recall one Government Minister saying Anglo Leasing was "the scandal that never was." So, could the Assistant Minister confirm to us whether these transactions were irregular or were done in the correct manner?

Mr. Katuku: Mr. Deputy Speaker, Sir, as for the transaction on the Forensic Laboratories, the persons who signed for the Kenya Government were the Permanent Secretary, Office of the President, Mr. Zakayo Cheruiyot and the then Permanent Secretary, Treasury, Mr. Mwachofi. The Managing Director of that company is Mrs. Lucia Katuschenko and the Director for Anglo Leasing and Finance Company is Mr. Collin Flynn. For the Immigration Security Project, the person who signed on behalf of the Kenya Government were Permanent Secretaries, Mr. Mwaliko and Mr. Joseph Magari. The Director on the other side was Mr. Collin Flynn.

As to why this project was terminated, this was done when it was realised that---

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

Mr. Deputy Speaker: Dr. Ali, give the Assistant Minister an opportunity to finish answering the question.

Dr. Ali: But he is misleading the House!

Mr. Deputy Speaker: Order! You will then stand up and if you catch my eye, you will tell us about that. Have you finished, Mr. Katuku?

Mr. Katuku: Mr. Deputy Speaker, Sir, I was responding to the other issue raised by hon. K. Kilonzo about the irregularity of the project. The position is that the Kenya Government has not lost a single cent in this matter. I would want also to indicate to this House that the matter we are discussing is in court. So, I may not want to go into the merits or demerits of these transactions. There is a case in court, No.338 of 2005, and another case No.8 of 2005. But the issues Members are raising are clear and the Government never lost any money.

Mr. Deputy Speaker: Very well. I will also ask those who are seeking clarifications to bear in mind what the Assistant Minister has just said in relation to the matters in court.

Dr. Godana: Thank you, Mr. Deputy Speaker, Sir. We will respect the principle of *sub judice*.

However, this matter has been around for too long. The Minister has been wobbling around. The interest that Kenyans have is to know what are the criminal consequences of an attempt to defraud the public through what has been called a non-existent contract. In particular, he has told us about Kenyans who have been charged. What effort has the Government taken to trace those foreigners who have purported to be directors and recipients of the money and who have purported to have returned the money through Interpol and their own countries, to take them to court?

Mr. Katuku: Mr. Deputy Speaker, Sir, when this issue was brought up, as a Government, we

moved in through the relevant institutions to address it. One of the institutions is the Kenya Anti-Corruption Commission (KACC) which has been handling this case. People have been taken to court. I want to confirm that the Commission has done investigations both in Kenya and outside the country. I think we should wait for the outcome of the cases in court.

Mr. Wanjala: Mr. Deputy Speaker, Sir, the Director of KACC is on record as saying that he could not prosecute Ministers because they did not sign anywhere in the contracts. But there was a confession by the Minister for Finance that he signed those papers "without knowing." Why can the Director of KACC not arrest the Minister who confessed that he signed?

Mr. Katuku: Mr. Deputy Speaker, Sir, the allegation by hon. Wanjala is a matter which the relevant institution investigated. I am not the KACC Director. But as far as the information I have is concerned, he has investigated this matter and he has taken the relevant people to court.

Mr. Billow: Mr. Deputy Speaker, Sir, one of the relevant institutions the Assistant Minister has referred to happens to be the Public Accounts Committee which, as we all know, submitted a report that found the Minister, indeed, responsible for the Anglo Leasing contract. There are up to a dozen or so companies involved in this Anglo Leasing under various names. What action has the Government taken to recover money that may have been paid through any of these other companies?

Mr. Katuku: Mr. Deputy Speaker, Sir, if any monies were paid to these companies by the then KANU regime, as the NARC Government, we have undertaken to investigate all the related cases and any one of them that is found to be irregular, money will be recovered.

Dr. Godana: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to deliberately refuse to answer a question? I asked about the specific steps the Government has taken to trace the foreigners who acted as directors and received the money and sent it back through their Governments and interpol. Could he tell us what steps he has taken to trace those foreign directors?

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

Mr. Deputy Speaker: Order! Mr. Angwenyi, you are out of order!

Mr. Katuku: Mr. Deputy Speaker, Sir, I am responding to a point of order! Mr. Angwenyi is a senior Member of this House and he should know that! When I am responding to a point of order, he has no business interrupting.

Mr. Deputy Speaker: Order, Mr. Katuku! Mr. Angwenyi, Dr. Godana rose on a point of order and before the Assistant Minister responded, you stood on another point of order and persisted! You are out of order!

Mr. Katuku: Mr. Deputy Speaker, Sir, Dr. Godana has asked whether we have conducted any investigations. I would like to state very clearly that our investigating institutions are collaborating and conducting the necessary investigations. They are being assisted by Interpol and other agencies to bring everybody who was involved to book. But, already, those who have been found to have participated in that scandal have been taken to court. So, let us leave that to the courts.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I wanted to know whether we have changed our rules and Standing Orders regarding some issues. We are discussing a matter which is before a court of law. We are trying to solve a problem that is before a court of law. I would like to know whether we have changed our Standing Orders. That is all I am asking.

Mr. Deputy Speaker: Mr. Angwenyi, we are very clear on that. Maybe, you came later. I drew the attention of hon. Members to the fact that the matter is in court and, therefore, we should stay clear of anything which may prejudice the case which is in court. We are very much aware.

Last question, Mr. Ndolo!

Mr. Ndolo: Mr. Deputy Speaker, Sir, we respect the courts. The Assistant Minister has given

us the names of those who signed the documents in Kenya. But he has not given us the names of the people abroad; maybe, England or Switzerland. Could he table the names of the people who returned the money back to the country?

Mr. Katuku: Mr. Deputy Speaker, Sir, you know Mr. Ndolo is a former boxer. I do not know whether he missed my point. But, as a boxer, I expect him to be very alert, lest something happens. But I indicated---

Mr. Deputy Speaker: We cannot hear you! What are you saying?

Mr. Katuku: Mr. Deputy Speaker, Sir, I was just saying that Mr. Ndolo is a former boxer! Boxers are people who are very alert, naturally, because they can be knocked out of the ring. I am saying that, unless he missed my argument, I indicated the directors on the other side. You can even bear me witness. But I can repeat. The Director of Forensic Laboratories---

Mr. Deputy Speaker: He did not ask about the directors. He asked to be given the names of those who signed.

What is it, Dr. Ali?

Dr. Ali: On a point of order, Mr. Deputy Speaker, Sir. Why do you get irritated when we want something--- You heard the Assistant Minister---

Mr. Deputy Speaker: Order, Dr. Ali! It is you who is actually getting irritated! Could you now relax and tell us what your point of order is?

Dr. Ali: I do not want to argue with the Chair.

Mr. Deputy Speaker: What is your point of order?

Dr. Ali: Mr. Deputy Speaker, Sir, did you hear what the Assistant Minister said when he referred to Mr. Ndolo as being a boxer? He said that Mr. Ndolo as a boxer and his head might have gone--- That is not very good! Could he apologise and withdraw?

Mr. Deputy Speaker: Order! Let us be serious. Mr. Assistant Minister, did you say that? If you said that, could you apologise to the hon. Member?

Mr. Katuku: Mr. Deputy Speaker, Sir, I can withdraw the whole statement, but what I was saying is that Mr. Ndolo is a very alert man. He has been a boxer. I do not know why he missed my point. But I can repeat just in case something went wrong in my reply. I am not talking about when he was in the ring. I am talking about now, in case he missed my point. I can repeat. The people who signed---

Mr. Deputy Speaker: Order, Mr. Katuku!

Mr. Katuku: I have withdrawn the whole issue of boxing!

Mr. Deputy Speaker: Order! Let us be very serious about that. You were to withdraw the remarks regarding the head of the former boxer and proceed.

Mr. Katuku: Mr. Deputy Speaker, Sir, I withdraw and apologise.

Mr. Deputy Speaker: Could you now answer the question, so that we can proceed?

Mr. Katuku: Mr. Deputy Speaker, Sir, I am just repeating. The person who signed for Anglo Leasing and is a director is Mr. Collin Flynn. For Forensic Laboratories, it is Mrs. Lucia Kantazaneke. If the hon. Member wants, I can give him a copy to peruse.

Mr. Deputy Speaker: He is entitled to it! Next Question, Dr. Awiti!

Question No.021

IMPLEMENTATION OF IFAD PROJECTS
IN SOUTH NYANZA

Dr. Awiti asked the Minister for Planning and National Development:-

(a) when the implementation of the International Fund for Agricultural Development

(IFAD) projects in greater South Nyanza will start;

(b) what the amount of investment involved is, and how much is earmarked for Karachuonyo Constituency; and,

(c) in what way the local community will benefit.

Mr. Deputy Speaker: Is the Minister for Planning and National Development here?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I wish to beg your indulgence. The Minister is out of the country, but he gave me the answer. However, it is very detailed and may attract many supplementary questions. I have discussed the issue with the Questioner and we have agreed to ask for your indulgence to defer this Question until two weeks from now, when Prof. Anyang'-Nyong'o will have returned to the country. Dr. Awiti is also going out of the country and he will be back by then.

Mr. Deputy Speaker: Very well! I also confirm that, after leaving the Chair, I received Prof. Anyang'-Nyong'o's request because he is out of the country.

Dr. Awiti, do you have any objection to that?

Dr. Awiti: Mr. Deputy Speaker, Sir, it is true that I have consulted with the Vice-President and Minister for Home Affairs. I would like this Question to be brought on 14th April, 2005.

Mr. Deputy Speaker: Or thereabout! Very well! Next Question by Mr. Ndambuki!

Question No.036

OPENING OF KITUIUNI DISPENSARY

Mr. Ndambuki asked the Minister for Health:-

(a) whether she is aware that Kituiuni Dispensary is not operational; and,

(b) when she will equip the dispensary, post personnel and open it.

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

(a) I am aware that Kituiuni Dispensary is not operational at the moment.

(b) Currently, many communities, through their own initiatives, have constructed dispensaries to bring health services closer to them. Currently, we have a shortage of nurses countrywide, and the Ministry is in the process of employing more nurses to serve the health units. The dispensaries will be given priority when nurses are employed. The facility will also receive drugs once the staff are posted there.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the answer. But last year, the Ministry employed nurses all over Kenya. I would like to know how many nurses were posted to Makeni District.

Mr. Konchella: Mr. Deputy Speaker, Sir, that was not part of the Question. But I can provide the answer later. He did not specify whether he needed to know the number of nurses who were posted to Makeni District.

Mr. Deputy Speaker: I suggest that you give the answer to him, but not necessarily here. Let it be in writing. That would be fine. Mr. Sambu!

Mr. Sambu: Mr. Deputy Speaker, Sir, were the nurses who were interviewed employed? If so, then he should give us the figures for the whole country and not only Mr. Ndambuki's area. That way, we will know how many clinical officers and nurses were employed.

Mr. Deputy Speaker: Is that okay, Mr. Konchella?

Mr. Konchella: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well. Last question, Mr. Ndambuki!

Mr. Ndambuki: Mr. Deputy Speaker, Sir, Kituiuni Dispensary is very far from Nunguni

Health Centre. Now that they have provided a vehicle to Nunguni Health Centre, could he request them to be visiting Kituiuni Dispensary twice a month to offer medical services? If that is acceptable, when are they going to do that?

Mr. Konchella: Mr. Deputy Speaker, Sir, there is a mission hospital in Kikoko and the dispensary the hon. Member has talked about. We will advise the Medical Health Officer (MOH) to ask his officers to be visiting this particular dispensary. Once we have the nurses on the ground, this will be done on a regular basis.

Question No.038

INSTALLATION OF TV/RADIO
TRANSMISSION STATIONS
IN MANDERA DISTRICT

Mr. Shaaban asked the Minister for Information and Communications:-

- (a) whether he is aware that the residents of Mandera District do not receive Kenyan radio and television broadcast signals; and,
- (b) what the Minister is doing to ensure that the Government installs television and radio transmission stations in the district.

The Assistant Minister for Information and Communications (Mr. Were): Mr. Deputy Speaker, Sir, I would like to ask the indulgence of the House to allow me to answer this Question on Tuesday, next week.

An. hon. Member: Why? It is his first Question!

The Assistant Minister for Information and Communications (Mr. Were:) Mr. Deputy Speaker, Sir, it could be my first Question, but by the time I left the office, the answer was not ready.

Mr. Deputy Speaker: Mr. Shaaban, what are you saying?

Mr. Shaaban: Mr. Deputy Speaker, Sir, this is a very important Question. However, I will give the Assistant Minister until Tuesday, next week, but I will not accept any more delay.

Mr. Deputy Speaker: We have said that we do not want to defer Questions, whether it is on account of Ministers being unable to answer or on account of hon. Members being unable to ask. May I, again, appeal to the Government side, through the Leader of Government Business, to ensure that Questions which are on the Order Paper are answered. I will defer the Question to Tuesday, next week.

(Question deferred)

Question No.003

PAYMENT OF ALLOWANCES
TO LAND DISPUTES
TRIBUNALS/BOARDS MEMBERS

Mr. Marende asked the Minister for Lands and Housing:-

- (a) whether he is aware that members of the Land Disputes Tribunal and Land Control Boards in Luanda and Emuhaya divisions of Emuhaya Constituency have not been paid their allowances since March, 2004;
- (b) whether he is further aware that the mismanagement that afflicted the two institutions nationally is likely to recur with negative consequences on the land rights; and,

(c) what measures he is taking to ensure that the allowances of members of the Land Disputes Tribunals and Boards countrywide are paid promptly.

The Assistant Minister for Lands and Housing (Mr. Mungatana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the members of the Land Control Boards and the and Land Disputes Tribunal in Luanda and Emuhaya divisions of Emuhaya Constituency, have not been paid their allowances since March, 2004.

(b) It is true that if mismanagement of the two institutions occurs, it would have negative consequences on the land rights.

(c) The reason why my Ministry has been unable to pay the allowances on a timely basis is because the Appropriations-In-Aid being collected from the filing fees is far below the packages. In order to address the problem, I have appealed to the Treasury and the Treasury has allowed me to have a budgetary provision to supplement the Appropriations-In-Aid. This means that by the next financial year, we will solve this problem.

Mr. Marende: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that attempt to answer the Question. When the current Assistant Minister assumed the portfolio of Lands and Housing, his first step was to disband previous Land Disputes Tribunals and Land Control Boards, which was a step in the right direction. However, the Assistant Minister has answered the Question indifferently. He has not answered parts (b) and (c). I have asked the Question in clear and good English, but it has not been answered. This is a very critical sector---

Mr. Deputy Speaker: Mr. Marende, could you ask a supplementary question?

Mr. Marende: Mr. Deputy Speaker, Sir, the answer to part (c) is infinite. He has not answered part (b) at all. If you read my Question and look at the answer given, the two do not agree. Could I be given a more definite answer? Even if the allowances will be paid next year, in which month will they be paid? These people have been sitting since January, 2002, and they have not been paid.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the total arrears for the old and the current members of the Land Disputes Tribunal and Land Control Boards in Luanda and Emuhaya Divisions is Kshs608,300 and Kshs669,900 respectively. We have been consulting with the Treasury and I can confirm to hon. Marende that we have received part of the amount that we had requested. We have received Kshs14 million. We hope to start sorting out this problem not only in Emuhaya Constituency, but countrywide.

Mr. Khamasi: Mr. Deputy Speaker, Sir, the problem affecting Emuhaya and Luanda divisions is not peculiar to them. This is a problem that is affecting the entire country, including Shinyalu Constituency, where I come from. The Assistant Minister is trivialising the whole issue by saying that he will pay the allowances next year. Could he confirm to this House that during the Supplementary Estimates, he will get money from the Treasury and pay these Kenyans who have been working without being paid? This will stop them from being tempted to take bribes.

Mr. Mungatana: Mr. Deputy Speaker, Sir, maybe I should explain this further. The filing fee before the Land Disputes Tribunal is Kshs250. The allowances that we gazetted in 2001 for each member of the panel is Kshs500 per sitting. It is becoming difficult for the money that is collected as filing fees to sustain the system. This is why we have requested the Treasury to give us some money. The Treasury has been very kind to us. I have explained that we have received the first batch of Kshs14 million. By the next financial year, we hope to receive a proper amount of money, with which we will begin to sort out the problem.

Mr. Marende: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm to the House that henceforth, we will begin to see some consistency in statements and actions emanating from his Ministry? The panellists were initially being paid Kshs1,100 per sitting. The amount has arbitrarily been reduced to Kshs500 per sitting. It is common practice and, in fact, provided for by the law, that once

you confer a benefit to any person, you do not take it away arbitrarily without consulting him.

Mr. Mungatana: Mr. Deputy Speaker, Sir, there are two institutions here. There is the Land Control Board, which meets once a month and its members are paid Kshs500 per sitting. Then there is the Land Disputes Tribunal whose allowance is gazetted as Kshs1,000. I agree with the principle that you cannot remove a benefit that has already been conferred on the recipient.

I want to assure the House that we are addressing this problem. The meetings of the Land Control Boards are regulated, and we have one sitting every month. However, we have had a problem with the Land Disputes Tribunals, because they can take one case and deal with it for a long period of time and each sitting is payable. We are conducting reviews in that area, and one of the things that we want to do is to pay the allowances per case terminated. I want to assure this House that there will be consistency in what we are saying here and what they will see on the ground. We are going to pay these members their arrears and we are going to streamline the department.

QUESTIONS BY PRIVATE NOTICE

DELAY IN SETTLEMENT OF DEBTS OWED TO KENYAN BUSINESSES BY IGAD

Mr. Wanjala: Mr. Deputy Speaker, Sir, I beg to ask the Minister for East African and Regional Co-operation the following Question by Private Notice.

(a) How much money does IGAD owe Kenyan businesses as a result of the Somalia peace process?

(b) When and how will the debts be paid since most of the owed businesses are on the verge of collapse as a result of delayed payments?

The Minister for East African and Regional Co-operation (Mr. J.K. Koech): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The IGAD peace and reconciliation process on Somalia owes Kenyan businesses a total of Kshs456,608,901.

(b) We are appealing to donors and well-wishers for assistance to offset these bills.

Mr. Wanjala: Mr. Deputy Speaker, Sir, Kenyan businessmen took loans and invested to run their businesses. It is now over three years and almost Kshs500 million has been consumed from Kenyan businessmen. The Minister now says they are appealing to well-wishers and donors to offset those bills. They may even ask Members of Parliament to do a Harambee for them! Kenyans out there have closed their businesses. Sirikwa Hotel, for example, is under receivership. In addition, some people risk their property being auctioned. Workers have been laid off. What urgent steps is the Minister taking to ensure that Kenyan businessmen are paid their monies urgently instead of relying on well-wishers?

Mr. J.K. Koech: Mr. Deputy Speaker, Sir, I know it is a painful thing for our businessmen to lose business. It is the concern of my Ministry that we do our best to pay our businessmen. Initially, the donors used to assist us, but they withdrew their support from March 2003 because they cited financial mismanagement in some stations. That is why we got into that problem. The Kenya Government has paid quite a lot of money. But because of the budgetary constraints, we are not able to foot all the bills. Recently, we appealed to our IGAD partners to come forward and assist us. They promised that they will be able to do so. We have also been, from time to time, appealing to quite a good number of donors to give us some assistance. As we all know, the Somalia issue here has been a very big problem. We do hope that, of course, soon they will go back to their country, so that some of these problems may not recur.

Mr. Owino: Mr. Deputy Speaker, Sir, the continuous stay of these people here is bringing

shame to this country. Recently, they had a serious fight in one of the hotels and it was reported in one of the American television channels that the Kenyan Parliamentarians fought in the Chamber. That is a shame to this country. Is there any set timetable for these people to go back to their country?

Mr. J.K. Koech: Mr. Deputy Speaker, Sir, we had a meeting last week and a definite programme is being prepared to enable the Somalia Government to move to their country.

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

Mr. Deputy Speaker: Last question, Mr. Wanjala!

An hon. Member: No!

Mr. Deputy Speaker: Hon. Members, we have only 15 minutes to go and I have three Questions.

Proceed Mr. Wanjala!

Mr. Wanjala: Mr. Deputy Speaker, Sir, this is a very critical Question that needs to be treated with the seriousness it deserves. However, the Chair seems not to be keen on it.

(Applause)

Mr. Deputy Speaker: Order, Mr. Wanjala! Could you withdraw what you said?

Mr. Wanjala: Mr. Deputy Speaker, Sir, because of the importance of this Question, I withdraw and apologise to this House. A former Member of Parliament's property is being auctioned--

Mr. Deputy Speaker: Order, Mr. Wanjala! Could you ask a question? Every Question that comes before this House is important.

Mr. Wanjala: The former Member of Parliament for Webuye, Mr. Wamang'oli's property is being auctioned because all his money has been detained by these people. Likewise, Sirikwa Hotel is under receivership and workers, especially from the western region, have been laid off. Our chairs were broken recently and we do not know who is going to pay for them. What arrangement is the Minister going to make to ensure that the IGAD pays the interest that is accruing in banks for loans that Kenyans took?

Mr. J.K. Koech: Mr. Deputy Speaker, Sir, there has been a continuous audit programme for all the funds which were used in Eldoret Town. Unless we come up with a definite answer to that, it will become very difficult to convince the donors to assist us. This is because they claim that quite a good amount of money which is being claimed is not true.

Mr. Munya: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead this House. We all know that IGAD is not a Kenyan organization. It is an organization with regional member countries which are supposed to foot part of the bills. But the Minister is telling us that it is Kenyans who are supposed to pay all the bills relating to the IGAD process. Is he not misleading the House and, therefore, being out of order?

Mr. Deputy Speaker: Mr. Minister, are you misleading the House?

Mr. J. Koech: Mr. Deputy Speaker, Sir, I am not misleading the House in any way, because the Somalia issue has been handled by the IGAD partners and donors. So, this has not been a problem for this country alone. It has been an international problem. Because we have had some problems of financial mismanagement, it has also brought us to the situation in which we find ourselves at the moment. But for the genuine cases, when we get the money, we shall pay.

Mr. Deputy Speaker: Very well. Next Question by Mr. Wamunyinyi!

EXCLUSION OF KANDUYI TRADE
CENTRES FROM FRENCH
GOVERNMENT-SPONSORED REP

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

(a) Is the Minister aware that the only centres in Kanduyi Constituency earmarked to benefit from the on-going French Government sponsored rural electrification programme, namely Sang'alo Market, Sang'alo School and Nzoia Market, have been left out?

(b) Why have the centres been removed from the project?

(c) What immediate steps is the Minister taking to restore the centres to the programme currently under implementation?

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

(a) Yes, I am aware that Sang'alo Market, Sang'alo School and Nzoia Market were left out during the implementation of Phase One of the French-funded rural electrification schemes in Western Kenya.

(b) The project scope of Phase I of the French-funded project in western Kenya was scaled down through removal of a number of markets/institutions in order to ensure that the total cost of the scheme did not exceed the funds availed by the French Government. However, Sang'alo Market and School were not removed.

(c) Construction work for Sang'alo Market and School is set to commence in August, 2005, since all the major materials that caused the delay in the commencement of the two schemes are now available, and are already at the project site in Kakamega. However, Nzoia Market has been left out because it is not currently ranked among the top five priority projects received from the Bungoma District Development Committee (DDC). It will, therefore, only be considered as and when its priority ranking will sufficiently improve to be among the top ranked projects approved by the DDC for implementation.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, first of all, that project was started sometime in the early 1990s, when plans were put in place. It went through all the processes and I am sure it must have gone through the DDC and had all the necessary rankings to be placed among the projects to be implemented. How does the question of DDC arise now? The idea for that project was mooted in 1993/94. It was approved, went through all the processes and all the plans were--- Now, it was at its implementation stage. How does the issue of DDC come in now and what criteria was used? There are many other projects which are being implemented in western Kenya now.

Mr. Nyachae: Mr. Deputy Speaker, Sir, originally, there were 43 projects to be funded under the French programme. When the calculations were done, it was found out that all of them could not be covered by the funds available. Therefore, they were scaled down in conjunction with the DDC.

Thereafter, it was decided that, in order to move ahead, we should have fresh priorities. In that connection, we have a new list from the DDC which, definitely, does not include that particular project *Mheshimiwa* is asking about. But, if he wishes to see the priority list received by us from the DDC, it is available. My request to the hon. Member is that, he should go back to the DDC and get the necessary adjustment of priorities. If that is done, we will go ahead with the programme.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I have listened to the Minister who has been talking about the Rural Electrification Programme (REP). I wonder, because we have 72 districts in Kenya. That means that there are 72 DDCs which send priority lists to the Minister's office. What criteria do you use to decide which projects will be funded out of the 72 DDC priorities? In Machakos District, we do not know about any project.

Mr. Nyachae: Mr. Deputy Speaker, Sir, although the hon. Member is moving me from

Bungoma to Machakos, the truth of the matter is that every district is receiving attention. The hon. Member represents a constituency in town and he has more electricity than other hon. Members neighbouring him. I know that Machakos has a hospital and a school. I should give the Member of Parliament who is standing before you priority!

(Laughter)

Mr. Sasura: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Nyachae, of all the people, to mislead the House by saying that every district is getting attention when we know that, as far as the REP is concerned, Arid and Semi-Arid Lands (ASALs) have not been given any attention?

(Applause)

An hon. Member: It is only the French one?

Mr. Nyachae: Mr. Deputy Speaker, Sir, we are not talking about the French. This week, I am dealing with Marsabit District. We want to supply electricity through wind-generated power. Therefore, I am even paying attention to Marsabit.

Mr. Deputy Speaker: Last question, Mr. Wamunyinyi!

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, the Nzoia Electrification Project was prioritised as early as 1994. That is the more reason why it is important. The Minister should not go by what is coming out currently. If it was found necessary to go ahead in 1994, what was the need to go to the DDC again? In any case, those DDCs are dead. They are amorphous and nowhere in law. We should not even be advised to go to the DDCs.

(Applause)

Now that the Minister is aware that, that project dates back to 1994, could he tell the House that he will take up the issue and include Nzoia in the second phase? In fact, he should tell us when the work will commence.

Mr. Nyachae: Mr. Deputy Speaker, Sir, the hon. Member must accept one reality! We are not going to treat one area differently from the others. The DDCs are the ones who give us priorities. For your information, the demand for rural electrification is beyond the financial capability that we have. Even the French and Spanish programmes that we are going to have very soon will not satisfy the demand that we have. My appeal to the hon. Member is that, rather than start arguing with me here--- I am not the DDC and I am not going to change what the DDC tells me!

(Mr. Wamunyinyi stood up in his place)

Mr. Deputy Speaker: Order, Mr. Wamunyinyi! What is it now?

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

Mr. Deputy Speaker: Order, Mr. Wamunyinyi! What is it? Why are you getting worked up for nothing?

Next Question, Dr. Galgallo!

CUTTING DOWN OF INDIGENOUS TREES
IN NAIROBI STATE HOUSE GROUNDS

Dr. Galgallo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Environment and Natural Resources the following Question by Private Notice.

(a) Is the Minister aware that 50 indigenous trees were recently cut down at State House grounds, Nairobi?

(b) Could the Minister inform the House why they were cut down?

(c) Could the Minister undertake to plant trees to replace those that were cut during the current long rains?

The Minister for Environment and Natural Resources (Mr. Musyoka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware that 50 indigenous trees were recently cut down at State House grounds in Nairobi. I am, however, aware that about 20 exotic trees of eucalyptus and grevillea group that were leaning dangerously on the State House security fence were cut down in September, October and November, last year.

(b) As stated above, no trees were cut recently, and those that were cut last year were cut because they were leaning dangerously on the State House security fence.

(c) There are no plans to replant trees along the security fence.

Dr. Galgallo: Mr. Deputy Speaker, Sir, I know that the Minister has not been there of late!

(Laughter)

But the truth of the matter is that there was a deliberate effort by some people in State House to cut down trees for sale. His Excellency the President personally intervened. Instead of the Minister denying, could he go and inspect that environment and tell us whether they are going to plant trees to replace those ones which were felled?

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

Mr. Deputy Speaker: Order, Mr. Wanjala! We are in the Kenya National Assembly on serious business!

Proceed, Mr. Musyoka!

Mr. Musyoka: Thank you, Mr. Deputy Speaker, Sir. First of all, I want to thank my good friend hon. Dr. Galgallo for being environmentally-friendly. However, I also want to assure him that I was actually at State House today.

(Laughter)

Having said that, the information I have is that the Office of the Private Secretary/Comptroller requested the Chief Conservator of Forests under his relevant reference on 25th February 2004 to fell some 24 trees and prune 17 others in the national arboretum that were leaning dangerously towards the State House perimeter fence. If you look back at history, in fact, there was an attempt by an intruder to get to State House and, therefore, I think the State House Comptroller was in order to feel concerned. The Chief Conservator of Forests directed the Provincial Forest Officer, Nairobi, to co-ordinate the exercise and ensure that only the dangerous trees which were leaning were actually cut. The 24 trees to be cut in the arboretum were identified by the Provincial Forest Officer during a site visit on 4th March last year. The trees were actually not cut due to lack of equipment. I think we should all be very thankful for that. They were, however, pruned to remove branches that were leaning on the State House security fence. However, inside the State House grounds, about 20 trees that were leaning were actually cut down to deal with security.

Mr. Mukiri: Mr. Deputy Speaker, Sir, we have a problem with deforestation in this country. So many trees are being cut down. In my area, Molo, there is a forest called Drogoman where we have people who are felling trees and there is no supervision since there are no forest guards. What is the Minister doing to make sure that our trees are not cut down?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I hope I have heard the hon. Member well, but we

are very conscious about cutting down trees. We have in place a ban which prohibits people from logging and although we have a lot of dead wood, in fact, the ban is still in force. May I also take this opportunity to say that between the 11th and 13th of next month, we shall actually be participating in the National Tree Planting Day and I invite the hon. Member to join all of us.

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

Mr. Deputy Speaker: No point of order! Last question from Dr. Galgallo!

Dr. Galgallo: Mr. Deputy Speaker, Sir, I wish the Minister could be more serious with this Question. He said that 20 exotic trees were cut down. How is it that only exotic trees were leaning on the fence?

(Laughter)

Mr. Musyoka: Mr. Deputy Speaker, Sir, I confess that I was not actually there but this is the information I have. I could check again with the Chief Conservator of Forests but it is really the eucalyptus trees which have become a very popular breed some of it coming from South Africa. I know a lot of hon. Members are doing forest farming using this kind of tree. So, I must admit that, that is the information I have but no indigenous trees were cut.

REBUILDING OF KIPKAREN RIVER BRIDGE

Mr. Sambu: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads and Public Works the following Question by Private Notice:-

(a) Is the Minister aware that the public works officers in Kapsabet have withdrawn an amount of Kshs2 million from the Mosop Constituency DRC account allegedly for rebuilding Kipkaren River Bridge on Road D304 between Chemoet and Kabiemit?

(b) Is he further aware that this bridge which collapsed in late December, 2002 has not been rebuilt to date?

(c) What action is the Minister taking against the officers involved and also commence the reconstruction of the bridge?

The Minister for Roads and Public Works (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the public works officers in Kapsabet have withdrawn an amount of Kshs2 million from the Mosop Constituency DRC account allegedly for rebuilding Kipkaren River Bridge on Road D304 between Chemoet and Kabiemit. I am, however, aware that the Nandi North District Road Committee sanctioned expenditure of Kshs2 million during a committee meeting held on 17th September 2004 under Minute No.6/DRC/6/204 on the reconstruction of the bridge. So far, Kshs1,867,467.10 has been expended.

(b) I am not aware that the bridge which collapsed in late December has not been rebuilt to date. The reconstruction is ongoing. Notable progress that has been achieved so far include:

(i) demolition of collapsed infrastructure and site clearance;

(ii) construction of the diversion in the form of pedestrian timber foot bridge; and,

(iii) completion of excavation for footing and blinding in readiness for casting of foot links.

Materials purchased for the above are on the bridge site and in my Ministry's stores at Kapsabet.

(c) I do not intend to take action against the officers since the delay in the construction of the bridge was occasioned by the delay in funding and unforeseen site conditions.

Mr. Sambu: Mr. Deputy Speaker, Sir, this bridge was actually washed away in December 2002 and I asked a similar Question on 12th March, 2003. Eng. Toro replied as follows:-

"Mr. Deputy Speaker, Sir, the bridge has a stand of 28.4 metres. The portion that was

affected is about 5.6 metres. Where the apartments were washed away during the floods, it requires Kshs1.5 million to repair the bridge. We are looking into the possibility of spending emergency funds to repair the damaged bridge before the end of the year (2003)".

I am not surprised because this Government issues promises that it never fulfils and Kenyans are noting it. However, I would wish my good friend, because he will require the Nandi people when the time comes---

(Laughter)

Mr. Deputy Speaker: Ask your question!

Mr. Sambu: Mr. Deputy Speaker, Sir, I will ask the question. We are politicians and we look at both the present and future. Could the Minister tell the House where the deck was taken to because it was intact given that only the apartments were faulty? Secondly, why was the contractor, Kapinga Quarry, given the deck which was intact without following due Government procedures of disposal?

Mr. Raila: Mr. Deputy Speaker, Sir, yes, the hon. Member is right when he quotes from what we said last time. However, he will appreciate that there was certain technical information which was not available at that particular time. So, the foundation rock was established at the deck which meant that about a 6.5-metre-high abutment was required. It had been initially envisaged, as the hon. Member has rightly said, that a five-metre high abutment would be required. This, therefore, necessitated a new design and a resultant requirement for more materials which were not envisaged at that particular time. This caused some delay. However, in response to the other point which the hon. Member raised, the abutment that he has talked about was found to be unserviceable and it, therefore, needed to be demolished.

Mr. Deputy Speaker, Sir, so far, Kshs1.86 million has been spent as follows: Controlled demolition of the collapsed abutment and deck; construction of a temporary footbridge; excavation of abutment footing; 520 bags of cement; steel reinforcement; timber for form work; ballast; sand; fuel; nails and allowances for the staff. So, the amount of money that was withdrawn was properly utilised and accounted for by my officers.

Mr. Sambu: Mr. Deputy Speaker, Sir, you are allowing only two questions even though this is a serious matter. Nonetheless, the Minister is not being told the whole truth because nothing is on site. He should know from me, now that I come from there, that there is no material on site. When will the bridge be ready and at what cost? Who will provide for the balance because we are not ready to spend any more DRC funds on that bridge?

Mr. Raila: Mr. Deputy Speaker, Sir, I have already said that the work is on-going. The materials have been procured and they are available at the Ministry's yard for anyone who would like to inspect them. The work is ongoing and we are trying to accelerate it so that it is completed before the heavy rains come. I have already talked to the hon. Member and appreciated the concerns he has raised. I have assured him that I am going to take the relevant action to the satisfaction not only of the Nandi people, but also of all the people of Kenya.

Mr. Deputy Speaker: Well, that marks the end of Question Time. There are several Ministerial Statements to be made. One is by the Minister for Labour and Manpower Development. The Statement was sought by hon. Khamisi.

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Deputy Speaker, Sir, the Minister, hon. Dr. Kulundu, has just rushed out to get the Statement. He told me to inform the Chair that he will be back in ten minutes time.

Mr. Deputy Speaker: There is another Statement that was sought by hon. Angwenyi from

the Minister for Agriculture in relation to failure to collect tea leaves from farmers in Kitutu Chache.

MINISTERIAL STATEMENTS

NON-COLLECTION OF TEA LEAVES IN KITUTU CHACHE

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, on Tuesday, 29th March, 2005, the hon. Member for Kitutu Chache demanded a Statement on the non-collection of tea leaves in Kitutu Chache Constituency. The bone of contention in this matter is that Kitutu Chache tea growers had been promised a tea factory for a long time, pending a new one at Kianchore. The subsequent transfer to a new factory meant that putting up their own factory would not materialise.

During a meeting held on 21st March, 2005, between the directors of Tombe Tea Factory and Members of Parliament from the area, it was agreed that KTDA would immediately advance Kshs5 million to Kitutu Chache tea growers for the purpose of land purchase at the proposed Sombogo Tea Factory. The growers on their part have agreed to a deduction of 50 cents per kilogram of leaf from interim payment for the year 2004/2005 and Kshs2 per kilogram of leaf from the final payment of the year 2005. The fund established will go towards equity contribution of the proposed Sombogo Tea Factory. A subsequent meeting held between myself and the directors of Tombe Tea Factory, KTDA Board and the Members of Parliament from the area agreed to the above resolution.

The tea industry is very important to us as a country and any attempt to disrupt any stability should be discouraged by all means. It, therefore, occurred to me to exercise powers conferred by Section 25 of the Tea (Amendment) Act 1999, and on the 24th March, 2005, I directed that the directors of Tombe Tea Factory immediately resume leaf collection services to the ten buying centres in Marani. The area administrators and elected leaders were asked to work in collaboration to ensure that this directive is fully implemented. Consequently, the dispute has been resolved amicably, resulting in resumption of tea collection and delivery to Tombe Tea Factory on Wednesday; that is, yesterday. Collection from the ten buying centres in Marani cumulatively produced 27,000 kilograms while collection from the nine centres in Mosochi produced 12,504 kilograms.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I thank the Minister for giving that Statement. However, the Minister has not come out clearly to tell us whether it is an economic crime not to collect leaves from 10,000 farmers in Kitutu Chache for two weeks. Secondly, he has not also told us whether it is not a crime for a section of shareholders of Tombe Tea Factory to purport to remove their fellow shareholders from Tombe Tea Factory. Thirdly, he has not told us whether it is not a crime for the management of Tombe Tea Factory to defy a Ministerial directive for one full week. That is what prompts me to ask whether we really have a Government in this country or not. We have suffered all these losses. Who will compensate the people of Kitutu Chache and the 10,000 farmers the losses that they have suffered for the last two weeks?

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, while I do agree with my honourable colleague that it was not right for the three things to have happened, the question of interpretation of the law is a subject matter totally not within my purview.

Mr. Deputy Speaker: Well, there is another Ministerial Statement by the Minister for Co-operative Development.

STREAMLINING OF OPERATIONS OF CO-OPERATIVE SOCIETIES

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Deputy,

Speaker, Sir, when this House passed the Co-operative (Amendment) Act, we promised that we shall call for nationwide elections for all co-operative societies. Consequently, we have done that. The Ministry's directive that all co-operative societies countrywide hold elections has elicited a positive response so far. A number of societies have already held elections and others have scheduled elections for the purpose before the given deadline. However, during the course of conducting these elections, some issues have been brought to the fore that require clarification for better implementation of the directive.

First, elections are aimed at not only providing a new mandate for the officers to administer the affairs of a co-operative society, but also to usher in a new era in co-operative administration. The elections are also aimed at streamlining some of the old prolonged and unresolved leadership wrangles that have dogged the movement for a long time now. My Ministry is determined to see to it that co-operative societies perform according to set standards and regulations.

Secondly, I wish to reiterate and make it abundantly clear to all and sundry that no co-operative society is exempted from undergoing the electoral process by 30th April this year. Failure by its officers will lead to automatic vacation of office and the Ministry will organize elections at which they cannot seek re-election. Upon completion of elections, each society must file an annual return with the Commissioner in accordance with Section 25(10) of the Co-operative Societies Act and Rule 14 of the Co-operative Society's rules made thereunder.

Mr. Deputy Speaker, Sir, thirdly, some of the issues that have come to my attention and which need clarification include the size of society committees. Section 28(1) states:

"Every co-operative society shall have a committee consisting of not less than 5 and not more than 9 members".

In this case, societies should state clearly in their by-laws, the authorized number of its committee membership, which shall not be less than five and not more than nine members. Section 18 of the Co-operative Societies Act states:

"No person shall be a member of more than one co-operative society with unlimited liability, and no person shall be a member of more than one co-operative society having the same or similar objects; provided that a person who is a member of a co-operative society and carries on business on land at premises outside the area of operation of that co-operative society may be a member of a co-operative society in whose area of operation that land or those premises are situated, notwithstanding that its objects are the same as or similar to those of the first mentioned society".

First, the law prohibits one to be a member of two societies with unlimited liability. I would like to state that all our societies are limited liability co-operative societies. However, in the case of the objects, the law requires that one belongs to one society, whether unlimited or not, but with the qualification on exemptions.

On the other hand, Section 28(4e) states that:

"No person shall be a member of a committee if he is a committee member in two other co-operative societies".

I want to emphasize this fact; that due to the multiplicity of membership in societies, this provision is designed to bar co-operative society members from being committee members in more than two co-operative societies; and here, a co-operative society is construed to mean a society which is registered under Section 4 of the Co-operative Societies Act.

Mr. Deputy Speaker, Sir, Rule 23(1) states that:

"The committee of a society shall be elected for a term of three years and no member shall be elected to a committee for more than two consecutive terms".

Simply put, no person shall serve in the committee for six continuous years. This is meant to inject new blood in the administration of co-operative societies. For a society to take advantage of the three-year

term and yet at the same time, comply with the provision of Section 27(5e), then the society must adopt the one-third rotational rule in its by-laws. The provision takes effect from 5th November, 2004, and cannot be applied retrospectively.

Rules 24 to 26 require that district co-operative unions, National Co-operative Societies (NACOs) and the apex body conduct elections with representatives or delegates from their affiliates, who will have been elected at their respective Annual General Meeting (AGMs). In order to implement this provision smoothly, it has been decided that the district co-operative unions, NACOs and the apex body would be required to have held their AGMs by 31st May, 2005. This is to allow these institutions to know who their delegates will be.

Exemptions to any particular requirement of the law: The general rule is that societies would be held accountable for any failure to comply with the law. Secondly, it will not be an excuse for a society not to comply merely because of an application for exemption, unless there is a Gazette Notice of the same as provided for under Section 92 of the Co-operative Societies Act. Co-operative societies should take due care in carrying out elections. No individual considerations should override the welfare of the majority of members.

Mr. Deputy Speaker, Sir, I wish to see a peaceful transition into the future of a prosperous movement, where leadership wrangles would be a thing of the past.

Thank you, Mr. Deputy Speaker, Sir. **Mr. Deputy Speaker:** Very well! That was a good Ministerial Statement which the Chair encourages Ministers to make from time to time, to inform the House. This is, perhaps, what the Chair has all along been looking for as opposed to press conferences where Members are informed directly. The next Ministerial Statement is by the Minister of State, Office of the President, on tribal clashes victims in Nakuru, which was requested by hon. Mukiri.

PLIGHT OF TRIBAL CLASH VICTIMS IN NAKURU

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, following a request for a Ministerial Statement on 17th March, 2005, by hon. Mukiri regarding tribal clashes victims in Nakuru in connection with the Task Force that was formed, I beg to make the following Ministerial Statement.

The task force was formed on 17th November, 2004, with the following terms of reference.

- (i) To inquire into factors or causes of displacement of persons.
- (ii) To review and ascertain the extent of genuine displacement.
- (iii) To identify the extent of loss of land in respect of displaced people.
- (iv) To make recommendations on the modalities of resettlement of genuine victims.

The task force started its work on 4th December, 2004, by making field visits to Mombasa. The task force has designed instruments which will assist in soliciting relevant information from victims. Among these instruments are in a TPD1 form, which is issued free to the individual victims to fill. The information gathered would be used by the task force to arrive at logical conclusions. This form is not supposed to be sold. However, information reaching us indicated that some people had taken advantage of the ignorance of the victims and purported to sell these forms. But the Nakuru District Commissioner apprehended the culprits.

Mr. Deputy Speaker, Sir, the NARC Government is committed to resettling all internally displaced persons, including the ones in Molo. The task force made a visit to Molo on 16th, 17th, 18th and 21st of March.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Mukiri, you can seek a clarification from the Assistant Minister before Mr. Wamwere seeks his.

Mr. Mukiri: Mr. Deputy Speaker, Sir, there was a plan to start a Truth and Reconciliation Commission which could have come under a different Ministry. Could the Assistant Minister tell us under what legal framework this committee is operating? From that legal framework, what is the mandate of that committee? Will this committee receive funds from the Government to resettle the tribal clashes victims, and if so, how much will it receive?

Mr. Deputy Speaker: Mr. Wamwere, you can seek your clarification and then the Assistant Minister can respond. **Mr. Wamwere:** Mr. Deputy Speaker, Sir, could the Assistant Minister also tell the House who the members of the committee are?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, this is an internal committee, and according to the terms of reference, it is supposed to submit its report within three months. The persons who constitute the committee will offer technical expertise.

As regards the question of the Truth and Reconciliation Commission, that is a different matter. This is a committee which will advise the Cabinet on the way forward to ensure that the victims of tribal clashes get back their land. Among its responsibilities, it is to ensure that there are no imposters. It is supposed to identify genuine persons who were displaced from their land. The persons who were evicted from forests and Government land will not be touched by the task force. The Chair of the task force is Amb. Mwanengela Ngali. The members are Ernest Ambune, who is the Acting Deputy Chief Conservator, Ministry of Environment and Natural Resources; Ms. Lucy Kwanja, who is the Principal State Counsel at the Attorney-General's Chambers. She represents a Mrs. Rose Muchiri; Mr. E.N. Murage who is a Senior Assistant Director of Survey in the Ministry of Lands and Housing; Mr. Michael M. Nyamai who is an Assistant Director of Settlement, Ministry of Lands and Housing; Mr. Kassim M. Farah who is the Personal Assistant to the Rift Valley Provincial Commissioner; Moderator Geoffrey Songok who is the National Council of Churches of Kenya (NCCCK) representative, and Ernest Murimi who is a representative of the Catholic Peace and Justice Commission. The Joint Secretary is Mr. Robert Kikwao.

Mr. Deputy Speaker: Very well! We will now go back to the Ministerial Statement on the fate of the sacked workers. Mr. Ojode, you rose and requested the Chair to allow the Minister to make the Ministerial Statement after five minutes, but twenty minutes have passed! What is the position?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Deputy Speaker, Sir, the Minister requested me to seek the indulgence of the Chair to allow him to issue the Ministerial Statement after ten minutes because he had rushed to his office to get it. However, I still request the Chair to defer the Ministerial Statement until Tuesday next week because it appears as if he is held in a traffic jam. So, it will not be possible for the Minister to be here as we had thought.

Mr. Deputy Speaker: I do not know whether the Government side is really taking the Chair seriously on issuance of Ministerial Statements and answers to Questions. This Statement has been pending for a long time. I do not know what Mr. Khamisi has to say.

Mr. Khamisi: Mr. Deputy Speaker, Sir, as you have correctly said, the Ministerial Statement was supposed to be issued in the Third Session. When the Minister came here last week, he promised that it will be issued yesterday, but he disappeared from the House! Today, he was here for half an hour and he tiptoed out of the House never to be seen again. I am wondering whether the Minister is a messenger to be collecting Ministerial Statements from his office when he has messengers to bring them here.

Mr. Deputy Speaker: I now order that the Minister shall make this Ministerial Statement on Tuesday next week! I also order the Clerk of the National Assembly to write to the Minister and communicate the orders of the Chair that the Statement must be made on Tuesday afternoon.

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Deputy Speaker, Sir, we will undertake that. In the event that the Minister does not come, the "Acting Prime Minister", Mr. Raila

Odinga, will undertake to inform him.

(Applause)

Mr. Deputy Speaker: Order! Mr. Ojode, you ought to be serious with things.
(Mr. Raila stood up in his place)

I can see Mr. Raila wants to say something!

POINT OF ORDER

QUESTIONS PROGRAMME TO COVER TWO WEEKS

The Minister for Roads and Public Works (Mr. Raila): Mr. Deputy Speaker, Sir, I wanted to say something of a different nature, Mr. Ojode's humour notwithstanding. I am not trying to apologise on behalf of the Front Bench of the Government side. We take a lot of flak most of the time but it should also be appreciated that sometimes we get information very late. For example, this morning I got the notice of the Question that I have answered this afternoon. This is the case, and yet I was required to answer it today. The Standing Orders say that we should receive notice of Questions 48 hours before we answer them. Could the Chair also order the officers who are responsible to ensure that Ministers get notices of Questions on time?

Mr. Deputy Speaker: Very well! For the information of hon. Members, we have also arranged that from next week, the programme of Questions which in the past has been prepared for one week, will now **[Mr. Deputy Speaker]** be for two weeks. This will enable hon. Members to know the Questions which will be asked within that period. In the past, we have been giving a one-week programme and hon. Members have been complaining that they do not see the Questions. We want to improve on the administration of Questions. From Monday, we will ensure that you get the Questions which will be asked in the next two weeks for the benefit of Ministers and hon. Members. Please, let all of us work together to improve this service. We will move on to the next segment of asking for Ministerial Statements.

CONSIDERED RULING

MINISTERIAL STATEMENT ADDRESSED INSECURITY IN KWALE DISTRICT

Mr. Deputy Speaker: Hon. Members, yesterday afternoon, Mr. Mwandawiro requested for a Ministerial Statement from the Office of the President regarding the state of insecurity in Kwale District, where several youths have been killed by security forces and others arrested for allegedly planning to cause violence and disrupt peace in the area. He also wanted to know the cause of such violence in the area since 1997.

Hon. Members will recall that yesterday Mr. M. Kariuki, who is an Assistant Minister, Office of the President, gave a Ministerial Statement regarding the state of insecurity in Kenya and, particularly, in the districts of Mandera, Marsabit, Samburu and Moyale. The Statement also covered the recent violence in Kwale District. I promised to make a ruling on whether the Ministerial Statement issued by Mr. M. Kariuki covered the Ministerial Statement requested by Mr. Mwandawiro. Having perused through the HANSARD, I am satisfied that the Statement which was issued by Mr.

M. Kariuki addressed insecurity in Kwale District. I, therefore, rule that yesterday's Ministerial Statement by Mr. M. Kariuki addressed the issues raised by Mr. Mwandawiro. Therefore, I order that it will not be necessary for another Ministerial Statement to be issued on the matter as requested by Mr. Mwandawiro.

POINTS OF ORDER

ATTACK ON HON. NDILE'S HOUSE

Mr. Ndile: Ahsante sana, Bw. Naibu Spika. Ningependa kuuliza Tarifa kutoka kwa Waziri wa Ofisi ya Rais anayehusika na usalama nchini. Waziri hayuko hapa lakini ninafahamu kwamba ataelezwa.

Mr. Deputy Speaker: Order, Mr. Ndile! The Assistant Minister is here!

*(Mr. M. Kariuki stood up
in his place)*

Mr. Ndile, could you go on?

Mr. Ndile: Bw. Naibu Spika, nilikuwa ninamtafuta Waziri ambaye aliagiza polisi kua majambazi walio na bunduki.

Tarehe 11.3.2005, watu fulani walijaribu kuvamia nyumba yangu na waliposimamishwa na majirani, waliwavamia. Sasa hivi, jirani mmoja bado hajatoka hospitalini kwa sababu yuko katika hali mbaya. Nilikuwa ninataka kujua ni nini Waziri amefanya kuhusu jambo hili. Pia, ninataka kujua kama ni wizi wa kawaida au ni wa kisiasa. Hii ni mara ya pili majambazi wamevamia nyumba yangu. Mara ya kwanza, polisi walipuuza na kusema kwamba hawakuona kitu chochote. Bw. Naibu Spika, ningetaka kujua ni watu wangapi waliotiwa mbaroni kufuatia uvamizi wetu. Uvamizi huo ulitokea siku mbili baada ya sisi kuonywa na Bw. Katuku ya kwamba "watu wa milimani" hawakufurahishwa nasi. Sijui "watu wa milimani" ni akina nani!

(Laughter)

Mr. Deputy Speaker: Bw. Ndile, tafadhali mpe Waziri nafasi alete Taarifa ya Wizara halafu utauliza maswali baadaye.

Mr. Ndile: Bw. Naibu Spika, unajua "watu wa milimani" ni akina nani?

Mr. Deputy Speaker: Bw. Naibu wa Waziri, utasemaje?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I undertake to give a Ministerial Statement on Wednesday, next week.

Mr. Deputy Speaker: Very well! Thank you, Mr. M. Kariuki.

GOVERNMENT POLICY ON HIRING TRAINED TEACHERS

Mr. Wamwere: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement as soon as possible from the Minister for Education, Science and Technology. I do not think he is in the House today---

Mr. Deputy Speaker: Well, I will ask the Assistant Minister to take brief. Mr. Miriti, will you take the brief for the Minister of Education, Science and Technology?

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

will take the brief.

Mr. Wamwere: Mr. Deputy Speaker, Sir, I would like the Minister for Education, Science and Technology to give a Ministerial Statement on the Government policy on training, employment, affirmative action or lack of it, and the rate of absorption in the teaching services that can now accommodate many blind and disabled trained teachers who have completed their teacher training, but the Ministry has not been able to hire them in the last three years.

Mr. Deputy Speaker: Is that in order, Mr. Miriti?

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Deputy Speaker, Sir, I will communicate that information to the Minister for Education, Science and Technology.

Mr. Deputy Speaker: That Ministerial Statement should be ready by Wednesday, next week.

ATTACK ON MANDERA DISTRICT RESIDENTS BY FOREIGN MILITIA

Mr. Shaaban: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek a comprehensive Ministerial Statement from the Minister in charge of Internal Security. For the last two years, Mandera District has experienced infiltration of foreign militia where many lives and property have been destroyed. As a result of this infiltration by these foreign militia, more than 40,000 Kenyans have been displaced and are living under fear and uncertainty. In the latest attack by these militia which was at 5.30 a.m yesterday, two Kenyans were killed and four others critically injured. These were both children and women. Kenyan security forces have killed four of these militia, who were in full military regalia. As I speak now, there is an impending attack on my constituents by these foreign militia. I would like the Minister in charge of Internal Security to explain why Kenya's territorial integrity has been compromised, where these foreign militia have been able to attack Kenyans and kill them at will, and why many Kenyans have lost their lives and property. What is he doing to ensure that these foreign militia will no longer attack? What is he doing to ensure that Kenyans are at peace?

Mr. Deputy Speaker: Very well!

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I also undertake to have the Ministerial Statement ready on Wednesday afternoon, next week.

Hon. Members, that marks the end of Ministerial Statements and also requests for the same.

COMMUNICATION FROM THE CHAIR

CHANGE OF ORDER OF MOTIONS ON THE ORDER PAPER

Mr. Deputy Speaker: Hon. Member, I would like to inform the House that in exercise of the powers given by the Chair under Standing Order No. 31(2), I have found it necessary to change the order in which these Motions appear so that Motion No.8 will be No.7, and *vice versa*. This is because it is important to dispose of the Motion by Mr. Kamotho, owing to the African, Caribbean, Pacific, European Union (ACP-EU) Joint Parliamentary Assembly which is coming next week. Therefore, I order that the order of Motions be changed as I have already stated.

Next Order!

MOTIONS

ADOPTION OF REPORT ON SEVENTH SESSION OF ACP-EU JOINT

PARLIAMENTARY ASSEMBLY

Mr. Kamotho: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, this House adopts the Report on the 7th Session of the African, Caribbean, Pacific and the European Union (ACP-EU) Joint Parliamentary Assembly held between 16th and 19th February, 2004, in Addis Ababa, Ethiopia.

Mr. Deputy Speaker, Sir, this is a very important report because the European Union is one of the most important development partners of our country. In fact, if I am not wrong, it is the leading multilateral development partner of Kenya. The Seventh Session of the African, Caribbean, Pacific and the European Union (ACP-EU) met in Addis Ababa, Ethiopia, from 16th February to 19th February, 2004. Partner states attend the joint parliamentary assembly from the ACP and EU states twice a year, two weeks, each period. The ACP-EU co-operation is based on the Lome Convention. The Lome Convention was entered into in 1975. During the Lome Convention, I am sure many Members, particularly those who were working in the public service, were aware of the numerous micro-projects which used to be financed through the that Convention. The Lome Convention came to an end in April, 2000. A new ACP-EU agreement called Contonou was signed in June, 2000. That defined the future co-operation of the two partners, the ACP and EU.

The new partnership is built on several pillars which include political dialogue, peace building policies, conflict prevention and resolution, good governance, respect for human rights, democratic principles, poverty reduction, regional co-operation and integration and economic and trade co-operation. The representatives of the 77 member states of ACP, that is the countries of Africa who are members, the Caribbean and the Pacific, under the Contonou Agreement must be hon. Members of Parliament. They meet their 77 European Parliament counterparts in plenary session for one week twice a year. Kenya is a signatory to this agreement.

Mr. Deputy Speaker, Sir, I would like to give a brief outline of those benefits which accrue from this co-operation, which, of course, if hon. Members have kept in pace with what has been going on, they will appreciate that renovations, reforms and development around the National Assembly have received funding from the European Union.

Therefore, Mr. Deputy Speaker, Sir, the first one is in the area of infrastructure, where the northern corridor support is the current project of Sultan Hamud-Mtito Andei Road whose construction is on-going, and Mai-Mahiu-Naivasha-Lanet Roads under tender are among the projects that are financed by this co-operation from the European Union (EU).

Secondly, in the area of health, there is an ongoing district health services and support development programme that is also part of this development co-operation. Thirdly, in the areas of trade, the EU is assisting to set up in the Ministry of Trade and Industry, a technical body involved in the economic partnership agreement negotiations which are going on.

Fourthly, in areas of education there is the provision of HIV/AIDS books for primary and secondary schools which was recently completed and it was financed from the EU through this co-operation. The EU also provides direct budgetary support to the Government of Kenya through the Ministry of Finance.

After the Cotonou Agreement that is expected to expire in 2007, there have been proposals to enter into New Economic Partnership Agreements referred to as NEPA. The leading Ministry that is involved in these negotiations is the Ministry of Trade and Industry. The Assembly heard, during that particular meeting, that negotiations on economic partnership agreements had been launched in Brussels on 27th September, 2002. This was during the last Eighth Parliament. The first phase took place at an all-African, Caribbean, Pacific and the European Union (ACP-EU) level and addressed horizontal issues of interest to all parties. The discussions were grouped around six areas which were legal issues, development dimensions of EPA, agriculture and fisheries, services, market access, trade

and related areas. The first phase was concluded when both parties adopted a joint declaration and a detailed joint report setting out the convergencies and divergencies of the first year of the EPA discussions.

The EU and the Economic Community of West African States (ECOWAS) also launched its phase of regional EPA negotiations on 4th October, 2003, while the Economic Community of West African States (ECOWAS) launched its on 6th October, 2003. Eastern and Southern Africa group of countries, where we fall, was launched on 7th February, 2004. This group of countries which belongs to this particular regional grouping includes the following countries: Burundi, Comoro Islands, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar Islands, Rwanda, Seychelles, Sudan, Uganda, the Democratic Republic of Congo (DRC), Malawi, Mauritius, Zimbabwe and Zambia. The SADC members who chose not to join the ESA framework launched separate EPA negotiations with the EU last year with South Africa being an observer. Significantly, Tanzania opted to work with SADC rather than ESA. It was stressed that EPA negotiations would make regional integration strong and it would identify regions' main objectives.

I must mention here that one of the major problems of ESA; that is our group composed of 16 countries, is that within this grouping of countries, it is only Kenya and Mauritius that were treated by the World Bank and donors, including the EU, as above "the least developed countries". As we all know, those countries under this category of "the least developed countries" have a free access of the European market without any charges of duties. However, Kenya and Mauritius, considered to be economically more developed, do not fall under that category and these other countries enjoy what they call "Everything But Arms" (EBA). It, therefore, means that these countries can grow or manufacture anything and export goods to the European market without being charged any duties.

As far as we are concerned, Kenya and Mauritius are slightly disadvantaged because some of our goods attract duty levies and we will be competing with goods from these other countries, including our East African partners, Uganda and Tanzania, which are not charged duty for entry into the European market. These are some of the areas that are expected to be addressed by the teams set up by the Ministry of Trade and Industry during the negotiations with the EU.

However, in our discussions, the EU communicated to the Assembly that one of the principles of these NEPA negotiations is to ensure that none of the countries, after entering into these agreements, will be disadvantaged. In other words, we will not be worse off than we are today. However, what we would like our negotiators to do is to push for free entry of our goods and services to the EU. When we are told that Kenya is more developed than Uganda and Tanzania, we doubt the kind of criteria those who have set levels of development have been using.

Mr. Deputy Speaker, Sir, the challenges of the Economic Partnership Agreement (EPA), are as follows. There are a number of weaknesses facing the envisaged EPA trade and economic agreement. The first one is that, EPA focuses on the demand side, yet the biggest problem faced by the ACP business is production capacity and supply issues. Secondly, EPA also undermines the commodity protocol which serves as the lifeline for most Eastern and Southern African countries. Thirdly, EPA undermines regionalism which is a key to development strategy for Eastern and Southern Africa negotiating group. Lastly, the link between EPA and the development, that is critical for ESA, is not very strong as it is the link between trade, liberalisation and growth, taking into account the industrialisation that occurs with market liberalisation.

Therefore, after addressing these issues very closely, the African, Caribbean, Pacific and the European Union (ACP-EU) Joint Parliamentary Assembly resolved that whatever the outcome of the EPA negotiations, no ACP country should, in its trade relation with the European Union (EU), find itself in a more unfavourable situation after 2007, than under the current ACP-EU trade agreement based on Cotonou Agreement.

The Assembly reiterated that EPA should include safeguard measures that would protect ACP

producers from influx of European imports. We can see a hidden agenda in this issue. EPA, at the end, may resort to pushing members of the ACP to effect the trade relationships between us and the EU, to be based on free trade. In this case, European countries will be exporting their goods freely to our market without us charging them any duty. This would be extremely dangerous because we are not at the same level of industrialisation. Therefore, those who are involved in negotiations must closely address this particular issue.

The instrument, which was established through the Cotonou Agreement in order to assist the member countries of ACP to access funds for development is very similar to our Constituency Development Fund (CDF). It is called the European Development Fund (EDF). Its characteristics are very close to those of our CDF. The ACP-EU Joint Parliamentary Assembly was informed that the European Commission has proposed to bring the EDF, the main instrument of co-operation between the EU and the African, Caribbean, Pacific groups of states into the EEU general budget. In other words, they would like to budgetise EDF, which most of the member countries, including Kenya, and nearly all countries of ACP, are opposed to. This is because if you budgetise EDF, it becomes part of the annual budget of the European Parliament. At the end of every financial year, if you will not have utilised the surplus funds, then the money is returned to the European Parliament. We are still debating on this matter. However, EDF is supposed to end in the year 2007.

Mr. Deputy Speaker, Sir, the meaning of this is that since we are now on the 9th EDF since it was started, it is the current one where we are drawing money for development. If it is accepted, the 10th EDF will not be available. It will be part of the European Parliamentary Budget which we are still debating. We, on the side of the ACP, are putting a strong case and are re-visiting this issue. Budgetarisation will not mean more funds. It is not likely that it will imply quicker disbursement of EDF. We are still debating on this and the debate will continue until we come to a conclusion.

Given this scenario, therefore, the ACP representatives expressed their concern on the viability of the EDF budgetarisation and called for more discussions and consultations before a definite decision is taken. In every meeting we attend, this subject crops up all the time.

The other area which the Joint Parliamentary Assembly gets involved in, is in the area of conflict prevention and resolution. I must say that the Joint Parliamentary Assembly commended Kenya for the leadership of conflict resolution of Sudan and Somalia. That was during the last meeting that we attended. The EU is one of the leading donors in funding such kind of negotiations in the region. At the same time, the EU sent observers for elections. I recall that in the year 2003, the EU team which was sent to observe our general elections gave an extremely positive recommendation. Kenya was commended for the 2002 General Elections. Many other members of ACP countries and from the European countries were saying that they wished that model of election that was used in Kenya in 2002 could be developed and become a model for other ACP member countries. So, the European Union and also the members of the ACP were extremely happy with the way the elections were conducted in Kenya. It was stressed during that Assembly in Addis Ababa that the best prevention of conflict was the support for the strengthening of democracy which would result in economic stability and social benefits.

Finally, the Assembly was informed that in Africa, conflicts were political in nature and were often linked to distribution of power in society. For this reason, the promotion of democracy was absolutely essential.

Mr. Deputy Speaker, Sir, the Assembly discussed an issue that was quite outstanding, about the possibility of creating an ACP Parliamentary Assembly, because the ACP members who represent their Parliaments meet informally as Members of Parliament from ACP countries. But the European representatives meet under the auspices of the European Parliament. So, they are well crafted legal institutional bodies. So, in a meeting in Georgetown, under Article 18 of the ACP Assembly, it was resolved that ACP should constitute itself formally into an assembly so that we do not hold meetings in

an *ad hoc* manner. That means when we go and meet our counterparts from the European side we would have deliberated on issues affecting our ACP member countries formally and exhaustively.

After a lengthy discussion on this particular subject it was resolved that the Joint Parliamentary Assembly shall comprise of one permanent and alternate Member of Parliament designated by the Parliament of the ACP state. The draft charter of the ACP Parliamentary Assembly and the draft rules of procedure have been annexed to this Report. It was resolved that the Parliament should adopt the said charter and the rules of procedure. A study carried out found that there would not be any extra financial implication.

I am, therefore, urging this House to adopt this Report and the establishment of an ACP Consultative Parliamentary Assembly.

With those few remarks, I beg to move the Motion and request hon. Poghisio with whom I attended the Assembly to second.

Mr. Poghisio: Thank you very much, Mr. Deputy Speaker, Sir for giving me this opportunity. I would like to second this Motion, that the House adopts this Report. I would like to thank the leader of the delegation, hon. Kamotho, for clearly articulating this Report. I will not want to say much except to urge Members in this House to support and adopt this Report. It is a very important Report, as we all know that this world has completely shrunk into a global village; we need each other. We understand that this partnership between the European Union and ACP countries is the way of the future. We must encourage Parliaments to be active like the Kenyan Parliament. The delegation from Kenya was very active in the meetings of the ACP-EU.

I do not need to over-emphasise some of the things that have been said by my colleague. Why do we support this Report? This joint Assembly is helpful for us because it supports our infrastructure, health sector, trade, education and agricultural sectors, and even gives us direct budget support.

Mr. Deputy Speaker, Sir, I would wish to highlight one of the areas for which I think this partnership of the ACP-EU has begun to bear fruit. And that is in the area of conflict prevention and resolution. As we all know, Africa is the arena where most conflicts happen, and our partnership with the EU and other countries is important because if we support each other, a lot of conflicts in Africa would be addressed. As is highlighted in this Report, the best prevention of conflicts was the support for the strengthening of democracy. A lot of the conflict in our continent have to do with power struggles and inequality in power sharing, and our lack of knowledge on how to sort it out. When we want to sort it out, we group ourselves into opposing groups and end up needing the help of others to sort it out for us. A case in point is the Cote d'Ivoire situation that is going on and ACP-EU is particularly concerned about situations like that, and we in this continent need to be open to the strengthening of democratic institutions.

Mr. Deputy Speaker, Sir, without necessarily becoming repetitive, I appeal to this House to adopt this Report.

With those few remarks I beg to second.

(Question proposed)

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity. I wish to support this Report by our delegation to ACP-EU Joint Parliamentary Assembly. I wish to thank them. This is what we should demand from all our delegations to such world-wide conferences where our National Assembly devotes substantial resources to our Members of Parliament to represent this country.

ACP-EU Joint Parliamentary Assembly is a very important institution in the sense that we do a lot of business with EU countries. A lot of our farm produce is sold to these countries. These countries also support us, either through budgetary support or through other methods of support that alleviate

poverty and fighting of diseases.

Mr. Deputy Speaker, Sir, I wish to comment on the aspect of conflict resolution. Kenya has taken more than its fair share in conflict resolution in the Horn of Africa. As we all know, Kenya has been grappling with the Somalia and Sudan conflicts. For the last 20 years, this country has suffered enormously as a result of conflict in the neighbouring Somalia and Sudan. For example, there has been environmental degradation as a result of refugees who have moved from those countries of conflict into this peaceful country of Kenya. They have destroyed the environment of parts of this country. Take, for example, Turkana and other North Eastern areas. Vegetation has been destroyed by mainly refugees who have moved into our country. In this report, I do not see where that issue was properly addressed by the Assembly, and subsidy or support given to restore the environment.

[Mr. Deputy Speaker left the Chair]

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

We also know that in this country, we have proliferation of illegal small arms because of the conflicts in Sudan and Somalia. I do not see where this Report addresses that important issue, which has caused a lot of insecurity in this country. Very many people have access to firearms and crime is being committed throughout the country. A few years ago, those illegal arms were used in North Eastern Province. Now, they are used in every point in this country. I thought that Assembly would have addressed that important issue. As you know, we cannot fight poverty when we are insecure. We cannot develop this country when we are insecure. I would like our delegation, next time they go there, to address the issue of environmental degradation and proliferation of small arms in our country.

Mr. Temporary Deputy Speaker, Sir, I also thought that they would have discussed the issue of Somalia and Sudan, now that the conflict is almost over. They should have given the citizens of those countries a timetable to return back to their country, and leave us to develop our own country.

Mr. Temporary Deputy Speaker, Sir, that Assembly made conclusions on matters related to diseases like HIV/AIDS, tuberculosis, malaria, and others that affect the people of this country and other African, Caribbean, Pacific, and European Union (ACP-EU) countries. I do realise that certain recommendations were made with regard to the use of tricks, including those in the World Trade Organisations (WTO) agreements. The Assembly tried to persuade the member countries of WTO not to include tricks in their agreements. But the conclusions which were made here are not categorical enough to assist our country.

For example, as you all know, we have been receiving Anti-Retrovirals (ARVs) from India, which are manufactured under licence on generic basis. The WTO has moved to cancel the licences which were given to Indian manufacturing firms for manufacturing those life-saving generic drugs that are assisting our people. The cost of ARV drugs is going to shoot up by 1,000 times in a few months' time. While the Assembly was tackling the issue of tricks, I wish they had handled that issue and asked the European Union (EU) to support a country like Kenya to manufacture those generic drugs, so that they can help our people in Kenya and neighbouring countries. I know that Kenya has an intellectual capacity to produce those drugs, but we may not have the financial resources to set up the necessary factories to manufacture those drugs. So, the ACP-EU delegation should have handled that issue thoroughly and sought support to manufacture those drugs to save lives in our own country.

Mr. Temporary Deputy Speaker, Sir, we deal with EU on commodities like tea, coffee, sugar and cotton. The so-called developed countries like the EU and United States of America (USA) want to use tricks to their advantage. They have not included the specific production of coffee and tea in this country under Geographic Indications (GI). The tea we produce in Kenya is of a special nature. The

coffee we produce in the mountains and hills of Kenya is of a special nature, that cannot be found anywhere else in the world. They are of special quality. It is the same way that the grapes which are produced in the Mediterranean, South Africa or California are of specific area and quality and are covered under the GI. What I am saying is that, when we attend the ACP-EU Assembly, we should fight for our countries to develop capacity to produce, add value to our products and get a ready market for them.

Mr. Temporary Deputy Speaker, Sir, as you might be aware, the bi-lateral and multi-lateral groupings may come to an end very soon. That is because the WTO does not want bi-lateral and multi-lateral arrangements to be done in this world, except through them. If that was to happen, this country would suffer enormous loss!

We will not be a block big enough to negotiate for our interests. Some years back, when we used to have some bi-lateral arrangements between the Commonwealth countries and Britain, we used to get proper prices for our products and good market access. When that was destroyed, the prices went down because we are not strong enough to fight and negotiate with the EU or the USA. As we negotiate with EU, we should use that forum to fight for our rights, benefits and interests before we fully join WTO agreements. We know that some West African countries have been able to negotiate and get quite substantial benefits from their cotton industry. I thought that our delegation would fight for Kenyan cotton to be included in the Niger, Malian and Senegalese cotton, so that we can get the same prices and support that those West African and Caribbean countries are getting.

Mr. Temporary Deputy Speaker, Sir, let me talk about sugar. Sugar is a commodity that we are entitled to export to the EU through the ACP-EU arrangement, but, for the last ten years, we have not been able to supply against our quota. In fact, we are net importers. Our negotiators would have negotiated with the European Union (EU) to support our sugar production in western Kenya and in the warmer areas like the Coast Province in schemes such as the Bura Irrigation Scheme, so that we can market our sugar through our quota with the EU. Then we can empower our farmers reduce poverty and reap the benefits of being a member of the ACP-EU Joint Parliamentary Assembly.

Mr. Temporary Deputy Speaker, Sir, while I am on sugar, we import sugar from overseas. The price of sugar has gone up by about 15 per cent in the last two weeks because we do not produce enough. We are importing sugar from the COMESA region, which is okay as far as I am concerned. There has been a lot of interference in the importation of sugar from the judicial system. The Judiciary has barred importers from importing sugar into this country, so that the sugar prices do not skyrocket. If we are able to produce adequate sugar for our consumption and for export, we would not have had the problems we are having now with the Judiciary, which has put blanket injunctions without minding the interests of Kenyans.

Finally, I want to talk about the creation of the ACP-EU Joint Parliamentary Assembly. This is a commendable recommendation. I know Mr. Kamotho is a person who can come up with this kind of recommendation. We support him. Let us have the ACP-EU Joint Parliamentary Assembly where we can exchange ideas and handle issues as a group, and then we can have a forum through which to negotiate our rights and interests worldwide.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I also wish to congratulate this particular delegation, which very ably represented us, and for having made a report available to this House. I am aware that many Committees of this House have been out there attending various conferences and we never get reports. This is a very good example to go by.

A number of issues are raised in this report. It looks like Africa is now the theatre of wars and conflicts. When I look at the map of Africa, particularly the map that reflects on minerals, I find that we are probably one of the few continents with very heavy endowments of minerals. The areas that tend to have large deposits of minerals are the same areas that have conflicts. The Democratic Republic of Congo (DRC), for example, is probably the richest country in Africa and probably in the

World, in terms of mineral resources, but what we see there is conflict. We have seen the conflict in Angola, again, a country with huge oil deposits. We now see the conflict in Darfur, Chad and even what is about to explode in Zimbabwe. Zimbabwe is the second richest country in terms of mineral wealth in Africa. I think there is a relationship, therefore, between mineral wealth and conflict. I see a foreign hand in the conflicts that we have in Africa.

Mr. Temporary Deputy Speaker, Sir, the other shortcoming we have in Africa other than minerals is negative ethnicity. We have conflicts in areas where there is serious ethnic rivalry, for example, Rwanda, Burundi, Somalia, Ethiopia and Eritrea. Those areas, though not having deposits of minerals, have also been theatres of conflicts. Perhaps, as we discuss conflicts, it is sometimes good to reflect back.

For a long time, before the end of the Cold War, we had situations where Europe and America supported dictatorships regardless of whether there was democracy at the grassroots or not. Most of the older African dictators, whose time, perhaps, has now passed, are creatures of Europe and America. The Mobutu Sese Sekos of this world and the dictator emperor from Central Africa and several others are creatures of our Western brothers. A forum like the one that is now likely to unfold may be important because it has a historical perspective about the kind of conflicts that we are now going through.

Mr. Temporary Deputy Speaker, Sir, I wish to observe that if Europe had invested in democracy in Africa early enough, the amount of resources that we are spending today to resolve conflicts would have been saved to go towards the eradication of poverty. It is very expensive to resolve conflicts. The investment you require for democracy and good governance is much less, compared to the amount of resources we are spending on this continent to resolve conflicts. Some of it cannot be quantified in monetary terms because it means loss of human life in millions and thousands of people. That is a very high price that we are having to pay. This is because the West invested in dictatorship in Africa. We are trying to move towards a more liberal democracy and we are finding it very hard. That is why we have conflicts based on ethnicity and other factors.

The greatest problem for Africa is poverty. Instead of focusing our resources on eradication of poverty, we are now focusing our resources on conflict resolution. Europe can assist us a great deal. They have more established democratic institutions and they should show us the way. They should pay back what they stole from us after many years of colonisation, by ensuring that we invest in democracy and good governance. That way, we shall have a climate where we can now begin to address issues of poverty. This continent has the greatest disparity of incomes and wealth. I think that is one major cause of insecurity and conflict. This is one continent where you find billionaires and you also find people who do not know where they will get their next meal. This huge gap in disparity of income needs to be addressed.

We spend quite a lot of time talking about the Gross Domestic Product (GDP) levels. I was reading something on the Latin American countries, which seem to be doing very well. One of them has a very high GDP of 16 per cent, but the level of increase in poverty is actually 50 per cent. So, the figures about the GDP can be quite deceptive. We should see that the GDP levels trickle down to the grassroots, so that the issues of poverty that pull down our people can be addressed.

Mr. Temporary Deputy Speaker, Sir, I wish to mention something arising from the Doha Declaration on Intellectual Property Rights. We have seen the impact on generics. My colleague has already mentioned about it. If Africa is going to move forward, we must have a very liberal approach to intellectual property rights. Countries like China and Cuba which do not have laws to respect intellectual property rights have been able to address the issues of diseases. They are disease free-countries. If Africa can have free access to intellectual property rights, particularly on health care issues, we will be able to address some very deep issues on our public health sector. I think this proposed forum of the African, Caribbean, Pacific and European Union (ACP-EU) Joint Assembly

will be very important, because we can legislate on laws that touch on the intellectual property rights to ensure that we reap the maximum benefits of research from the advanced countries. Life is very essential. The right to life which has been underscored in this report, is the most important. The one thing we talk about every other day is to sustain life. So, if you lose life because of issues of poverty, lack of access to medicine and research materials from elsewhere, then you do not stand to enjoy the most basic right; that is, the right to life. So, I would really propose that we endorse that particular proposal of the ACP-EU Joint Assembly and see whether we can use the forum to be able to address issues of intellectual property rights.

Today, this continent is under serious threat from HIV/AIDS and the cheap generic drugs we have been getting from India, are now under siege, because it is under the thumb of the World Trade Organisation (WTO) to ensure they do not continue to produce those drugs. The consequences on Africa is that we will not have those cheap drugs which we can give our people to be able to combat the HIV/AIDS pandemic.

Mr. Temporary Deputy Speaker, Sir, one of the things that we lack in this continent is negotiation skills. Whether we go to the World Bank, WTO or conflict resolution, negotiation skills is something that we have to invest in. These are areas we need to begin to tap, so that our people can have the necessary skills to negotiate; whether it is peace or a trade deal. This is because without skills and with the modern competition we have across the world, we will not be able to make any headway. Some of the things we have lost, particularly on the WTO declarations and agreements is because we do not have good and strong negotiation skills. We need to enhance those skills in a forum like this, as proposed. It can be useful in terms of acquiring skills from other jurisdictions.

Home-grown solutions to peace have been vindicated by the IGAD effort in Somalia and Sudan. The initiative taken by the IGAD states to broker peace in Southern Sudan and Somalia is commendable. Sometimes we look down upon ourselves as lacking the capacity to bring about peace. But nobody understands the problems of Africa much better than the Africans themselves. I think our success in Somalia and Southern Sudan should give us the necessary confidence to resolve our own conflicts here, in the Great Lakes Region and Africa at large, without having to source skills from outside the continent.

Mr. Temporary Deputy Speaker, Sir, regional co-operation which has been underscored in this report is very important. We are beginning to reap the fruits of an integrated Eastern Africa trading block. Sooner than later, I am sure the Customs Union which was launched earlier this year will begin to be of benefit to us. So, I think we have to start at home. Once we start at the regional level, we can move to the continental level and spread out there to have a common market with other blocks, for example, the European Union (EU) and the American Block. But I think it is important to realise that we can create a bigger market within this region of 90 million consumers if we have a common market, in the same way that the EU has been able to create a common market for itself and address issues of poverty. They have made major strides in terms of development.

Mr. Temporary Deputy Speaker, Sir, I am quite wary when it comes to issues of globalization because I realise that this is just another name for international corporate bodies taking over the economies of the developing countries. There is a real threat that, as we go to areas of privatization, we may forget that we are a country. We may abandon our sense of patriotism and not see the threat that the global international co-operations actually pose. At the end of the day, in the name of globalization, we will lose control of our economy. It will be a free area for all and multinationals will come here. I think we are going to have a second phase of colonization. I would appreciate if the West was willing to go along with the concept of globalization in a situation where we liberalise our immigration laws. This is because there should be free movement of labour, if it is a truly globalized world. People should move where the resources are, because essentially, labour is a tool of production. Therefore, it is important that we have free movement of labour. We see the visa and

non-barrier tariffs that have been placed on our people. Even the skilled ones cannot go to Europe or America to market their skills, yet, we are told every other day: "Open your doors to globalization," so that the multinational corporations can come here and exploit our resources. We should be able to demand our place in the world today by having free movement of labour, so that our people can gain from what we invested in those other economies.

Mr. Temporary Deputy Speaker, Sir, looking back at the history of colonization, the Europeans came to Africa, not to discover anything, but to run away from the pressure of the economic depression that they were going through. They were looking for other alternative avenues and they found Africa. They came to exploit our resources. At that point in time, there was no restriction on the movement of labour. We would like them to reciprocate. Let us be allowed to move to their economies and market our skilled labour. Today, if any person, for example, tries to sell products to the West, whether it is the European or American markets, he or she is met with many non-tariff barriers. One of the barriers which they stress is about the quality of our products. Our flowers today are beginning to lose market, because they will raise more issues about the quality of the flowers that we are growing. For that reason alone, we are thrown out of the market. The same applies to fish, tea and many other products. I think we need to address these forms of discrimination that every other day are being raised by our Western partners. If we are going to be a one united block; the ACP-EU must begin to address the barriers that divide us.

Mr. Temporary Deputy Speaker, Sir, on that note, I beg to support this Report and thank the hon. Members who presented it.

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Report before us, on the ACP-EU Joint Assembly because we are opening ourselves into a bigger region.

We are happy we have the East African Community that is being developed afresh after it collapsed in the 1970s. Last year, we nominated some hon. Members into the East African Assembly. From there, we are now talking of the bigger assembly. My hope is that the Members we send out there will come with knowledge, not only for themselves, but for us all. I want to request my colleagues to ensure that these reports are read and utilized, so that we have more informed leaders in the name of Members of Parliament. When we deal with an informed lot of leaders, we are better placed than from the opposite of the same. Mr. Temporary Deputy Speaker, Sir, I am happy to note that there are three Committees that were set up that can be useful to this region and country. One of the Committees is on political affairs. This Committee is very important because one of the diseases that has hindered Africa from developing is the weakness of carrying out our political affairs. Leaders take over power and think that leadership is personal. After sometime, they convert themselves into dictators and kings. They become bottlenecks and, therefore, those individual countries where the leaders behave in this manner, then get into a lot of trouble. But if we can expose our leaders, including our Members of Parliament who have every likelihood of ascending to senior positions, politically, we will be creating more awareness and better leadership amongst ourselves.

Mr. Temporary Deputy Speaker, Sir, I am sure that the Joint Parliamentary Assembly can supervise regional assemblies and act as a means of resolving problems that individual leaders can cause in their countries. When you have a bigger assembly, leaders or people who oppress their communities will be summoned. That is a very big assembly of Africa, Pacific and the entire European Union. If leaders are summoned to that assembly and talked to, they can respond better than when they are left on their own.

The other important aspect is the economic part of it. There is an economic committee. Where Kenya alone might find it difficult to negotiate with the European Union, you have the other regions. You have the African Assembly and other Caribbean regions which can be used to assist our country to negotiate in terms of our economy and trade among member States.

Mr. Temporary Deputy Speaker, Sir, I am also happy that there is a committee on

development. You know that environment is a very important aspect of life. That committee can also be very useful. I do not know whether those people were involved in the nomination of our Lady who won the Nobel Prize. When you are a member of a global committee, you have more influence than if you were left alone as a country or a small organisation like the East African Community.

I want to continue by saying that let us read the reports. Let us not read and abandon them in the shelves. Let us implement them. We need to have a means of reviewing what action has been taken on the reports that are presented to us. I am sure that this report will be discussed and, most likely, passed by this House. But, we require to set a time frame when we can ask people representing us or the authorities what part we have played to ensure that we are active members of the assembly. We should also adhere to the rules that are set. The rules are very well summarised in the appendix. We need not only to participate, but take action on the recommendations.

Mr. Temporary Deputy Speaker, Sir, we also need to be told what is done to our recommendations when we present them to the headquarters or the secretariat at Brussels. I am happy that the hon. Member who spoke before me talked about the items that we export to the European Union. Some time back, we had problems in exporting fish to European countries. That threatened areas in Lake Victoria and others that really depend on fish exports. I think that matter was discussed. We require to monitor the situation, so that we are not taken by surprise. We should be able to tell them: "Please, give us warning in good time, or give us reasons rather than come one day and say: Yes, you cannot export fish to the European Union." They say that when we, as a country, has invested heavily and planned for the income from fish exports. I want to recommend that we should continue participating. We should not ignore those kind of assemblies. But we do not want to be members for the sake of it. We want to be members for the benefit of our country.

Mr. Temporary Deputy Speaker, Sir, I know there are very many other assemblies, including the Inter-Parliamentary Union (IPU), Commonwealth Parliamentary Association (CPA) and African Union (AU). But we want to be sure that when we send our people to those areas, they bring reports of the deliberations that take place there. They should also make reports like the one we have here, so that we can know where we are, regarding them.

Mr. Temporary Deputy Speaker, Sir, we attend very well organised assemblies like that one. We participate and talk well, but when we come back home, where we are supposed to have basic actions to ensure that we are an example of a good governance, we do not rate very well. As a country, we need to shun tribalism, run away from individual excessive interests, have one well governed and good country called Kenya and talk as one community where leaders give common and proper leadership. Once that is done, we will become an economy that other people in the assembly can take interest in. From there, we can become an example of a nation where political affairs are carried out properly.

Mr. Temporary Deputy Speaker, Sir, theoretically, we are a good country. We have been able to negotiate peace for two countries; namely, Sudan and Somalia. We have done that successfully. But why should we have little conflicts among our own people? How can you pretend to assist your brother when you have small problems? How can you remove a big particle from the eyes of your brother while you have a "log" in your own eyes? We should continue preaching unity among our own people. We should continue preaching the need to live together. We are a small unit. We are talking about the East African Community. We are trying to expand our brotherhood. If we want to go to the bigger unions, then why do we not start at home? The people in Mandera, Kajiado, Mau Narok, Kisumu and Mombasa should be one and the same. If we do that, when we tell Somalis to live in peace, they will say: "Yes! We want to copy what Kenya is doing! When we tell Sudan: "Yes, this is what we do", they will want to copy. When we tell our other neighbours like Congo to live in peace, we will be talking from a practical point of view. I want to support the adoption of this Report and say: Let us ensure that it becomes beneficial to us. We have spent money to send a delegation to that

Joint Assembly. It brought us a report. Let us be practical about that report.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Let us have the official Government Responder!

The Assistant Minister for Trade and Industry (Mr. Syongo): Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the delegation led by hon. J. J. Kamotho, for a truly excellent report. I also want to take this opportunity to thank the Kenya National Assembly for facilitating the delegation from Kenya that participated in the dialogue that went on with the European Union.

Mr. Temporary Deputy Speaker, Sir, the relationship between the Executive arm of the Government and Parliament is important if we are to push our country ahead because it is only through that kind of partnership, through sharing of ideas and finding solutions as leaders working together for our country and people, that we can truly make the necessary forward movements as a nation.

Mr. Temporary Deputy Speaker, Sir, the European Union (EU) Market is an extremely important market for this country. Presently, the EU accounts for some 29.6 or 30 per cent of the total export from Kenya, specifically agricultural produce, flowers, horticulture as well as coffee and tea. As a group, it is our second most important export market, next only to the Common Market for Eastern and Southern African (COMESA) region. So, I thank the delegation for their active participation and sound engagement with their counterparts from the EU.

Mr. Temporary Deputy Speaker, Sir, the EU is also our main source of tourism. As you know, tourism is a major source of our foreign exchange and so the EU is again extremely important.

(Loud consultations)

Mr. Oloo-Aringo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Prof. Saitoti is talking as though he is in a market place. We are listening to the speech and hon. Prof. Saitoti is talking above and over the voices of everybody else. Is that proper?

The Minister for Education, Science and Technology (Prof. Saitoti): On a point of information, Mr. Temporary Deputy Speaker, Sir. I was in the process of carrying out consultations.

The Temporary Deputy Speaker (Mr. Poghisio): Well, whatever the case, let the consultations be in low tones.

Proceed!

The Assistant Minister for Trade and Industry (Mr. Syongo): Thank you, Mr. Temporary Deputy Speaker, Sir. As I was saying, the EU is also a major source of tourism in this country and trading services including tourism forms 60 per cent of the total Gross Domestic Product (GDP) of this country. So, as a major source of tourism income for this country, the Government does value the EU.

If you consider also the issue of the area of investment, again the EU is a major source of investment flow that comes into our country and region. For that reason, I once again say thank you for the active participation of our delegation at the consultative meeting they had in Addis-Ababa.

Mr. Temporary Deputy Speaker, Sir, referring specifically to the African Caribbean, Pacific and the European Union (ACPEU) economic partnership agreement, I would like to inform this House that this is one of the most unique economic partnership agreements. For one, it is probably the only bilateral trade partnership agreement that has a development component to it.

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

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

Most of other bilateral trade agreements such as the one we have with America under the African Growth and Opportunity Act (AGOA), do not have a development component. Out of the development component, as has been rightly stated in this Report, we have support line on electricity. Earlier on, you heard the Minister for Energy talk about the ongoing French government sponsored rural electrification programme. Before that there was a Spanish one and we also have a number of roads development programmes such as the Swedish funded Road 2000 Programme. More recently, you must have heard of the proposed railway link between Southern Sudan and Kenya. All these are the development components of the agreement that we have with the EU, that is between the ACP countries and the EU.

Secondly, it is unique in the sense that it is one of those bilateral agreements that is not reciprocal in the sense that, whereas they give us several market access privileges, they do not insist on us reciprocating in respect to those particular concessions. So, it is extremely important. In ordinary terms, in partnerships you would expect that if we are giving you the following benefits, then you must also concede on the following points. The ACP-EU Economic Partnership Agreement is non-reciprocal and has been giving us the Most Favoured Nation (MFN) status as countries within the ACP for a very long time, beginning from the Lome Convention to the current Cotonou Agreement under which we are working.

The third area that I would like to identify or point out as making this ACP-EU Economic Partnership Agreement unique is that there are also sector-specific assistance programmes. In particular, we have the line of support from the European countries for the dairy, leather, agriculture, that is honey or bee keeping and the fisheries sectors. All these are part and parcel of this ACP/EU agreement. Again, that makes this agreement extremely unique because they are not normally found in bilateral trade agreements.

However, there are several challenges that we must consider as a nation. Even as we study the document and as we make every effort to implement the contents, I would like to point out the following key challenges which we must consider as a country in order to be able to fully utilise the benefits of this agreement. One, is that we must deal with the cost of doing business in our country. The cost of electricity is extremely high. Our infrastructure has broken down and bureaucracy within our own Government must improve.

As the Mover of this Motion rightly pointed out, we are not classified under the LDC or Least Developed Countries group and as a result therefore, we are expected to fend for ourselves in order to access the EU market. For us to remain competitive, we must deal with the comparatively higher cost of doing business in our country.

Secondly, the non-reciprocal arrangement that we have with the EU is soon going to expire under the pressure from the World Trade Organisation (WTO) where all these bilateral trade agreements are being challenged and the most favoured nation status removed so as to allow free and equal access to all members of the WTO. When that happens, then the issue of competitiveness is going to be critical and unless we take full advantage of the safeguard period in order to improve our efficiency so that we can be able to compete, then we are definitely going to be locked out even in our traditional markets such as Europe.

Mr. Temporary Deputy Speaker, Sir, I want to draw this House's attention to one particular area - the multi-fibre arrangement which is going to be in place from this year. When that is done, then the preferential arrangements we have with such countries like America under AGOA for textiles from this country and ACP countries to access their markets without duty, is going to apply to every other

country. So, countries which have got better efficiency and technologies like India and China are going to flood the western market at much lower costs and, therefore, we are in danger of not being able to access those markets.

Already, as a result, and I am sure this House is aware that a number of companies that have been producing textiles and garments in the Export Processing Zones (EPZ) are, in fact, folding up because of the multi-fibre arrangement coming into force this year and that is an issue that should worry us.

Mr. Temporary Deputy Speaker, Sir, the other challenge is the question of shifting standards. Hon. Angwenyi rightly mentioned that in order for us to gain entry and retain our share in this market, it is paramount that we adhere to high quality product standards. These tend to shift, however, especially, for the European Union (EU). It, therefore, means that we must provide for capacity building in institutions that support our market entry such as Kenya Bureau of Standards (KEBS), National Environment Management Authority (NEMA) and Kenya Plant Health Inspectorate Services (KEPHIS). Environmental Impact Assessment is now a requirement in most markets. They do not allow agricultural products to get in their countries easily. Some of these institutions must, therefore, have capacity so that they can ensure that all producers of our exportable commodities are able to meet the set standards which, as I have already indicated, shift all the time. A good example, is the traceability rule. Under this rule, EU is now applying very stiff standards in terms of pesticide residues in our fresh produce, including flowers, exported to European countries. A couple of years ago that was not really an issue.

Mr. Temporary Deputy Speaker, Sir, the other challenge is that we have a very weak supply chain. If you look at every single commodity which constitutes our main economic activities, whether it is in livestock or cotton farming, our supply chain system is extremely weak. This is to the extent that even as we get inquiries in the Ministry of Trade and Industry, mount exhibitions outside the country and arouse considerable interest in our products, we are unable to meet the demand which is generated simply because the supply chain system is broken down. It is neither consistent nor attuned to the consistent supply of the right quantity and quality of products to our export market. So, this is an area that we must attend to. In this respect, therefore, the productive Ministries, especially the Ministry of Livestock and Fisheries Development and the Ministry of Agriculture, must pay serious attention to the strengthening of the supply chain of our key commodities.

The other challenge that we must address is our entrepreneurial skills. Many times we get complaints from buyers of our products outside this country. They complain that our businessmen do not take inquiries seriously just as they do not take their orders seriously. I believe, that also applies in the domestic trade. We need to pay attention to developing enterprises. We also need to support the entrepreneurial skills amongst our people. I am glad that the hon. Prof. Saitoti is here because such an exercise must start from our educational system. Unless we inculcate in our youth the business culture and give them the skills to do business, this will still remain a major problem.

In India, the reason why the Indians are so good in business is that they made commercial arithmetic and accounting a compulsory subject right from primary school to secondary school. So, even a student who drops out of primary school or secondary school has the technical mathematical skills to manipulate his books of accounts, for example, calculating their profit. That also helps in tax collection which enables the Government to fund development projects. I want to make a special appeal to the Ministry of Education, Science and Technology to consider this very seriously. The Ministry should make accounting and commercial arithmetic compulsory subjects for our children. This is because even if you became a doctor, farmer, lawyer or Member of Parliament you will still need knowledge in elementary book keeping in order to keep your books of accounts. Mathematics and Book-Keeping are the language of business and we should make them compulsory subject in all our schools.

Mr. Temporary Deputy Speaker, Sir, the question of tariff acceleration was also addressed by hon. Angwenyi. In this Report, it has been clearly indicated that one of the areas that the EU should support the ACP countries like Kenya is the area of value addition and agro-processing so that we do not remain traditional exporters of raw materials. By engaging in value addition, not only are we going to create more jobs for our people, but also earn more money for our exports. That is very important for us. I would like to inform all our Parliamentary Committees which interact with our trading partners and especially the developed countries that, presently, under the World Trade Organisation (WTO), we have a rule that allows them to apply accelerated levels of tariffs on value-added production so that when you process your coffee or tea to finished products and export it, they charge at much higher tariff than if you export it as raw material. It is something that we are taking up very seriously in our negotiations at WTO and our other bilateral trade negotiations. However, I would like us to have it in mind that even as we interact on a one-on-one basis in whichever fora, we should bring this matter to the attention of our trading partners, especially those from the West. They need to lower tariffs on products that are processed in our countries. That will enable us to industrialise and create more wealth and employment for our people.

Mr. Temporary Deputy Speaker, Sir, if we had had prior consultations with the team that went to Addis Ababa, no doubt we would have raised this issue. That, therefore, calls for the need for us to consult with one another whenever Parliamentary Committees are travelling outside on such missions. It is worthwhile to consult in preparation for those trips so that we are seen to be speaking the same language and reading from the same script.

The other thing is the issue of agricultural subsidies. Europe and America continue to subsidize their agricultural products and at the same time expect us to compete with them. ACP countries like Kenya have no capacity to subsidize our farmers in order to make the prices of our products competitive. The only solution is for us to continue mounting pressure on Europe and America to remove their subsidies on agricultural products. More often than not, they flood our markets with "cheap" quality products. However, those products are not cheap, in the real sense. They are only cheap because they have been subsidised. The products we export to them are clean and a little bit expensive because we do not subsidise our farmers. So that is an area in which the Government needs our support. All Ministry officials should work together in order to achieve that.

Mr. Temporary Deputy Speaker, Sir, with regard to sugar which has been a major issue, three weeks ago, I was in India and one of the reasons we went there was to look at how they were able to produce their sugar so cheaply. Every single factory in India produces three products: Sugar, ethanol from molasses which they blend with their petrol to reduce the cost of importing fuel, and electricity. Under their co-Gen programme, every single factory must produce those three products. Through that process the farmer is given a good price because the price of his cane is pegged on the income generated by those three products. I think that is important because, otherwise, we will continue to be under pressure from the Common Market for Eastern and Southern Africa (COMESA) countries, which have already adopted this kind of production method.

The question of conflict resolution has been raised here, and I just want to add one thing. In fact, the European Union (EU) has been very supportive of this, because I know that they have been a major source of funding for Inter-Governmental Authority on Development (IGAD) which has enabled Kenya to provide the leadership on the peace negotiations for Sudan and Somalia. But conflict resolution should not just be seen in terms of peace and security. We must also look at conflict resolution as a method of opening up the neighbouring countries for trade and investment for Kenyans.

Right now, because of the peace initiative and the peace agreement in Sudan, Southern Sudan has now been opened up for business and investment, and that is good for us. So, that particular economic angle to conflict resolution sometimes escapes our mind, and I am mentioning it so that we can feel very proud as a country; that we have been able to give the Somalis and the Sudanese an

opportunity to find peace for their nations, and as a result, we shall find an opportunity for business for our country.

I would like to promise this House that this Report is going to be fully discussed in our Ministries with a view to incorporating the resolutions and the ideas that have been presented in this report. That way, the effort that this delegation put in to come out with this report, and first of all to dialogue with their counterparts from the EU and to come out with this report will not be in vain. When you look at that report, I do not believe that there could be a better team-leader for this delegation than the hon. J.J. Kamotho, who for a long time was the Minister for Trade and Industry. We in the Ministry of Trade and Industry feel that, in fact, there is no question about it; that the report is extremely reader-friendly from our perspective. I would like to thank that delegation for doing a wonderful job.

My final appeal, Mr. Temporary Deputy Speaker, Sir, is that, as a people and as a nation, and as leaders of this country, we are being left behind. When I was much younger in 1984, I visited Singapore and Malaysia, where I worked briefly. Kenya was ahead of Malaysia then, but I went there two months ago and I was totally embarrassed because they have left us behind. Thailand has left us behind and everybody else is leaving us behind. What is painful is that the models that they are using to forge ahead are based on models that Kenya as a nation actually developed. The outgrower scheme of the Kenya Tea Development Authority (KTDA) has been used to revolutionize agricultural production; a system where small scale farmers are grouped together and they deliver their products to one central processing factory for value addition, thus providing a steady and stable market for their produce. That is an ingenious model developed by this country. But other countries are using it better than us! We had the Kenya External Trade Authority; a model that has been copied by Mauritius and Malaysia and today, their external trade authorities are much more efficient than ours because we killed the Kenya External Trade Authority for petty political reasons.

Mr. Temporary Deputy Speaker, Sir, I am appealing to Members of this honourable House, that we must find an appropriate balance in terms of our application of energy and effort between true economic agenda and our political agenda. The two are intertwined. But even as we discuss and dialogue to address issues of governance and democracy, we must spend equal amount if not a little more on issues of economic development and opening space for the emancipation of our people into productive economic activities. It is only through that, that we can truly make an effort towards catching up with those countries that have already left us behind.

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

The Temporary Deputy Speaker (Mr. Rotino): I would like to call on hon. Kamotho to reply.

Mr. Kamotho: Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank all the Members who have made a contribution in this particular debate. I would like to single them out: Hon. Poghiso, who is my colleague in the Joint Parliamentary Assembly (JPA), and who seconded the Motion; Mr. Angwenyi, Mr. M. Kariuki, hon. Kagwima and hon. Syongo, who made extremely useful contributions. I am also glad to see the Minister for Education, Science and Technology, hon. Prof. Saitoti here, because he was once the President of the African Caribbean and Pacific (ACP) in this ACP-EU joint Parliamentary Assembly.

(Applause)

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

[The Temporary Deputy Speaker

(Mr. Poghiso) took the Chair]

We should also know that there is Council of Ministers of the JPA, and in our country, we are represented in that council by the Minister for Trade and Industry. Sometimes back, it used to be represented by the Minister for Planning and National Development. The comments made by Members have enriched this particular report, and I am sure that when we go to our next JPA, which is to start in Bamako, Mali, in two weeks time, I am sure that we will try and articulate some of these issues which have been raised by hon. Members fully.

I would only like to talk about something that I did not mention earlier that, if we look a little back, we are very big beneficiaries of this co-operation of the ACP-EU. In particular, under the 6th, 7th and 8th EDF, the amount of money we have been able to draw as a country from this co-operation from the EDF is 930 million Euros. That is not chicken feed! That is only three financial years and periods of--- Currently, we are on the 9th EDF, and I am sure that we are drawing a lot of money for various development projects, as I mentioned earlier when I was laying the report on the Table.

With those few remarks, I would also like to add that the issue raised by hon. Angwenyi about the environmental degradation as a result of the conflict in our neighbouring countries of Sudan, Somalia, even Ethiopia and the Great Lakes region, is an issue that can be fairly well addressed in those JPA meetings, and I am sure it will be well received.

Finally, on the issue of the current EPA negotiations which are going on, I would like to ask the Government to ensure, as some of the Members mentioned here earlier during their contributions, that these negotiations should also involve the National Assembly. This is because sometimes, we go out to those meetings and assemblies, and a lot of things are going on behind the scenes between various Government Ministries and those institutions and organizations up there in the EU, and we look ignorant because we are not kept abreast of what is going on. It is important to involve the hon. Members from this Parliament who will attend the Joint Parliamentary Assembly (JPA) negotiations because they are not many. We are only two Members.

(Applause)

So, there is no reason why we should not be kept abreast of what is going on. We will not contradict the position the Government takes. We want to go there knowing the Government position because the Kenyan Embassy in Brussels handles the European Union (EU) relations with Kenya. It also holds a meeting with ambassadors from the African, Caribbean and Pacific (ACP). Sometimes we are not aware of what goes on when we attend those meetings and the embassy provides us a secretariat.

I recall that the Economic Partnership Agreements (EPAs) negotiations were held in Mauritius last year but we did not know. We read about this in the newspapers. This is the case and yet we are expected to articulate the position of our region when we attend the conference. I have said there are six regions in the EPAs negotiations. There is the Pacific, Caribbean, ECOWAS and ECONET of West Africa. We also have East and Southern African (ESA) region, where we belong. This region has 16 countries. The other region is SADC. Why should we be expected to attend those meetings when Members from the EU are better informed of the ESA negotiations and the position and Industry; the Ministry of Finance; the Ministry of Education, Science and Technology; the Ministry of Agriculture; the Ministry of Planning and National Development and the Ministry of Health which are involved in the development corporation with the EU keep the hon. Members of this House who represent the National Assembly in those assemblies abreast of what goes on. Those Members should also be given briefs because we have been attending those negotiations without briefs. Of course, sometimes we get some notes from the embassy, but why can the Ministries which co-operate with the

EU not send information to the National Assembly to enable it write proper briefs for the hon. Members who will attend those meetings?

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

(Question put and agreed to)

ADOPTION OF REPORT ON APPOINTMENT
OF DR. J.K. ROTICH AS
DEPUTY DIRECTOR OF KACC

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the appointment of Dr. J.K. Rotich as Deputy Director of Kenya Anti-Corruption Commission laid on the Table of the House on 22nd March, 2005.

The Temporary Deputy Speaker (Mr. Poghisio): The Motion by Mr. Muite is deferred!

(Motion deferred)

Let us move on to the next Order!

ADOPTION OF SESSIONAL PAPER NO.1
ON POLICY FRAMEWORK ON EDUCATION,
TRAINING AND RESEARCH

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.1 of 2005 outlining Policy Framework on Education, Training and Research laid on the Table of the House on Tuesday 22nd March, 2005.

First of all, let me give a broad statement on why education is very important for any country. I would like to refer hon. Members to page 23 of this Sessional Paper. The Chair should allow me to read paragraph 2.13 out because it is extremely important. It reads:-

"Education is an investment in human capital and empirical evidence, based on endogenous growth models, shows that human capital is a key determinant of economic growth. Indeed, sustainable development is only possible if there is a critical mass of skilled people. Studies on poverty in Kenya show that education is an important factor in poverty reduction. In addition, there is a strong positive relationship between human capital and earnings as well as the overall productivity that is well captured by measures of human capital. Recent studies of human capital returns in Kenya show that

capital returns increased as the level of education goes higher. There are also studies showing that individuals benefit a great deal from the education of others. These findings highlight the importance of an educated population."

What is captured on the paragraph I have just read out is the fact that education is really the cornerstone of the development of any country. If a nation has to develop, it has to invest in education because skilled and trained manpower is an important ingredient in the development of a

country. Much more so during this time of globalization when technologies have become very important, it is the one which increases the competitiveness of any country. Because of the stiff competition in the world, a country has to invest in education in order to have Information Communication Technology (ICT) and economic experts. Globalization embraces even the humanities. Any country which does not invest in education risks being left behind. That is why every country in this world is investing in education. Developed countries have developed because they invested heavily in education from the very beginning.

Mr. Temporary Deputy Speaker, Sir, recently I read about the history of evolution of Japan, from being a very undeveloped country to what it is today. The amazing thing is that I found out that as far back as the 18th Century, the Japanese Government had actually made a deliberate policy of providing education to all. That is when they started the Education For All (EFA) policy. Upon implementation of that policy, Japan continuously developed. It has now developed to become one of the most industrialised nations in the world. It does not have the natural resources such as oil, diamonds and gold. However, what the Japanese people have is knowledge which, of course, has come about as a result of investment in education. Currently, Japan is a leader in electronics. It has now captured a very large market as far as the motor industry is concerned. That is education. It is for that reason that we felt that we need to come up with a Sessional Paper in the hope that we will be able to have a policy framework for education in this country, which amongst other things, would aim to achieve the following.

To increase access to education and training for Kenyans because we have become a signatory to EFA. EFA refers to what all countries in the world agreed on in the year 2000, that there must be Education For All. However, we do not just merely want to talk in terms of education, we want to ensure there is access to education for every child. We want to make sure that even people who have special needs are not barred from participating in day today's life because of their disability. We want to make sure that we offer education that ensures gender parity; all children must have access to education. We also want to make sure that there is equity, so that irrespective of where children are, they can access education. Adults too should have access to education. Yes, access to all and equity. At the same time, we also want to make sure that we have quality education. The word "quality" has now acquired a lot of meanings today. It is not just merely the ability to write or to carry out calculations. Those are only two meanings. However, education must ensure that the student is able to have numeracy and literacy. Above all, the student must be able to understand the world that he or she lives in. More importantly, to be able to relate with new trends which are taking place in the world today, we must ensure that education is, indeed, relevant to the environment in which we live.

Mr. Temporary Deputy Speaker, Sir, let me give an example to illustrate this. At the time the current education system was formulated, the HIV/AIDS scourge was totally unknown. Today, the HIV/AIDS pandemic is a major killer. We also know there is no cure. Indeed, the best way is to ensure that we educate, especially the young, to understand all about the HIV/AIDS pandemic; how one gets infected, how one can ensure they are not infected and so on. That is why that must be part of the kind of quality education we are talking about.

Mr. Temporary Deputy Speaker, Sir, we have been talking about the resolutions which were passed at the African, Caribbean, Pacific and the European Union (ACP-EU) Joint Parliamentary Assembly. One of the resolutions had to do with peace and conflict resolution. It has become very clear today that within our own education system, we must also integrate the concept of cohesiveness. Our students should learn that it is important to promote cohesiveness. They should be tolerant of others. It is important to learn about peace and what is required to be able to avoid conflict. These are just examples I am giving because these things were not there. It is important for our children to understand various things which are taking place in the world today.

Mr. Temporary Deputy Speaker, Sir, quality education also entails knowledge in Information

Communication Technology (ICT) because that is the language of the 21st Century.

We also want to ensure that we are able to enhance the transition rates from primary to secondary school education. This is because we cannot talk of providing EFA and, then at every stage, we create barriers.

We also know that as a result of the implementation of the free primary education programme, there was a huge influx of children to our primary schools. Initially, we thought a large enrolment was to be registered at Standard One. However, little did we know that as a result of school fees and other charges, there was a large number of dropouts at various levels of education. So, when we decided to implement this programme, enrolment was at various stages. It was a pyramid. The base basically was broad. However, the fact of the matter is that the infrastructure in place was over stretched. Hon. Members are aware of this. In fact, they have been able to ask Questions on what are doing about overcrowded classes.

The other problem concerns the sanitary conditions in our schools. Toilet facilities were built for a certain number of students. Now, with a large influx of students to these schools, clearly we need more toilets. We also have to ensure that the toilets for girls and boys are separated. If that is not done, and we have seen it before, then the girls stay at home and yet we are committed to gender parity.

Mr. Temporary Deputy Speaker, Sir, we also want to find out what has been happening since the time adult education was not given much weight as before. In other words, we want to know whether the stoppage of a great deal of campaign on adult education has contributed to the achievement of EFA or undermined it. It is for that reason that the Ministry decided to call a national conference on education in November 2003.

Mr. Temporary Deputy Speaker, Sir, we felt it was important that we should invite a wide spectrum of participants. We drew them from the various Government institutions, the private sector, civic organisations, Non-Governmental Organisations (NGOs), faith organisations and we even invited people from outside. We had an attendance of more than 800 people. In a sense, we wanted this national conference to debate openly and clearly about the form we have as far as education is concerned, in this country and how to formulate strategies to put in place the education framework for the 21st Century.

Mr. Temporary Deputy Speaker, Sir, I am happy to inform this House that the deliberations were very lively, all participants participated fully and for all the four days that the conference was in session, there was full attendance. Even a number of hon. Members and councillors also attended. It was lively to the very end when the conference closed fairly late. All aspects of our education system came under scrutiny and at the very end of that conference, the Ministry of Education, Science and Technology was mandated to formulate a Sessional Paper on education which, after going through the Cabinet, will then be brought to this House so that hon. Members would scrutinise and debate it. If any hon. Member feels that there are certain additions or deletions he wants to make, let him do so because education, as far as we are all concerned, we are all stakeholders and it concerns each and every one of us. Therefore, what we have done is to bring this Sessional Paper which is going to form a blue print of the policy of education in the rest of the 21st Century or perhaps the first decades.

Mr. Temporary Deputy Speaker, Sir, I stated that education is fundamental for the development of every country, not just economically but it has also been proved that education improves democracy. Education also improves the empowerment of people as educated people know their rights and can effectively fight for them. It also helps gender parity because if women are not educated and are illiterate, they do not know how to fight for their rights and gender parity. For example, if they are totally illiterate, they will never know that they can fight for inheritance. Therefore, it was also important for us to re-look at what had happened over a period, as far as education is concerned. We also looked at what we have done in this country since Independence.

I am very happy to report that, indeed, education was recognised as one of the pillars of the

nation and for that reason, the Government put in substantial resources after Independence. This trend has continued and as we are now speaking, the Government has spent close to 40 per cent of its Re-current Expenditure on education. That is a substantial amount of money! As a matter of fact, Kenya is one of the countries that is spending a substantial amount of money on education. In fact, it ranges between 5 and 6 per cent of the Gross Domestic Product (GDP). This is a demonstration that not only the Government but the people of this country have cared a great deal about education.

Mr. Temporary Deputy Speaker, Sir, what are our achievements since Independence when we started making this investment? Substantial investments and gains have been made and these are fully captured in the Sessional Paper. I want hon. Members to refer to page 5 where, of course, I begin by talking about the goals, as far as school enrolment rate and early childhood is concerned. Right there, there is a table that shows something interesting between 1998 and 2003.

In 1998, enrolment in early childhood schools grew and grew steadily until 2002. Unfortunately, it went down in 2003. That in itself means that in the greater part of our Independence, many parents were sending their children to early childhood schools and nurseries.

However, by 2003, once again, it came down and it has not been extremely good. If you turn to page 6, you can see a scenario as far as enrolment in public primary schools is concerned. That table shows the scenario between 1990 and 2002. We took only the latest decade but the trend has been going on. What can be seen is that between 1990, the enrolment went up except in 2002 when it came down.

The last column refers to the scenario as it stood in 2003 where there was a major enrolment in primary schools. The beautiful thing there is that if you look at the gap, the difference between girls and boys enrolment is not that big although there have been more girls. However, the difference is not very much and it means that not only have we been able to enrol a lot of students, but at the same time we have taken care of gender.

On page 8, the scenario is captured as far as growth in our secondary schools is concerned. If you look at the scenario captured between 1990 and 2002, there has been a steady growth in enrolment in our secondary schools. Yet, there is still a gender disparity but fairly small. This is the way we have been moving but it has improved. From there on, everything is a steady movement, and if you look at tertiary education and higher education at the university level, there are similar developments. In essence, and it is important here, I need to tell you that at the primary school level, in 1963, the total enrolment was 891,000 and today it is 7.5 million children. This is a very major growth! In 1963 enrolment in secondary school was only 30,000 but today it is 869,902 and you can see the trend we have followed.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, Prof. Saitoti, you will continue next time.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday 5th April, at 2.30 p.m.

The House rose at 6.30 p.m.