

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th October, 2006

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DEFERMENT OF QUESTIONS DIRECTED TO OFFICE OF THE PRESIDENT

Mr. Speaker: Hon. Members, I will this morning begin with Mr. Munyao's Question because he has a national engagement in another few minutes. Meanwhile, I also want to inform the House that the Ministers of State in the Office of the President will not be available and they have requested that Questions directed to them be deferred. Your Excellency, the Vice-President and Minister for Home Affairs, are you aware of that?

The Vice-President and Minister for Home Affairs (Mr. Awori): Yes, Mr. Speaker, Sir.

ORAL ANSWERS TO QUESTIONS

Question No.534

IRREGULAR SEIZURE OF FISHING LANDING SITES IN MALINDI

Mr. Speaker: Is Mr. L. Maitha not here? Unfortunately, he is not here and, therefore, his Question is dropped and hon. Munyao is discharged.

Mr. Keter: On a point of order, Mr. Speaker, Sir. Maybe Mr. L. Maitha knows his Question is among the last ones and he could be on his way coming. So, could you defer the Question?

Mr. Speaker: The House begins at 9.00 a.m. and every hon. Member is expected to be in the House. In fact, I was expecting you to complain about the absence of the hon. Member because this is what you do when Ministers are absent. We must be assertive.

(Applause)

So, the Question is dropped!

(Question dropped)

Then, we will start from the beginning.

QUESTIONS BY PRIVATE NOTICE

CONSTRUCTION OF BAILEY BRIDGES IN THARAKA CONSTITUENCY

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

(a) Could the Minister urgently provide a bailey bridge across Thangatha River along the road connecting Gatunga and Meru National Park in Tharaka North Division to enable pupils in Kanjoro and Ntoroni locations, which are cut off, to sit for this year's national exams?

(b) Could he also provide another bridge across Munyari River near Kibunga Market to enable pupils in Kathura Sub Location, which has four schools, to sit for their exams this year?

Eng. Toro: Mr. Speaker, Sir, I beg to reply.

(a) My Ministry will not urgently provide a bailey bridge across the Thangatha River along the Road E800 to Meru National Park. The Ministry has a limited number of bailey parts which have all been committed for wash-outs on the country's national trunk roads.

(b) My Ministry will also not provide a bailey bridge across Munyari River near Kibunga Market because all the bailey parts available have been committed similarly to the country's trunk roads. However, the District Roads Committee (DRC) should prioritise the repair of the bridges in their work plans since the bridges fall within their jurisdictions.

Mr. Kagwima: Mr. Speaker, Sir, that is a very sad answer because, in the first place, the DRC does not have the capacity to provide bailey bridges. Even in the entire province, we have only one engineer at the provincial headquarters. This issue is based at the Ministry headquarters and that is where we have the bridges unit. Does this not condemn the pupils from those areas from doing their national exams? Could the Assistant Minister look for an alternative to this problem so as to help the pupils sit for their national exams this year?

Eng. Toro: Mr. Speaker, Sir, I do not think I have an answer on what to do to help the students to sit for their exams unless the hon. Member is saying that they will not do the examinations starting on Monday. The answer was very specific about the provision of a bailey bridge and I said we do not have them at the moment. If we do not have them, there is nothing we can do about that.

Capt. Nakitare: Bw. Spika, kuna mshangao mkubwa kwa huyu Waziri Msaidizi kama hazingatii masomo kwa watoto kama ngao yao ya maisha ya mbele. Ni mpango gani ambao yuko nao kwa wale watu ambao wametengwa kwa sababu ya hizi daraja kusafishwa na maji ya mvua?

Eng. Toro: Mr. Speaker, Sir, we have various bridges that have been washed away by the rains that fell during the months of March and April this year, especially given what has been going on in Coast Province. We are re-assessing the position of all the bridges that have been washed away. Unfortunately, we do not have the capacity to repair all of them immediately. I would have expected the hon. Member for Tharaka to say what he has done with the Constituencies Development Fund (CDF) to repair these bridges because it has a component of emergency so that we do not look at the Ministry to provide all the solutions for roads countrywide when CDF is in operation. We also have the county councils who have some money that they can commit for some of these repairs.

Mr. Kagwima: Mr. Speaker, Sir, Tharaka Constituency Development Committee has committed Kshs38 million on bridges and we are now repairing four bridges. This is one area that has taken most of our money. This is how serious the matter is in terms of bridges. The last rains

were in March and that is when the bridge was washed away and, incidentally, this bridge also falls on the road that will link us all the way to Ethiopia. It is not only a national trunk road but an international trunk road. I do not know how the Ministry is supposed to handle the matter. This bridge that I am asking for is an emergency case. We have been talking to the Ministry since March. I have written three letters. I have been to the Ministry three times. I have been to Embu three times. There is nothing I have not done. When will the Ministry build a permanent bridge on this international trunk road if the mobile bridge is not available at the moment?

Eng. Toro: Mr. Speaker, Sir, the Bridges Section has representatives in all the provinces. We have asked the Provincial Bridges Engineer to help us come up with a design for those bridges. But, as I said, it is not possible to respond on emergency basis on all the bridges that have been washed away. First of all, we have no money. The money that was allocated for bridges that were washed away in March/April was allocated in this financial year. That particular bridge was not allocated any money because it was not enough. We will have to look for money to repair the bridges that have been washed away by the prevailing rains. I am not sure where we shall get that money because the damage is enormous, especially in Coast Province.

Mr. Kagwima: On a point of order, Mr. Speaker, Sir. The Assistant Minister must be honest in this House. There are funds for emergency response in the Ministry. He should tell us why he cannot repair that bridge using those funds. Is he in order to avoid the element of emergency funds in the Ministry?

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, the Emergency Fund is not unlimited. That is what I have been trying to say. It is a limited amount that can only be used to do works up to a certain level. We cannot do what we have no money for.

Mr. Speaker: Next Question by the hon. Member for Kajiado South Constituency!

DEPLOYMENT OF CLINICAL OFFICERS
TO LOITOKITOK SUB-DISTRICT HOSPITAL

Mr. ole Metito: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that the operations at Loitokitok Sub-District Hospital have been paralysed due to shortage of clinical officers?

(b) Could the Minister send enough clinical officers to the hospital for the smooth running of its operations?

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

(a) I am aware that, currently, Loitokitok Sub-District Hospital has 12 clinical officers. Five of them have gone to attend post-basic training at the Kenya Medical Training College (KMTC), and will be back early next year. The hospital has also five medical officers who should cover both the wards and out-patient services.

(b) My Ministry has, in the meantime, posted two clinical officers by the names, Levy Obure and Lordwin Chivia Mwembe, to the sub-district hospital.

Mr. ole Metito: Mr. Speaker, Sir, I thank the Assistant Minister for that good answer. However, I would like to bring to his attention that Loitokitok Sub-District Hospital is supposed to have 15 clinical officers, but it has only eight. It is true that, out of the eight clinical officers, five have gone for the post-basic training at KMTC. That leaves only three. If two clinical officers have been posted to that hospital, my concern is that, normally, they go through the Kajiado District Hospital and, sometimes, get held up there. I request the Assistant Minister to ensure that those two clinical officers report directly to Loitokitok Sub-District Hospital without going to Kajiado District Hospital. That is because Kajiado District Hospital has a shortage also. They might get

held up there!

Dr. Kibunguchy: Mr. Speaker, Sir, I share the concerns of the hon. Member. But the information that we have in the Ministry shows that, that sub-district hospital has 12 clinical officers. So, if five have gone for training, there are seven who are still there.

I would like to confirm that the two clinical officers who have been posted to Loitokitok Sub-District Hospital, although they will go through the District Medical Officer of Health, are specifically designated to go to the sub-district hospital.

Mr. Bahari: Mr. Speaker, Sir, I think the Assistant Minister needs to co-ordinate his training schedules properly. A number of sub-district hospitals, particularly in remote areas, are not properly manned. I know the Ministry has a standard number of staff in every sub-district hospital. Could the Assistant Minister ensure that, that standard is complied with across the country?

Dr. Kibunguchy: Mr. Speaker, Sir, it is our wish to comply with that standard in every dispensary, health centre, sub-district hospital, district hospital and provincial hospital. But we have a serious shortage of health workers. I hope the House will appreciate the environment that we are working in. We do not have enough health workers to adequately serve all our health facilities in the country.

Mr. Speaker: Last question, Mr. ole Metito!

Mr. ole Metito: Mr. Speaker, Sir, Loitokitok Sub-District Hospital has so many problems. I would like to inform the Assistant Minister that, that hospital has a 200-bed capacity and yet, the beddings are washed by hands. Could he provide that hospital with a laundry machine?

Dr. Kibunguchy: Mr. Speaker, Sir, we will look into that.

Mr. Speaker: Next Question by the hon. Member for Makadara Constituency!

ORAL ANSWERS TO QUESTIONS

Question No.087

LIST OF OVERSEAS SCHOLARSHIPS AND THEIR BENEFICIARIES

Mr. Ndolo asked the Minister for Education:-

(a) how many overseas scholarships the Government has given students between 2003 and 2006;

(b) what criteria was used to award the scholarships; and,

(c) whether he could table the list of the beneficiaries, indicating the provincial distribution for each.

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

(a) The number of overseas scholarships awarded by this Government to students between 2003 and 2004 is 144---

Mr. Speaker: 1.4?

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, I am sorry. I beg to be excused because I have an answer that I had prepared earlier.

Mr. Speaker: You have a wrong answer?

(Laughter)

The Assistant Minister for Education (Dr. Mwiria): I am really sorry, Mr. Speaker, Sir.

Give me a few minutes to get the right answer. You can go to the other Question, please!

Mr. Speaker: Okay! I will come back to it!

Next Question by the hon. Member for Wundanyi Constituency!

Question No.347

HARDSHIP ALLOWANCE
FOR WUNDANYI/TAVETA TEACHERS

Mr. Mwandawiro aliuliza Waziri wa Elimu ni lini walimu wa Wundanyi na Taveta wataanza kulipwa marupurupu ya kufanya kazi katika mazingira magumu kama wenzao wa Voi na Mwatate.

(Dr. Mwiria moved towards the exit)

Mr. Speaker: Mr. Assistant Minister!

(Laughter)

Sorry, Dr. Mwiria! We still have another Question. Would you like me to hold on?

(Dr. Mwiria moved back to the Dispatch Box)

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, which one?

Mr. Speaker: The next Question is for your Ministry!

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, I am sorry I have become responsible for the sense of humour this morning. My Personal Assistant has brought me a set of answers because I have come from out of town. Apparently, he gave me the wrong one. So, I was going to check to make sure that I have the right answers. I really apologise.

Mr. Ndolo: On a point of order, Mr. Speaker, Sir. I have the written response. Can I give it to him?

Mr. Speaker: Mr. Ndolo, you may also need supplementary information. Ordinarily, the House will agree with me that Dr. Mwiria takes his work seriously!

The Assistant Minister for Education (Dr. Mwiria): Very seriously, indeed, Mr. Speaker, Sir! I have been messed up by my Personal Assistant. He is right outside the door with the wrong answers.

Mr. Speaker: Okay! I will hold on!

Next Question by the hon. Member for Kisumu Town West!

Question No.443

REMUNERATION AND DUTIES OF
GOVERNMENT SPOKESMAN

Mr. Speaker: Mr. Nyagudi is not in. The Question is dropped!

(Question dropped)

Mr. Speaker: The Member of Parliament for Gachoka!

Question No.306

COMPLETION OF GIKIIRO/MAYORI
REP IN MBEERE DISTRICT

Mr. J. Nyagah asked the Minister for Energy when Gikiiro and Mayori Rural Electrification Programmes in Mbeere District will be completed.

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

The Gikiiro Rural Electrification Programme, which covers Gikiiro Market and Gikiiro Secondary School and Mayori Rural Electrification Programme, which covers Mayori Secondary School and Mayori Community Centre have been approved for implementation at an estimated cost of Kshs5.5 million and Kshs4.5 million respectively.

Survey, design and verifications have been completed and implementation of the same is projected to be complete by December, 2006 and June, 2007 respectively.

Mr. J. Nyagah: Mr. Speaker, Sir, from what the Assistant Minister has said, may I assume that tenders have already been given out now that the work is projected to be complete in a few weeks time.

Mr. Kiunjuri: Mr. Speaker, Sir, what we have given out is construction work which is to be done by contractors. The hon. Member, for his benefit, can come to my office and I will tell him exactly who has been awarded the tender so that he can follow up the matter with them.

Mr. Khamisi: Mr. Speaker, Sir, since this matter of Rural Electrification Programmes is a matter of great interest to all of us, could the Minister be asked to kindly bring to this House a list of all the projects that have been approved this financial year so that we all know?

Mr. Kiunjuri: Mr. Speaker, Sir, perhaps, when I did that the hon. Member was not present. Three or four weeks ago, I laid on the Table of this House a list containing names of all those projects that have been approved this financial year. So, the hon. Member could check with the relevant offices in Parliament.

Mr. Speaker: Last question, hon. J. Nyagah. Are you happy?

Mr. J. Nyagah: I am satisfied because the contractors are on site.

Question No.507

ELECTRIFICATION OF MARKETS IN
MATHIOYA CONSTITUENCY

Mr. Speaker: I will defer this Question until next week.

(Question deferred)

Question No.548

WAIVER OF INTEREST ON SFT
LOANS TO CHESOBENO FARM

Mr. Cheboi asked the Minister for Lands if he could consider waiving interest on the Settlement Fund Trustee (SFT) loans for Chesobeno Farm (Ex-Ndumberi Farm)

in Kamara Location of Nakuru District.

The Assistant Minister for Lands (Mr. Kamama): Mr. Speaker, Sir, I beg to reply.

I cannot consider waiving interest on this matter. However, on application, the trustees of the Fund may consider the waiver.

Mr. Cheboi: Mr. Speaker, Sir, there is only one Minister for Lands and I think the SFT falls under his Ministry.

However, this Question has been asked in this House more than three times. The last time it was asked, the Minister for Lands promised to look into the issue of waiver of interest. The people I am talking about are given one-and-half acres of land and asked to pay Kshs42,000 for it. The interest to this money accumulates year after year.

In the adjoining settlement scheme, the people living there only pay Kshs5,000 per acre. Could the Assistant Minister consider, now that he comes from near that area, waiving the interest on humanitarian grounds? Really, Kshs42,000 is quite a lot for these people.

Mr. Speaker: Are you suggesting that the Assistant Minister should be fired because he comes from that area?

Mr. Kamama: Mr. Speaker, Sir, the Ministry is very much sensitive to the request that has been made by the hon. Member. However, I would like to remind him that the Ministry of Lands is not the only one that has powers to give the waiver to those farmers. It is a collective decision which involves the Ministry of Finance and the Ministry of Agriculture.

I want to undertake to see to it that these people are assisted by way of waiver. We will do it as a Ministry, but it still depends on a collective decision. So, we will assist them.

Mr. Balala: Mr. Speaker, Sir, the Assistant Minister is aware that title deeds remain in their offices for a long time because the public cannot afford to pay fees for the title deeds. Could he confirm that the Government is going to release the title deeds without people necessarily paying fees for them?

Mr. Kamama: Mr. Speaker, Sir, that is a different question from this one, but I know that recently we gave out title deeds with some waivers in Coast Province. However, this is not going to apply across the country. We will consider the poverty levels of people and situations as they arise. I think we have done so well, especially in Coast Province and the hon. Member should not complain.

Mr. Cheboi: Mr. Speaker, Sir, if I heard the Assistant Minister correctly, I want to thank him. I heard him say that he was actually going to waive interest. If really I heard him correctly, I do not need to ask any question. I, instead, take this opportunity to thank him for that and hope that he will go by his word.

Mr. Kamama: Mr. Speaker, Sir, I said that we received applications from the hon. Member. However, this is a collective decision of three Ministries, that is, the Ministry of Finance, the Ministry of Agriculture and the Ministry of Lands. We will make sure that these people are assisted appropriately.

Question No.336

DELAYS IN RESOLVING LAND
CASES IN COURTS/TRIBUNALS

Capt. Nakitare asked the Minister for Justice and Constitutional Affairs:-

- (a) if she is aware that most land cases filed in court and Land Board Tribunals take years to be resolved;
- (b) if she is further aware that as a result of the above, tycoons and the Provincial

Administration personnel take advantage and evict poor farmers from their land; and,

(c) how many cases filed in court and the Board are pending, especially in Trans Nzoia District and what steps she is taking to protect the farmers.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware of a backlog of cases from the Land Board Tribunals and courts some of which have taken a long time to resolve. However, I am glad to state that the judiciary is doing its best to reduce this backlog.

(b) I am aware that some unscrupulous litigants armed with court orders have used security personnel to evict poor farmers from their land. In such instances, the affected persons should seek redress in the courts. It is expected that the courts will give adequate notice to all affected parties before eviction. Indeed, that is a requirement.

However, due to corrupt practices or ineptitude by some players in the justice system including the litigants themselves, there have been complaints of eviction orders given without notice to the affected parties thus causing injustice.

(c) The number of land cases filed in court in Trans Nzoia District are as follows: In 2001, out of the 70 cases that were filed from the Land Board Tribunal, 67 were decided and three are pending. In 2002, 64 cases were filed, 61 cases were disposed of and three are pending. In 2003, 91 cases were filed, 84 cases were disposed of and seven are pending. In 2004, 45 cases were filed, 43 cases were disposed of and two are pending. In 2005, 66 cases were filed, 65 cases were determined and one is pending. In 2006, 128 cases have been filed, 84 cases have been disposed of and 44 cases are pending.

May I stress that these are cases only referred to the courts by the Lands Dispute Tribunal. They do not include civil suits filed where litigants have disputes over land. It will be observed from the above statistics that in the period 2001 to 2006, for cases referred to the courts from the tribunal in Trans Nzoia District, 85 per cent of the cases have been disposed of. Only 15 per cent of the cases are pending.

However, may I stress again that these are only statistics from the Tribunal. The improvement of governance, the fight against corruption and enhancing rights awareness will enable affected persons and, indeed, all citizens to protect their rights.

Capt. Nakitare: Mr. Speaker, Sir, I thank the Minister for her comprehensive answer. My concern here is that corrupt cases are common in land tribunals. My people in Trans Nzoia, especially in Saboti Constituency, have many land cases that have been held up in courts for many years. Some of these cases date back to when Rift Valley was called "Naivasha Province". When will the Minister post enough judges to expedite land cases and reduce corruption in Trans Nzoia, so that people can legally own land and enjoy financial assistance from the Government?

Ms. Karua: Mr. Speaker, Sir, I started by admitting that there are a lot of land cases that are pending in courts. But this Question is specifically about land tribunal cases. We have the problem of backlog because of a variety of reasons, one of them being corrupt practices by players in the justice system, who include litigants, lawyers and judicial officers. It is the responsibility of every one of us to campaign against corrupt practices. We should make our people aware of the fact that corrupt practices end up hurting them in due course. The judiciary is doing its bit. The Government is also doing its bit. We need everybody to do their bit, so that we can eradicate not only the backlog of cases, but also corrupt practices that deprive the poor of their land.

Mr. Waithaka: Mr. Speaker, Sir, we are happy that the Government is trying to cleanse our courts of corruption, as the Minister has rightly said. We have received several complaints from those who sit in land tribunals at the divisional, district and even the provincial level, that they are

never paid their allowances. Members of some land tribunals have not been paid for the last two years. How does the Minister expect these tribunal members to dispense justice if they have not been paid allowances for the last two years? Non-payment of allowances will make land tribunal members to be tempted by corruption. This could be the reason why we have a backlog of land cases.

Ms. Karua: Mr. Speaker, Sir, the backlog of cases has developed over the years. In fact, I do not have the statistics here, but I am aware that over the last three years, most land dispute tribunals have really been disposing of cases at a very high rate. I want to admit that I am also aware that the allowances of tribunal members have not been paid on time in some areas. I know that the Ministry of Lands under which they fall is doing something about that. The Government is trying to determine where land tribunals should fall, because they really belong to the justice system.

Mr. Marende: Thank you, Mr. Speaker, Sir. With regard to expediting disposal of land cases, the Minister has not given a satisfactory answer to part "a" of the Question. She answered it in a very generalised terms. Could she be categorical and give specific and concrete measures that her Ministry has taken to ensure expeditious disposal of land cases?

Ms. Karua: The Question is general and had to be answered in general terms. It was, therefore, answered satisfactorily. But I wish to add that the judiciary has formed an "Expeditious Disposal of Cases Committee" to look into ways and means of ensuring speedy disposal of cases. In addition, I know that several courts have managed to dispose of backlogs of cases in various areas. This good practice is being encouraged within the judiciary. That in itself cannot be enough. Lawyers, of whom my colleague on the opposite side is one, must also do their bit and stop asking for unnecessary adjournment of cases. I am, therefore, saying that it is a collective effort for us to find a way out of this very pathetic situation.

Mr. Speaker: Last question, Capt. Nakitare.

Capt. Nakitare: Thank you, Mr. Speaker, Sir. After that excellent exchange of ideas on this Question and the measures the Minister has employed to deal with pending land tribunal cases, I am satisfied with her answer.

Mr. Speaker: Well done. Next Question, the hon. Member for Kitutu Masaba.

Question No.076

NON-PAYMENT OF TERMINAL
DUES TO MR. MANYARA

Mr. Mwanicha asked the Minister for Labour and Human Resource Development:-

(a) whether he is aware that Mr. Nyagesoa Manyara, ID No.6924576/69 (P/No.10219), who was an employee of African Safari Club, Mombasa, was dismissed on 18th May, 1996; and,

(b) whether he could inform the House why Mr. Manyara has not been paid his terminal benefits to date.

The Assistant Minister for Labour and Human Resource Development (Ms. Mwau): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Nyagesoa Manyara, ID No.6924576/69 (P/No.10219), who was an employee of East African Safari Club, Mombasa, was dismissed on 18th, May, 1996.

(b) Mr. Manyara's terminal benefits have been processed, but he has not collected them. He will be paid for 18 days that he had worked and four days of leave. Since he was summarily dismissed he could not be paid other benefits. It is, therefore, not true that Mr. Manyara has not

been paid terminal benefits. His money is still with the company. He should contact our labour officer in Mombasa to advise him on how to collect his benefits.

Mr. Mwanicha: Mr. Speaker, Sir, this Question was asked sometime last year. This man was sacked on 18th May, 1996. According to the Assistant Minister he was paid some benefits in May this year. This was about 10 years after he was dismissed, and yet his dues are only Kshs10,000. Is the Assistant Minister satisfied with the time it took to pay such a small amount of money to such a poor person?

Ms. Mwau: Mr. Speaker, Sir, I have answered another Question here on the issue raised by the hon. Member before. We actually need to look at our labour laws afresh, because there is no specific period within which terminal benefits should be paid. So, it will be important for us to revisit our laws, so that people like Mr. Manyara can be paid on time.

Mr. Khamisi: Mr. Speaker, Sir, most of the hotels belonging to the African Safari Club are very close to my constituency. Therefore, I have many constituents working in these hotels. My constituents have complained to me about the colonial behaviour of this hotels chain. They have complained about non-payment of salaries, mistreatment and also racial discrimination at the hotels. Could the Assistant Minister undertake to send an investigation team to the African Safari Club establishment to make sure that african workers are treated properly?

Ms. Mwau: Mr. Speaker, Sir, that one, we will do. We cannot allow people to be discriminated against on the basis of colour, race or gender. So, we will do what the hon. Member has suggested.

Mr. Mwanicha: Mr. Speaker, Sir, the Assistant Minister says that they will review the laws. It is incumbent upon the Assistant Minister to start the review of the laws. When is she going to start reviewing these laws? As she has heard from hon. Members, people are being discriminated against. For some people, their payments are being made after they have died.

Ms. Mwau: Mr. Speaker, Sir, the Bills will be brought to this House very soon.

Mr. Speaker: Very well! Next Question, Mr. Bahari.

Question No.581

ESTABLISHMENT OF SUB-DISTRICT
TREASURY AT GARBA-TULLA

Mr. Bahari asked the Minister for Finance:-

- (a) whether he is aware that Government Departmental heads in Garba-Tulla travel 120 kilometres to obtain services at Isiolo District Headquarters; and,
- (b) when he will open a sub-district treasury at Garba-Tulla for efficient service delivery.

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

(a) I am aware that Government departmental heads in Garba-Tulla travel 120 kilometres to obtain services at Isiolo District Headquarters.

(b) A sub-district treasury is opened by the Treasury on the advice of the Office of the President upon undertaking a thorough evaluation of a number of issues such as, the security situation, availability of banking facilities, the volume of transaction and availability of essential utilities. A sub-district treasury will be opened in Garba-Tulla once these pertinent issues have been addressed.

Mr. Bahari: Mr. Speaker, Sir, while I understand what the Assistant Minister is talking about, in this country, a number of areas have been left behind in terms of development. Until and unless the Government makes a deliberate effort to change that imbalance through the kind of

request I am making to the Assistant Minister, we will remain where we have been all along. Could he take an affirmative action on this matter?

*(Some hon. Members consulted
while standing)*

Mr. Speaker: Order! Order! Hon. Members, if you are not walking away from place "A" to "B", you must be seated. An hon. Member over there was standing and addressing a "*baraza*"! Please, let us obey the rules of the House.

Proceed, Mr. Kenneth!

Mr. Kenneth: Mr. Speaker, Sir, I appreciate what the hon. Member has talked about. I also appreciate the fact that 120 kilometres is a long distance but so far, there are only three Government departments in Garba-Tulla representing the Ministries of Health, Education, and the Office of the President. In order for us to take the first step, we have established a sub-district in Garba-Tulla. The next step is for the Office of the President to allow the other Ministry departments to operate from Garba-Tulla and then make the actual request for the Treasury to establish a sub-district treasury there.

The hon. Member knows that establishing a district treasury involves a lot of financial matters. Unless there are banking facilities in Garba-Tulla, it might be a problem establishing a treasury there. It might, therefore, be advisable to encourage some of the local banks to open branches in Garba-Tulla, so that when a sub-district treasury becomes feasible, there can be banking facilities.

Mr. C. Kilonzo: Mr. Speaker, Sir, the issue of services also relates to the issue of new districts. When are the new districts going to be gazetted so that they can become effective?

Mr. Speaker: Irrelevant! Mr. Balala!

Mr. Balala: Mr. Speaker, Sir, the Assistant Minister has just mentioned to Mr. Bahari that he should encourage local banks to open branches in Garba-Tulla. Could the Assistant Minister give some incentives to banks, so that they can move to areas which are not developed? Could the Government also put in place some infrastructure in under-developed areas of this country, so that the private sector can invest there?

Mr. Kenneth: Mr. Speaker, Sir, if the hon. Member was conversant with the Banking Act, he would know that there are the necessary incentives given to banks to open branches in rural areas. For example, the cost of licence for banks to open branches in rural areas is cheaper than for urban centres. That in itself is an incentive.

Mr. Bahari: Mr. Speaker, Sir, could the Assistant Minister undertake to consult the Office of the President, so that we could, at least, have a treasury in Garba-Tulla?

Mr. Kenneth: Mr. Speaker, Sir, as I said, we open district treasuries at the request of the Office of the President. Since Mr. Bahari represents Garba-Tulla as well, I would help him access the Office of the President, so that he can request them to request us to open a treasury at Garba-Tulla Sub-District.

Mr. Balala: On a point of order, Mr. Speaker, Sir. Are we talking with different governments or with one government?

Mr. Kenneth: Mr. Speaker, Sir, Mr. Balala must have heard me say that the Treasury only opens district treasuries at the request of the Office of the President. That is a Ministerial function.

Mr. Speaker: Mr. Ndolo's Question, for the second time! I hope that you are now ready, Dr. Mwiria.

*Question No.087*LIST OF OVERSEAS SCHOLARSHIPS
AND THEIR BENEFICIARIES

Mr. Ndolo asked the Minister for Education:-

(a) how many overseas scholarships the Government gave to students between 2003 and 2006;

(b) what criteria was used to award the scholarships; and,

(c) whether he could table a list of the beneficiaries, indicating provincial distribution for each.

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, first, I wish to apologise for the confusion I was subjected to when I tried to answer the Question earlier.

I beg to reply.

(a) A total of 308 students were awarded overseas scholarships by the Ministry between the year 2003 and 2006 as follows: Doctor of Philosophy, 35 scholarships; Master of Arts, 72 scholarships; and, Bachelor of Arts/Science, 201 scholarships. The total, 308 scholarships. I have a list of the scholarships awarded by country.

(b) The criteria used to award the scholarships is merit, area of study, regional balance, gender and, sometimes, affirmative action.

(c) We have provided a list of beneficiaries for each of the scholarships awarded to provinces as requested by the hon. Member, which has been tabled, so that hon. Members could go through it and raise any queries on it. Nevertheless, over the last four years, the scholarships were distributed as follows: The Rift Valley Province got 53 scholarships; Eastern Province, 35 scholarships; Western Province, 44 scholarships; Central Province, 54 scholarships; Nairobi Province, 12 scholarships, North Eastern Province, 20 scholarships; the Coast Province, 25 scholarships, and; Nyanza Province, 65 scholarships.

Mr. Ndolo: Mr. Speaker, Sir, I thank the Assistant Minister for that answer. However, I have two different answers here. One of the answers talks about 144 scholarships while the other talks about 308 scholarships. Be that as it may, on page 10 of the document, there is a gentleman by the name Michael ole Ntachu, whom we know to be a Personal Assistant to one of our colleagues in this House. When did Mr. ole Ntachu go to Brunel for his Master of Arts degree? We know that he is still around and he is still a Personal Assistant to one of our colleagues. Is this not corruption? How did the Ministry give out that money for somebody who is still in this country?

Dr. Mwiria: Mr. Speaker, Sir, firstly, on the question of 144 scholarships and 308 scholarships, I did explain to the hon. Member. In fact, this is the answer I said was wrong. We had agreed that I would get an answer that is complete. So, he should appreciate that fact.

On the second issue, I do not know whether we are talking about the same ole Ntachu, who used to be a Personal Assistant to Prof. Saitoti. As far as we are concerned, once the scholarships have been given, I may not be able to know whether Mr. ole Ntachu is around. I do not even know whether we are referring to the same person. I have not seen him at the Ministry. As far as I am concerned, the ole Ntachu who got the scholarship should have taken it up. If he can produce physical evidence of the guy, I would be quite happy.

Maj-Gen. Nkaisserry: Mr. Speaker, Sir, some of the people shown by the Ministry as having been given overseas scholarships have not even moved out of this country. One of them is a Mr. Sinket, who was alleged to have been given a scholarship. I asked him and he confirmed to me that he has never received any scholarship, and that he has never left this country. The same is true for Mr. Ntachu, who comes from my home area, and who used to be a Personal Assistant to Prof.

Saitoti. The two gentlemen never moved out of this country. So, how are these scholarships being allocated?

Dr. Mwiria: Mr. Speaker, Sir, it is quite a strange coincidence that the two names happen to be Maasai. That is interesting in itself.

Mr. Speaker: How do you know they are Maasais?

Dr. Mwiria: Mr. Speaker, Sir, I know this from their names and from the very good information that the hon. Member has given. He has said that one of them is his villagemate. I assume that Maj-Gen. Nkaisserry's villagemates are Maasais.

Maj-Gen. Nkaisserry: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister not to justify scholarships which have been given to the citizens of this country? I have stated the ones that I know, but there could be more people. This money could have been misused within the Ministry. Is the Assistant Minister in order to specifically point out Maasais? I personally checked to see whether my people benefitted from the scholarships and I found that these two gentlemen never left this country. So, who took the money for their scholarships?

Dr. Mwiria: Mr. Speaker, Sir, I was not blaming Maj-Gen. Nkaisserry for the fact that the Maasais are beneficiaries of the scholarships. Of course, more of them should benefit, especially because they are under-privileged and we intend to support affirmative action.

However, when people who have been awarded scholarships do not take them up, replacements are identified from the original list. This happens a lot with the scholarships to China and Russia. If the gentlemen did not take the scholarships up, I am sure other persons were identified from the same list on the order of priority and were awarded those scholarships. Sometimes we lose scholarships when people who have been awarded do not take them up.

The criteria is very clear. We have a selection committee that includes representatives of various departments in the Ministry. We have representatives from the Ministry of Foreign Affairs and the embassies of the friendly countries that are awarding the scholarships. This committee sits, goes through the applicants and scholarships are then awarded on the basis of merits. This committee is widely representative.

Mr. J. Nyagah: Mr. Speaker, Sir, who replaced the two gentlemen who, as we have been told, have never left Kenya?

Dr. Mwiria: Mr. Speaker, Sir, this is a list of 380 cases. I had not been brought to know that those gentlemen did not leave Kenya. Once I know, then I will be interested in finding out who replaced them. There are more cases than the two that are replaced. The Question was not about who took up the scholarships. It was about the number of people who have been awarded scholarships, which regions they come from, and the criteria used to award the scholarships.

Mr. Ndolo: Mr. Speaker, Sir, this is a very serious issue. There are many students on the Parallel Degree Programme and they are being denied the opportunity of getting scholarships. What is the Ministry doing to make sure these students can also get scholarships?

Dr. Mwiria: Mr. Speaker, Sir, it is true that we have a good number of students on the Parallel Degree Programme. There are many other students who also take up higher education scholarships overseas on their own. However, there is no programme which has been specifically targeted to the Parallel Degree Programme students. Sometimes we get some bursaries for the students.

When we advertise for the scholarships, even those who are on the parallel degree programmes are entitled to apply and would be considered along with the others. This is the best that we can do, especially given the fact that we are dependent on friendly countries. These are not actual Kenya Government scholarships.

HARDSHIP ALLOWANCE
FOR WUNDANYI/TAVETA TEACHERS

Mr. Mwandawiro alimuuliza Waziri wa Elimu ni lini walimu wa Wundanyi na Taveta wataanza kulipwa marupurupu ya kufanya kazi katika mazingira magumu kama wenzao wa Voi na Mwatate.

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, again, I apologise for the delay in answering the Question.

Mr. Speaker, Sir, I beg to reply.

There are no plans for paying hardship allowance to teachers working in Wundanyi and Taveta. The two areas have not been gazetted as hardship areas, according to the Teachers Service Commission (TSC) Code of Regulations, which was revised in 2005. Only Mbololo, Mwatate and Voi Divisions are classified as hardship areas.

Mr. Mwandawiro: Bw. Spika, hilo jibu ni la kusikitisha kabisa, hasa kwa walimu wa Wilaya ya Taita-Taveta. Ni jibu ambalo lina lengo la kuendeleza vurugu na kuvunja motisha wa kufundisha kwa walimu wa Taita-Taveta.

Waziri Msaidizi amesema kuwa tume ya kuwaajiri walimu ilifanya utafiti na ikatoa ripoti yake. Tarafa ya Taveta ndiyo yenye hali ngumu zaidi katika Wilaya ya Taita Taveta. Tarafa ya Wundanyi inapakana na tarafa za Mbololo, Mwatate na Voi, ambako walimu wanapata pesa za kufanya kazi katika mazingira magumu. Shule kama Kishushe, Ngongodinyi, Sagenyi, Sirienyi na Mwoloko ziko katika mazingira magumu zaidi.

Je, ni vigezo gani vilitumiwa na Wizara ya Elimu katika kuamua kwamba katika Wilaya ya Taita-Taveta, walimu kutoka Mwatate, Voi na Mbololo watapata pesa za kufanya kazi katika mazingira magumu na kuwaacha walimu kutoka Wundanyi na Taveta?

Dr. Mwiria: Mr. Speaker, Sir, let me first indicate that there is a bit of confusion across the whole country. There are certain contradictions with regard to the areas that are benefitting from the hardship allowance. This is the reason why a task force was formed in 2005 by the Office of the President, to ensure that we did not discriminate against areas that should be benefitting or schools that border areas that are benefitting and they are not.

This committee came up with a report in 2003. However, it was decided that we should harmonise that for all civil servants. We are awaiting a report where we will have this harmonisation which affects the whole country. This is a problem even in my constituency. It is a problem in many parts of this country. We hope that by next year, we will have harmonised the issue and the problem that hon. Mwandawiro is talking about will no longer be an issue. We appreciate that there are pockets that are not benefitting when, indeed, they should be benefitting.

Mr. Mwandawiro: Bw. Spika, tume ya kuwaajiri walimu ambayo ni ya wasomi na wataalamu, inaweza kuenda katika Wilaya ya Taita-Taveta na kutoa ripoti ya ukweli? Je, Waziri Msaidizi atakubali tuende na yeye katika Wilaya ya Taita-Taveta wiki ijayo ili akajionee vile ripoti ya kupotosha ilitolewa na tume ya kuwaajiri walimu? Anafaa kukubali tuende mara moja ikiwa anataka kuwatendea haki walimu wa Taita-Taveta.

Dr. Mwiria: Mr. Speaker, Sir, as a matter of fact, the hon. Member had invited me to go to Taita-Taveta about three months ago, but we did not make the trip. I was on another matter. Obviously, I am always prepared, but not immediately. It depends on my own programme.

However, we acknowledge the fact that there is a problem in Taita-Taveta, which is being addressed along with similar cases across the country.

Mr. Speaker: Question Time is up! There are two hon. Members who wanted to seek

Ministerial Statements. I will begin with Mr. Khamisi.

POINTS OF ORDER

ARREST OF MR. SWALEH MDOE

Mr. Khamisi: On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Administration and National Security, who, unfortunately is not here. I do not know who is going to be taking notes.

However, the statement is in relation to the saga of a prominent broadcaster with the Kenya Television Network (KTN), Mr. Swaleh Mdoe, who was arrested last Thursday. He was moved from one police station to the other, until he was granted bond and asked to bring his kith and kin to prove his citizenship.

I want the Minister to shed light on the actual reasons why Mr. Mdoe was arrested. When is he going to be taken to court or released? I would also like him to confirm or deny whether this latest episode has nothing to do with the campaign of intimidating and harassing the media in this country?

Mr. Speaker: Any Minister who wishes to respond?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I will convey the information to the Minister, and I hope that he will bring the answer on Tuesday next week.

Thank you.

UNIVERSITY LECTURERS' STRIKE

Mr. Marende: Thank you, Mr. Speaker, Sir. I stand on a point of order to seek a Ministerial Statement from the Minister for Education on the ongoing strike by lecturers of public universities. In the Ministerial Statement, the Minister should clarify why it was not possible to avert the strike. Secondly, he should clarify why the problem appears to be recurring and the Ministry seems to be helpless. Thirdly, could the Minister rationalize and harmonize salaries of university lecturers with other sectors of the Government that take personnel of equivalent qualifications? Fourth, what amount of money accrues from the Parallel Degree Programme and to what use are these monies put? Why are these monies not proportionately paid to the lecturers? Fifth, what steps is the Minister taking to ensure that the situation goes back to normal soonest? The ranking of our public universities has recently stopped at below 100. This situation needs to be attended to very urgently as a matter of great national importance.

(Applause)

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, I will be quite happy to give the Ministerial Statement this afternoon or tomorrow.

Mr. Speaker: Very well. Next Order!

MOTION

INTRODUCTION OF TRADE CO-ORDINATION AND PROMOTION BILL

THAT, aware that the Distributive Trade Sector and related services account for

more than 20 per cent of the country's GDP and employment, and considering that this sector is the primary catalyst and facilitator of sustainable growth of manufacturing, agricultural, livestock and fisheries sectors; concerned that in spite of its pivotal role in the economy, distributive trade is presently conducted haphazardly due to lack of structured institutional and legal framework, this House grants leave to introduce a Bill for an Act of Parliament entitled the Trade Co-ordination and Promotion Bill to provide for the establishment of External Trade and Internal Trade Co-ordination and Promotion Authorities, the National Chamber of Commerce and Joint Trade Advisory Board and for their functions and related matters.

(Mr. Syongo on 18.10.2006)

*(Resumption of Debate
interrupted on 18.10.2006)*

Mr. Speaker: Mr. Syongo, you had moved your Motion and you have 17 minutes to go.

Mr. Syongo: Thank you, Mr. Speaker, Sir. This Motion seeks permission from this House to introduce a Bill for an Act of Parliament entitled the Trade Co-ordination and Promotion Bill in order to establish four institutions. The first institution, the External Trade Authority, will essentially deal with issues of external trade, co-ordination and promotion of export trade in order to earn this country foreign exchange in an orderly manner, as well as to create employment in the field of production, manufacturing, as well as in agriculture. On many occasions, opportunities for export trade go unutilized because there is no single authority responsible for spearheading the growth of our external trade. If you consider this particular issue of external trade, you will note that there are very many bilateral trade agreements signed between Kenyan and other countries outside, yet immediately after they are signed, they are put on shelves. They collect dust and there is no follow-up to ensure that Kenyan producers, farmers, as well as manufacturers take full advantage of these bilateral trade agreements in order to realize their benefits for this country.

Secondly, Mr. Speaker, Sir, there are a number of multi-lateral trade arrangements, such as the World Trade Organization (WTO), and economic partnership agreements such as the one we have between the African-Caribbean, Pacific and the European Union (ACP/EU). There is no co-ordination to ensure that the producers, farmers and manufacturers in this nation take full advantage of this arrangement. Within our region, we have the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC). It is also envisaged to set up the All-Africa Economic Community (AAEC). Once again, these are opportunities which should be available and there is no single authority responsible for co-ordinating and ensuring that our producers, farmers and manufacturers take full advantage of these associations. Worse still, many Kenyan producers, farmers, agricultural groups, co-operatives and manufacturers miss many opportunities for external trade and export because there is no co-ordinated method of alerting them or advising them on what opportunities exist, so that they can take full advantage of them and increase their export trade.

Mr. Speaker, Sir, presently, the whole policy area on external trade is fairly unco-ordinated. We have a Department of External Trade in the Ministry, we have the Export Promotion Council and a plethora of desks responsible for various countries, COMESA and even the EAC trade arrangements. However, the efforts of all these departments go completely unco-ordinated to the extent that there is minimum effect on the economy on this country as a result of the opportunities that exist. What is even worse is that, if you look at the trade attaches who are attached to our

various missions abroad, they have multiple reporting lines. One does not know whether they should report to the Director of External Trade, the Export Promotion Council or even the ambassadors or high commissioners. As a result, their efforts are totally unco-ordinated and they are performing below par.

Mr. Speaker, Sir, now, I would like to talk briefly about internal or domestic trade. The domestic trade sector provides enormous opportunities for the creation of employment opportunities for our youth and women and, indeed, many of them are employed in that sector, but it is the most haphazardly conducted business. In fact, you get into that business or sector at your own risk. For one, if you take any municipality, there is hardly any land, site or location set aside for traders to do business, or for private developers to establish shopping malls, market stalls or shopping centres to enable our traders to take advantage of buying from manufacturers or primary producers and selling the same to consumers. If you go to any city in this country, you will find roadside shops where even beautiful furniture is being displayed along the roads because there is no opportunity for our people to sell their merchandise in a decent and co-ordinated manner.

Mr. Speaker, Sir, there are enormous opportunities in warehousing, wholesale trade, retail trade through supermarkets, *dukas* and even hawkers. Yet, we have no institutional or proper legislative framework for ensuring that these activities do flourish and create job opportunities, and add to our Gross Domestic Product (GDP) and economic welfare of our people. If it were well co-ordinated, this sector would, indeed, help the Government and this country to even expand the tax base for the local authority treasury as well as the national treasury. Right now, with just a little effort by the Kenya Revenue Authority (KRA), we have almost doubled the tax collection and, therefore, reducing our dependence on foreign assistance. Can you imagine what would happen if our trade sector was properly co-ordinated and managed in terms of revenue collecting, which can then be ploughed into development activities such as development of infrastructure, rural electrification, education and health? This particular sector, just like the external trade sector, is thoroughly unco-ordinated and under-utilized.

[Mr. Speaker left the Chair]

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

The chaos is very clear; you see the fights between the police, city council *askaris* and the hawkers, who are simply trying to take advantage of the existing economic opportunities to create jobs for themselves and provide for their families. But the right environment has not been created for them because there is no single authority which is responsible for all these activities. Then we have a problem of competition and conflict between the Department of Internal Trade in the Ministry of Trade and Industry and the local authorities. At one time, the Government decided by a Government fiat to remove the trade licensing function from the Ministry of Trade and Industry and gave it to the local authorities. I wonder what is the role of the Department of Internal Trade in the Ministry of Trade and Industry. It has got enormous responsibilities, but it is not performing because of the lack of a co-ordinated policy regarding domestic or internal trade.

Mr. Temporary Deputy Speaker, Sir, once the proposed Bill is enacted, we will also provide for a statutory recognition of the Kenya National Chamber of Commerce and Industry as an umbrella member of the organisation of those involved in the trade sector; activity-related trade, buying merchandise from primary producers, transporting and selling it to both industrial and final consumers. In the process, opportunities will be created for transporters and warehousing. All these people have got active members who have invested in these activities. However, they have an

umbrella organisation which is not recognized in law. So, one of the purposes of this particular intended Bill is to give statutory recognition to the Kenya National Chamber of Commerce and Industry and assign it statutory functions, in consultation with its members and other stakeholders. Already, this umbrella organisation is responsible for issuing certificates of origin, which is a mandatory requirement for any commodity to be exported from this country, or imported from another country. But that is a function given to it without any legal framework. Once the proposed Bill is passed in this House, this umbrella organisation will have a statutory function and specific responsibilities.

Mr. Temporary Deputy Speaker, Sir, this Motion also intends to provide for the establishment of a joint trade advisory board. This will be an all-stakeholders consultative forum in terms of policy formulation, performance review of the trade sector, and overall improvement of our performance as a trading nation. The joint trade advisory board will also have the capacity and opportunity for conflict resolution. This is because we are bound to have a conflict between the various stakeholders in a sector as big as the distributive trade. So, one of the purposes of the proposed Bill is to actually create a joint trade advisory board. All major trading nations must have such an advisory board to advise the Government on conflict resolution and ensure that policies are formulated in a way that is transparent and all-inclusive.

Mr. Temporary Deputy Speaker, Sir, if this Bill is introduced and this House gives its blessings to it, we will completely transform the economy of this country in a very substantive and comprehensive manner. The issue of hawkers wishing to do business being beaten by policemen and City Council *askaris*, instead of being facilitated, will be a thing of the past. We can foresee the establishment and growth of business parks in an orderly manner; properly done so that consumers or buyers can have access to the shops, and the sellers be accessed easily by both external and internal consumers.

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

Mr. Oparanya: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to thank my colleague, Mr. Syongo, for bringing this Motion on trade. It is rare that we have an opportunity to discuss trade issues in this House. Trade is as old as mankind. It is, therefore, very important to the economic development of any country. That is why the Motion clearly states that trade contributes 20 per cent to the Gross Domestic Product (GDP) of this country.

Mr. Temporary Deputy Speaker, Sir, Kenya, just like many other developing countries, is in what we call a trade trap. In a trade trap, we are over-reliant on a particular sector of the economy; in our case, agriculture. Because we are over-reliant on agriculture, where prices of our commodities are either flat or declining all the time, despite the fact that we have tried our best to increase output; it will be very difficult for us, as a country, to develop unless we have proper trade policies. We are constantly in trade deficit because we are bound to import goods from developed countries where prices are stable. The prices keep on increasing because the developed world produces manufactured goods which we import, while we, as a country, depend on agricultural commodities.

It is, therefore, important that the creation of Kenya internal and external trade authorities, a strong Kenya Chamber of Commerce and, of course, an advisory committee, will foster trade in this country. We, as a country, have to have trade imbalance. It is because of this that now we are trying to survive. Several regional economic communities have come up. Kenya, as a country, because of reacting to globalization, now belongs to some of those regional economic communities. We belong to the East African Community (EAC), and the Common Market for Eastern and Southern Africa (COMESA). However, despite the fact that we belong to these two regional blocks, there are conflicts in policies. Sometimes, it is very difficult to make decisions

between the two. Kenya belongs to the EAC where we have the East African Customs Union. At the same time, Tanzania, which is a major country in the EAC, belongs to another trading bloc called the South African Development Community (SADC). At the same time, Kenya belongs to COMESA. Unless we have proper internal policies to guide this country, there will be conflicts and we will lose opportunities. The COMESA is coming up with a customs union, and yet there is a policy that a country cannot belong to more than one customs union. What will happen then, when the COMESA comes up with a customs union in 2008, keeping in mind the fact that Kenya exports 70 per cent of its total exports to COMESA countries? This means the COMESA is a major trading bloc.

Mr. Temporary Deputy Speaker, Sir, with globalization, it is important that we come up with proper policies and institutions that will guide trade in this country. With trade, we are likely to alleviate poverty that is affecting millions of Kenyans. When we visit our missions abroad and talk to the ambassadors and trade attaches about trade, they tell us that they normally write to the Ministry of Trade and Industry to get any information on trade. However, they are not able to get information about the Kenyan products in good time. This is because we do not have proper institutions that can disseminate such information, so that we can seize any trade opportunities.

As I said from the outset, Parliament rarely has an opportunity to discuss trade matters. At the moment, there are negotiations going on between the ACP countries and the European Union (EU). When those agreements are signed, they affect our people. It is important for this Parliament to discuss all the trade issues that affect our people and this country. Those trade negotiations have an impact because they affect the supply side of our trade. Therefore, it is important to address those issues. We should tell our people who are already in business about the effects of signing such agreements. A local example is the case of hawkers. We have lived with the problem of hawkers for years, but we have been unable to solve it. Hawkers are part of us. They are just looking for a livelihood. They have been allocated a place in Ngara, but when you go there, there is no infrastructure. There is no parking space. How do you expect customers to buy those products? It is important to have internal policies that will enhance trade in this country. Those internal policies should address the problems affecting hawkers and other stakeholders in this country.

Mr. Temporary Deputy Speaker, Sir, a long time ago, estates, complete with shopping centres, used to be developed. But, at the moment, that does not happen. When people stay in an estate, they expect to get general provisions nearby. It is important to have trade policies that would cater for the needs of our people. Most countries have what we call zoning. There is zoning even in the cities. You will know a particular area is selling a particular product. If you go there, you will find a variety of shops selling that particular product. That enhances competition that is beneficial to customers. It is because of wrong trade policies that you will find cases like the ones at Mlolongo. People were allowed to put up business premises by all the necessary Ministries but, at the end, they were told: "What you have done is wrong!" That is in spite of the fact that they received the necessary approvals. They are now likely to lose investments worth millions of shillings. All that is happening because we do not have proper internal trade policies. That is why I am seconding the Motion and advocating for the formation of a Kenya External Trade Authority, Kenya Internal Trade Authority and the Kenya Chamber of Commerce which will bring together all business people--- Of course, there should be an advisory body that will provide all the necessary information to the business people, so that business can thrive in this country.

With those few remarks, I second the Motion.

(Question proposed)

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion, which I

believe is very important for this country. It is a Motion whose time has come. I want to congratulate the hon. Member for bringing this Motion to the Floor of the House.

The trade sector is of utmost importance to the economy of this country. It is imperative that we look at it properly. One only needs to look at what is happening elsewhere in the world and realise that something is amiss in Kenya because we do not give trade issues the importance they deserve. When you look at the World Trade Organization (WTO), the issues that concern them and how the rest of the world takes it with importance, the issues that come to the fore with regard to globalization are extremely important. External trade for Kenya lacks an institutional and legal framework to operate. Look at the opportunities that are going begging. For example, look at the external trade agreements like the African Growth and Opportunity Act (AGOA) that was passed by the United States of America (USA) Congress sometime back. Who are the actual beneficiaries of that Act? The US Government passed that Act to give opportunities to African countries to expand their economies and trade with USA at favourable terms.

Mr. Temporary Deputy Speaker, Sir, if you go to the Export Processing Zones (EPZs), you will find that only foreigners are the sole beneficiaries of AGOA. With that comes the question of mistreatment of our local labour force. You will find traders from foreign countries like Sri Lanka, India and other Asian countries mistreating our workers. When the NARC Government came to power, workers at several EPZs went on strike in 2003 because of mistreatment by foreign employers, who are taking opportunities that actually belong to Kenyans. Such things happen because we lack an institutional and legal framework within which such trade issues could be tackled, so that our people can take advantage. Those foreign traders even import cheap and unqualified labour, and yet there are many Kenyans who are qualified to do a lot of work in this country. In fact, we have a brain-drain because of lack of employment opportunities. We lack the capacity to employ our people who have been properly educated. A lot of money has been spent on them. The Ministry of Education budget takes almost half of the Budget of this country. All those who have been educated here have to go elsewhere because we lack employment opportunities. We allow foreigners to come here, employ our people, underpay them, mistreat them and get away with it. That cannot happen if there is a proper legal framework.

Mr. Temporary Deputy Speaker, Sir, in support of this Motion, I would like to look at the question of internal trade within our borders. In this country, some companies are now dominating the economy. They are monopolies. We need a monopolies commission. If you find a manufacturer who is also a distributor, that should be illegal. There is no legal framework to guide that important area. Therefore, I strongly urge this House to support this Motion so that we could move forward as a country, create employment to our people and protect them. That way, we could be proud that we are protecting our people and giving them opportunities.

With those few words, I beg to support.

Mr. Poghiso: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute to this important Motion. I would like to thank my friend, Mr. Syongo, for introducing the Motion to this House. Unfortunately, a Motion as serious as this one has lacked attendance and has not been taken seriously, especially by the Government side. That calls on us to think about Private Members' Motions and how effective they are in this House. I know we have had one or two successful cases. However, the Government needs to pay more attention to Private Members' Motions because, as you can see, there is no one from the Government side who is taking notes concerning this Motion. The fate of this Motion seems to have been sealed even before presentations have been made.

The call to this House is to grant leave to introduce a Bill for an Act of Parliament entitled the Trade Co-ordination and Promotion Bill to provide for the establishment of External Trade and Internal Trade Co-ordination and Promotion Authorities. Right now, we have all kinds of goods

scattered all over. Every interest group pushes for its own recognition and for its organisation's internal or external trade. However, there is no co-ordination. There is a big chunk of our economy that is based on livestock, yet there is no formal policy regarding the export of livestock.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I would like you to protect me from the only hon. Members who are seated on the Government side.

The Temporary Deputy Speaker (Mr. Kagwima): Order, hon. Members! Please, let us consult in low tones so that we can all hear what the hon. Member is saying.

Mr. Poghio: Mr. Temporary Deputy Speaker, Sir, the livestock sector needs to be considered in terms of export. People who have been exporting livestock have come up with their own policies to control the trade. They have made negotiations on their own and there is no co-ordination on the type of livestock to be exported. There are no policies regarding how to develop the sector within the country for export and even for import, if need be. If this Bill is brought to the House, it will force the Government to consider what kind of products we have. I do not think I am communicating to the people who need to hear this. My complaint is that those who are here are not listening to what we are saying.

The idea of External and Internal Trade Co-ordination and Promotion Authorities working together with the National Chamber of Commerce and Joint Trade Advisory Board will make it clear to us who should operate in what sector. It will enhance our production domestically so that we can know exactly which sector we are serving and which sector we need to assist to move a notch higher in terms of export. This will also help us develop a number of products for export. At the moment, we depend on agricultural products such as coffee and tea, although we can do much better. That is why it is wrong for us not to attend debate on this Motion which is thoughtful and will spur economic development.

My colleague, Mr. Syongo, has given some statistics showing that the distributive trade sector and related services account for more than 20 per cent of the country's GDP and employment. That is a high percentage which should be considered. The sectors play a big role in economic development. I would like to support this Motion and call upon hon. Members to do the same since it is a discussion about the economy of the country. It is a discussion taking place at a time when we are going to a general election. The subject needs to be given a section in the manifestos of political parties that we will be vying for the various positions in the country. We do not have anything of this kind in existence.

Where we have policies that are sympathetic to this course and to this Motion, there is need for the various Ministries in charge to get co-ordinated. At the moment, we have no co-ordination on how to deal with the WTO and the ACP/EU issues. One hand does not know what the other is doing. We need, in this particular matter, that kind of co-ordination, whereby various Ministries have ministerial co-ordination units to take care of the trade agenda provided for in this Bill. Much as this Motion is not asking for much, there is not much to talk about now, except to support that leave be granted to introduce a Bill for an Act of Parliament which will help us develop the right policies for trade, so that we can lay out the different sectors like the manufacturing, agriculture, livestock and fisheries sectors. Those are the areas where we have an opportunity to expand our trade.

In terms of the livestock and livestock products, where my interests are, we have many animals, but we do not provide much in terms of quality. This is the kind of thing that should lead us to remove all the quarantine issues surrounding our livestock, which are making it difficult for us to export right now. We need to improve our policies in terms of doing away with the old breeds

of cattle. Pastoralists are still depending on ancient breeds like the zebu and Boran cattle. In terms of goats and sheep, we need to develop a variety of breeds that will be useful to the domestic market, as well as the export market. I think those are some of the issues we need to work towards.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to say that it is true what my colleague has said, that despite the role that is played by this sector of our economy, distributive trade is presently being conducted haphazardly due to lack of structured institutions and legal framework. We are being sectoral in dealing with our trade. Every sector, for instance coffee and tea, has been depending on its own terms. No one has ever thought about co-ordinated approach to our economy.

Mr. Temporary Deputy Speaker, Sir, recently, Members of the Defence and Foreign Relations Committee travelled out of this country to learn more on what can be done for our country in terms of foreign policies. What has emerged is that most of our foreign policies will be trade-based or commercially-based. We need to develop this idea so that all the trade fairs that take place in our foreign missions are inclusive, rather than simply promoting the sale of only tea and coffee. Products like pyrethrum are equally important and are required everywhere.

So, just to make sure we expand our spectrum, we need to take this Motion seriously. I challenge the Government side to call all those concerned to come to the House to listen and take note of such an important Motion. I thank my colleague for bringing it to the House.

With those remarks, I beg to support.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I rise to respond to this Motion on behalf of Government. I will also be moving an amendment to the Motion. Thank you for allowing me to move an amendment on this Motion moved by hon. Syongo who was in this docket just before they left Government in December, 2004.

I want to hail the Mover of the Motion for the spirit in which he brought into perspective the contribution of the distributive sector which greatly contributes to the GDP of this country and employment, too. On the same note, I would also want to clarify that governments, all over the world, have departments where key functions are clearly defined.

The Departments of Internal and External Trade exist in the Ministry of Trade and Industry. Hawking is now being defined under the small and micro-enterprises, and a comprehensive policy is about to be put in place to take care of all the hurdles which the small-scale traders face. This will include finance and availability of markets for all those are involved.

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

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

As a Ministry, we are trying to avoid duplication of the already existing departments in marketing institutions. For instance, this same House has actually undertaken to approve the Investments Bill of 2004. We have the Export Promotion Council that is purely dealing with marketing issues and trying to spur economic growth generally. The trading blocs which were mentioned by a number of Members, beginning with the East African Community and the COMESA, have secretariats all over that do co-ordination either for East Africa or within the COMESA region. Trade attaches are there in a number of countries promoting trade activities.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Abdirahman, are you still moving the amendment?

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I am just giving some background before I move my amendment. I will be very brief.

The Temporary Deputy Speaker (Mr. Poghisio): I am just saying that the draft amendment can be passed over so that you can continue.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I was just giving a very brief background so that I can justify my amendment.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to support your ruling that, in fact, he should move the amendment first so that we know exactly what he is moving as he is building his case.

The Temporary Deputy Speaker (Mr. Poghisio): Is it a drafted amendment?

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I have just done it on the paper I have.

The Temporary Deputy Speaker (Mr. Poghisio): I think you should get advice from the Chair and the Clerks to see whether it is acceptable.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I just wanted to suggest the creation of a co-ordination authority to co-ordinate internal and external trading activities.

The Temporary Deputy Speaker (Mr. Poghisio): You can seek the assistance of the Clerks.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is really no amendment before the House because it has not been drafted and moved, and the House cannot be expected to be waiting for it to be done. It should have been done before. We really want to do this together, but the procedure must be followed. This is a House of Parliament.

The Temporary Deputy Speaker (Mr. Poghisio): Please, address yourself to the Motion as it is.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I have consulted the Mover and once I present it, we will get to hear his views about it. I do not see why---

The Temporary Deputy Speaker (Mr. Poghisio): But you want to move an amendment to the Motion? What has happened?

An hon. Member: He is confused!

The Assistant Minister for Trade and Industry (Mr. Abdirahman): I am not confused. All I am saying is that I am intending to move an amendment, having consulted the Mover and I thought he was quite comfortable with it.

The Temporary Deputy Speaker (Mr. Poghisio): Since you are already giving the Official Response, I propose that you can ask any of your colleagues to move the amendment, if you are not ready for it, so that you can continue responding.

Mr. Syongo: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Motion is simply requesting this House to grant leave to introduce a Bill. I have consulted with my colleague, Mr. Abdirahman, and I have accepted, in principle, that if he has any useful ideas, which I am sure he has, after the House has granted leave, at the time of drafting the Bill, we shall take all his concerns on

board. In any case, this Bill is going to be a joint effort of Government as well as Parliament, including the Departmental Committee on Finance, Planning and Trade. So, I would like to find out if it is in order for us to proceed with the Motion as it is now.

The Temporary Deputy Speaker (Mr. Poghisio): Well, I think this is basically the case,

since there is no amendment that has been presented so far. The Assistant Minister is just responding to the Motion as it is.

So, proceed, Mr. Abdirahman.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I have asked my colleague, hon. Wetangula, to move the amendment and I will continue with my response. The reason for not wanting to wait up to a later stage is the fact that we have a number of issues that we feel could duplicate the existing institutions functions. But I will go on to indicate that a number of the regional trading blocs have secretariats that will help in fast-tracking trade implementation procedures.

On the trade attaches, I would want to point out that a number of our embassies abroad currently do not only do political work, but participate so much in trying to enhance trade promotion activities.

Mr. Temporary Deputy Speaker, Sir, on the whole, this is a noble idea. It is a welcome Motion. The interests of the traders is something we need to consider, irrespective of our political divide. However, the amendment will safeguard against duplication of functions by establishment of authorities which will more or less be a burden to this country in terms of finances due to strained resources.

With those remarks, I beg to support.

Mr. Sungu: Put the Question!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Sungu! There being no further contribution, I will now put the Question.

(Mr. Wetangula stood up in his place)

This is a timed Motion!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I wish to contribute!

The Temporary Deputy Speaker (Mr. Poghisio): There is somebody who wants to contribute.

Proceed, Mr. Wetangula!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir. Although my colleague will ask me to assist in moving an amendment, I will contribute to the Motion as it is.

I want to thank Mr. Syongo for bringing this Motion. I believe what he intended to do is to resurrect what we started in 1963 and then failed; affirmative action for Kenyans. If you recall, in 1963, the independent Government of Kenya started a move to empower Kenyans on trade related issues. You have heard of the famous Biashara Street and River Road activities culminating in the famous case of Wangu and others versus the Nairobi City Council where a mischievous English judge said that he was not quite sure what an African meant. The aim at that time was to empower indigenous Kenyans to participate in trade and trade activities in the country. The aim was to curtail the manufacturer from following the chain, distribute and retail at the same time. That policy was very popular. However, it was abused resulting in the notorious 10 per cent activities that we all know from the history of this country. Today, we still have Indians manufacturing, wholesaling, distributing and hawking in this country. I believe this is the noble idea that Mr. Syongo wants to bring out in this long-worded Motion. It is a noble idea!

Mr. Temporary Deputy Speaker, Sir, there is a country called Malaysia where the former Prime Minister, Dr. Mahathir Mohamed, embarked on an affirmative action for Malaysians. He made it law that no foreign company could go to Malaysia and start any business without a local

partnership, no foreign country can go to Malaysia and start a construction outfit without Malaysians participating. This is the only way we can help our people to grow. In real terms, we do not want foreigners to come and pick some people from Koinange Street and make them directors of their companies without intending to have them as directors, just to have a veneer of local participation.

How do we achieve what Mr. Syongo is looking for? First, we need to set aside money for local entrepreneurship. The Motion says that this sector contributes 20 per cent to the country's Gross Domestic Product (GDP). It can even contribute up to 50 per cent if we co-ordinate and support it properly. We need to put aside a special fund. This fund can even be syndicated from local banks. It can also be extracted from the Exchequer. We have already put some money for the Youth Enterprises Fund whose modalities of distribution is still not quite clear. That is the kind of affirmative action we need to jump-start the local entrepreneurship.

I have never understood how and why only Mr. Sungu's constituents stay in the Lake the whole night fishing and as soon as they land on the beaches, they hand over the fish to Indians to export and distribute internally. What do they pay them? Starvation wages!

Mr. Sungu: It is a shame!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, this is what we should be looking at. The Somalis look after cattle in the northern part of Kenya. However, when they want to sell their cattle, who buys it? It is somebody else from outside this country to export and make the money.

My Ministry of Foreign Affairs has now embarked on serious economic related diplomacy. We want all our missions to be responsive to the changing times and support issues of trade. It is only through that direction that this country can grow. Uganda is our No.1 trading partner. Perhaps, Mr. Syongo may have given the statistics to tell us who in this country trades with Uganda. How are Kenyans benefitting from this, apart from money coming to the Exchequer to deal with other activities?

So, Mr. Temporary Deputy Speaker, Sir, the whole Motion is very sound. I wish Mr. Syongo framed it in such a way that we establish an authority that will harmonise the fractured existing legislation dealing with trade. We have the Restrictive Trade Practices Act, the Export Promotion Act, the Trade Disputes Act and other Acts. We need to have a co-ordination authority established by law to bring harmony to all these fractured legislations so that we have a one-stop shop that will deal with matters of external and internal trade and matters that will bring into focus the National Chamber of Commerce. When you talk of the National Chamber of Commerce anywhere, if you go to Japan today, the chairperson of the National Chamber of Commerce is as important, if not more important than the Minister for Trade and Finance put together. If you go to Germany, it is the same thing. In Kenya, who are the leaders of the National Chamber of Commerce? Hawkers! These are fellows who know nothing about commerce. All they do is fight from the first day they get into office. I do not even think the Departmental Committee on Finance, Planning and Trade in this country has ever held a meeting with the National Chamber of Commerce to discuss anything to do with trade. Foreigners come to our offices wanting to meet representatives from the National Chamber of Commerce, but we do not know where to send them. We need a legal framework that will set a proper criteria as to who should be the leaders of the National Chamber of Commerce, what their mandate is, what their relationship to the Central Government is and other arms of Government so that they can assist local Kenyans to help the growth of trade. I have been to some areas in this country where you find the local bicycle repairer is the chairman of the local chamber of commerce. When you talk about issues of trade, they hardly know anything about it. We are not looking down upon our brothers who repair bicycles, but the brief is beyond the person. We need to have a co-ordinated approach to this issue because trade and

commerce now rule the world. Whether we are talking of the World Trade Organisation (WTO), the African-Caribbean Pacific and the European Union (ACP-EU), the Southern Africa Development Co-operation (SADC), the East African Community or the Common Market for Eastern and Southern Africa (COMESA), all these are matters of trade. Without a co-ordinated approach, we will not be able to benefit.

I want to inform my colleague in the Ministry that the devil will be in the detail and the detail can come later on. I think Mr. Syongo has given an assurance that whatever ideas the Ministry has, they can sit down, discuss them and see how best they can bring this noble idea to fruition. If we take that approach, we will be proactive and helpful to the people who elected us to this House. It is Kenyans who really matter.

Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion.

The Assistant Minister for Transport (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. First of all, let me take this opportunity to thank my friend, Mr. Syongo, an old Maseno High School boy. This is no doubt the kind of a Motion we expect from Maseno boys.

This is a very important Motion because what is lacking at the moment is co-ordination. We have local authorities which think that hawkers are enemies and are not Kenyans. They think that hawkers must be chased away from the streets of Nairobi and yet those are the people who make this country move. We must support the small-scale traders. Every time I see the Nairobi City Council *askaris* chasing away hawkers from the streets of Nairobi, I feel like crying. This is because, those are Kenyans. We need to tap their potential and regulate them. I think this is what this Motion is trying to achieve.

If you visit other cities, for example, Singapore or London, you will find that they close certain roads on Saturdays at specific hours to allow any person with goods to sell. This means that if you have excess suits and plates in your house, you can go to the so-called free market on that day and sell them. That is how they have regulated their hawkers. This does not mean that there are no hawkers in London or Singapore. They are there but they are regulated. In this country, the local authorities chase them away, lock them up in police cells and steal from them. This is an important Motion and I would like to ask my friend to proceed from there and come up with a Bill which will regulate hawkers.

The other people that should be included in the Bill are the small-scale traders; those in the kiosks. I feel like crying every time I see the local authorities *askaris* demolishing kiosks. Kiosks are here to stay. They are part of the Kenyan culture. We need to regulate them. This does not mean that there are no kiosks in London. It does not mean that there are no kiosks in the City of Singapore. Kiosks are there but they are regulated.

We need to learn from the Mauritius experience. That country had more kiosks than any other country in the world 20 years ago. Today, there are no kiosks in Mauritius. That country has used a very simple and innovative method. Mauritius passed a law that said that if your building is adjacent to a road, the ground floor of that building is deemed to be a commercial premise. In Mauritius, the ground floor of every building next to a road is a shop, a kiosk or a cafeteria. Within a period of five years, that country was able to sort out their kiosk problems. There are no kiosks on road reserves in Mauritius because all the people who owned kiosks are now housed in the ground floors of every building, which are deemed to be commercial premises. What do we do in Kenya? When some innovative Kenyans in an estate like, Buru Buru, convert the wall next to the road into a kiosk, the NCC *askaris* go there and demolish it. This is because we have been unable to regulate the small-scale traders. Instead, we declare war on them. If we regulated the kiosks, and I request my friend, in his Bill to include that aspect, we will sort out our high unemployment rate. We are sitting on a time-bomb. The unemployment rate is going up. We need to take concrete steps to

eradicate unemployment.

I thank the President who said that, from now henceforth, one-third of all jobs in Government departments and parastatals must be given to women. This is because the greatest portion of the unemployed are women. This will go a long way towards rectifying that anomaly.

Mr. Temporary Deputy Speaker, Sir, the Mover of this Motion should include the brokers in his Bill. We seem to be a country of brokers. Anything you want to do, you must go through a broker. We have maize brokers who do not grow maize. We have rice brokers who do not grow rice. We have fish brokers who do not go to Lake Victoria to fish. We must do away with those brokers because they underpay the farmers and fishermen. We must find a way of doing away with the brokers. Why can the farmers not sell their maize, beans or wheat directly to the market? Why must they go through a broker? Brokers earn more than what the farmers earn and yet, the farmers till their land when it is raining and when there is sunshine. We must do away with the brokers so that our farmers can benefit.

On the foreign missions as my friend, Mr. Wetangula said, we must judge them by the extent of business they bring to this country. We should remove the National Security Intelligence Service (NSIS) officers from our foreign missions. Kenya is not a super power. What do the NSIS officers do in our foreign missions? What do the so-called defence attaches do in our foreign missions? We have no intention of attacking any country. We need commercial attaches who will deal with trade and commerce. We should emphasise this. Our foreign missions should be told that they will be judged by the kind of business they bring into the country.

Mr. Temporary Deputy Speaker, Sir, on the issue of loans, we used to have the District Loans Boards. I do not know what happened to them. I have not heard of them giving out loans. They used to give out loans without security. I know of a few people in my constituency who are millionaires today and they started by borrowing loans of Kshs50,000 that were being given out by the District Loans Boards. We need to reinstate those District Loans Boards. It is the only way our people will be able to make a living.

There is a very bad vice called jealousy. We seem to be a country full of jealousy. Whenever somebody works for a company and prospers, we start being jealous. We start saying that they are not paying their taxes. If a supermarket is not paying tax, the solution is not to close it. The solution is to demand that tax be paid. If a bank is not paying taxes, the solution is not to close the bank. The solution is to demand that they pay taxes. Everybody in this country must pay taxes.

We need to level the playing ground as far as taxes are concerned. Everybody, including Members of Parliament, must pay taxes. There should be no special privileges. That is the direction to take. It is not only Members of Parliament who should pay taxes, but also the other constitutional offices. They also do not pay taxes. Everybody in Kenya should pay taxes.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Mover of this Motion to come to the House with a provision dealing with the electronic tax registers. If traders were to accept to purchase and install these electronic tax registers, we would not even need donor funding. I have been told that they are fearing that if they install them then the VAT---

Mr. Bett: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is this hon. Member in order to mislead the House by saying that Members of Parliament should pay taxes and yet we pay taxes today?

The Assistant Minister for Transport (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, let us call a spade a spade. We are paying tax on our basic salaries. Our allowances are not taxed. Even the allowances for those holding constitutional offices are not taxed.

With those few remarks, I beg to support.

Capt. Nakitare: Asante sana Bw. Naibu Spika wa Muda. Ninaunga mkono Hoja hii

ambayo inalenga maendeleo ya Kenya. Kutoka wakati nchi hii ilipopata Uhuru kutoka kwa wakoloni, mfanyabiashara wa Kenya hakuangaziwa kama mtu ambaye ana faida kwa maendeleo ya Kenya. Kuna wachuuzi ambao wamekuweco kwa miaka mingi. Kabla hawa wachuuzi wa bidhaa ndogo ndogo kuja miaka ya juzi, biashara ile ambayo Mwafrika alikuwa anajulikana kufanya, ilikuwa kuweka cherehani mbele ya duka la Mhindi ili aweze kufanya kazi hiyo. Hicho ndicho chanzo cha biashara ya wachuuzi.

Mifano mingi imetolewa kuambatana na kujimudu kwa watu wa Kenya. Ninashangaa, kwa sababu Wizara ya Biashara na Viwanda inazingatia maslahi ya matajiri. Mtu akija kutoka nje anasema kuwa anataka kuweka rasilmali yake na kuwa ana mamilioni ya dola. Anapewa kiwanja na kuambiwa: "Karibu. Wewe ndiye mkubwa". Je, mtu huyu anakuja kutunyonya au kutuletea faida? Ingetufaidi kama angeanzisha kiwanda kwa minajili ya kuajiri watu. Hakuna sehemu katika Wizara hii inayopata pesa kutoka kwa wenye kutoa kodi. Hii Wizara haijawasaidia wachuuzi.

Mr. Omondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a straightforward Motion and I think we are now repeating ourselves. Would I be in order to suggest that the Mover be now called upon to reply?

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

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank His Excellency the President. A few days ago, the police, including the GSU were mobilised to beat up hawkers and destroy their merchandise, cause grievous bodily harm to very many of those young enterprising Kenyans. His Excellency the President came out very clearly during his Kenyatta Day speech, in support of the hawkers. If I may quote him, he said: "Hawkers are an important part of this nation. They are hardworking and, therefore, they should be supported." I could not have found better support for this Motion from the Government than the statement the President made during that Speech.

Secondly, I want to reassure the Ministry of Trade and Industry that this initiative will be of great benefit to that Ministry. I want to allay the fears of the Minister for Trade and Industry that there will not be any duplication of functions. It is true that there are departments within the Ministry which are responsible for carrying out some of these tasks. It is true that there are certain secretariats and even desk officers, but the fact remains that their functions are totally uncoordinated and there is a lot of internal conflict in the performance of their duties. There are a lot of territorial wars between those departmental heads and officers. The result is that there is total inefficiency and chaos in the performance of these very important functions.

Mr. Temporary Deputy Speaker, Sir, in the case of external trade, there is the Export Promotion Council and the Director of External Trade. Their functions are not harmonised. Nobody is specifically responsible for the Trade attaches who are posted outside. This Motion and the Bill that will be brought as a result of the approval of this Motion by this House will create the External Trade Authority responsible for co-ordinating all these functions, the policy and legislative framework, so that we have a single stop as far as external trade development is concerned. We will have a similar authority in charge of internal trade which will be not only in charge of co-ordinating policy, but also addressing the issue of physical development, putting up premises and developing business parks so that our traders in various categories can have accommodation.

Mr. Temporary Deputy Speaker, Sir, it is so painful to see young Kenyans trained in our polytechnics producing world class furniture but they have nowhere to trade them other than the roadside where they gather dust. The prospective buyers are afraid to approach them because they

could actually be run down by motor vehicles.

The creation of an internal trade authority will deal with all those aspects relating to internal trade activities and policies as well as the legislation.

Mr. Temporary Deputy Speaker, Sir, I support hon. Wetangula for actually reminding this House that in some countries the Chamber of Commerce is an extremely important institution. Here, they operate without any legal or statutory framework and so it is not surprising that we see the kind of chaos as far as this Chamber is concerned. Even recently, if you remember, there was a war of words between the Minister for Trade and Industry and the Chief Executive and Chairman of the Kenya National Chamber of Commerce and Industry (KNCCI) in terms of their responsibilities and roles. Even though the Minister tried to use his authority to bring order into the KNCCI, he lacked the legal authority to intervene. This Motion will now deal with that problem so that there is co-ordination, consultative arrangement and forum for the Ministry or the Government to deal with the issues.

Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Githae. He made some fantastic remarks. It is a pity, and hon. Wetangula also mentioned it, that the Mauritius and Malaysian models were actually borrowed from Kenya. Malaysia and Mauritius simply took the Kenya External Trade Authority (KETA) policy document and went and created a KETA with a different name in their countries and they are out performing us using our own ideas.

One of the reasons why KETA died is because it has no statutory and it was not created by an Act of Parliament. If it had, then we would not have had the problems that we have gone through during all this period when we have seriously under-performed in terms of growing the internal trade sector as well our external or export trade sectors.

Mr. Temporary Deputy Speaker, Sir, I want to assure this House, and all stakeholders, that the drafting and preparation of the Bill will be a consultative effort. All stakeholders will be consulted and the ideas that have come out on the Floor of this House and others that will come out of deliberations as well as consultations with other stakeholders, including Kenya Association of Manufacturers (KAM), and the local authorities, will be brought on board so that we have a comprehensive and internally consistent piece of legislation which can drive this country's economy to the next decade.

With those remarks, I beg to move.

(Question put and agreed to)

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

INTRODUCTION OF COMMUNITY
SOCIAL ENTERPRISE BILL

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

THAT, cognisant of the fact that the poor, especially women and other vulnerable groups suffer marginalisation in their struggle to have access to economic resources owing to the inequitable legal frameworks currently in place; further aware that there is need to encourage investment and promote enterprise in rural and urban areas targeting these vulnerable groups; this House do grant leave to introduce a Community Social Enterprise Bill in order to provide entrepreneurial skills and financial support for these socially excluded groups.

Mr. Temporary Deputy Speaker, Sir, for a long time, since Independence, this country has systematically excluded a big portion of its population from accessing economic activities. Some of

those exclusions are based on gender, poverty levels, historical and geographical factors. Only a few Kenyans have enjoyed the wealth of this country. Consequently, there has been an unprecedented rise in poverty levels, unemployment and ignorance. There has been decline in investment and security in this country to the extent that, a majority of Kenyans do not even know who owns this nation.

Mr. Temporary Deputy Speaker, Sir, you will recall that, at the official opening of the International Investment Conference on 24th, March, this year, His Excellency President Mwai Kibaki stated that the Government had developed a comprehensive investment programme to transform Kenya's economy into the most vibrant, stable and investor-friendly in this region. He stated that the reforms must include creating a legal framework with simplified procedures that govern investment and privatisation. During that function, the President further stated that investments could be done directly or through provision of credit that is necessary for the growth of the sector.

Mr. Temporary Deputy Speaker, Sir, there are no programmes to assist the poor in this country to get into real business that would help them improve their lifestyles, leave alone to contribute to economic development positively. We all know that the only panacea to poverty is serious economic growth that leads to increased opportunities for all. Economic growth is primarily driven by application and accumulation of capital, technology and expertise. To achieve that objective, it is not only necessary to equalise opportunities and income by addressing all disparities; be they gender, historical, ethnic or geographical, but also, to address areas in the economy that have direct impact on the poor by removing structural and other distortions that impede their growth.

Mr. Temporary Deputy Speaker, Sir, one way of meeting the NARC Government's noble objective contained in the Economic Recovery Strategy for Wealth and Employment Creation and subsequent Budget statements is through the promotion of a strong local enterprise culture that will stem the tide of under-investment and under-capitalization that is manifested in our rural communities and other micro and small-scale enterprises today. Kenyans are determined people, but they lack start-up support.

Mr. Temporary Deputy Speaker, Sir, capital is the force that raises productivity. It is an aspect of labour that creates wealth for nations. It is lifeblood of the economic machinery of any nation, the foundation of progress and one thing most ordinary Kenyans seem unable to produce for themselves no matter how eagerly they engage in activities that characterise the working nation that the President has constantly reminded us of.

Mr. Temporary Deputy Speaker, Sir, another unfortunate factor is gender imbalance which has been cited as the key factor in propagating poverty. In this country, poverty continues to take the face of a woman selling items in poverty because she lacks ownership and control of a lot of assets that would help her acquire development capital. We know that this gender disparity has contributed a lot to poverty in agriculture. Women do not own land and, therefore, only cultivate land to an extent they can be allowed to do.

Gender conscience goes beyond simple physical and biological differences that we know between women and men or boys and girls and embraces different roles that a society assigns to them. Economic development of a nation is one of the roles that must be made accessible to all including women.

Most women work in the informal sector where there is an acute lack of social security and access to credit facilities. There is also lack of a regulatory framework to support women entrepreneurship and this is the reason why they are ever on the run being chased around by *askaris* with goods on their backs. There is no law that protects them against those abuses. There is also no law that states to them that: "This is where you rightly belong as a trader in this country".

Kenya must integrate its poor in its economy and thereby release the aspirations and energies of its ordinary citizens to contribute to its economic development. This can be done by establishing a widespread form of property law and inventing conversion in the law that will allow for the creation of capital. This would in turn translate economic prosperity from being a private lab of the blue-eyed boys and girls and the politically-right opportunists becoming a popular culture. We must introduce a culture of economic prosperity to Kenyans and not allow it to grow as a right for a few people in a right club. This has been encouraged because currently, there is no legal framework capable of implementing the Government's noble recommendations on community social enterprises. We have enjoyed CDF law and we know that due to its service delivery in terms of infrastructure development, indeed, it has been an excellent step in the right direction. It is an excellent step in the devolution of finances to the service sector. CDF, as we have been told by *wananchi*, requires a tight law to shield it from crooks who have continuously wanted it to fail. We thank Kenyans for being vigilant and constantly reminding those who are in charge of CDF that the money belongs to them and not the pockets of leaders.

The Motion we are addressing today aims to spark direct economic growth from the family and community level through accessing development capital to them directly. This is a practical measure to achieve the intended and craved-for economic goals by all Kenyans. It is against this background that this Motion has come to this House. It seeks leave to introduce a Community and Social Enterprise Bill. This Bill, if allowed to come to the House, will aim at establishing a legal framework. Secondly, it will create a system of validation of community and social enterprises. Thirdly, it will seek to establish a Community Development Ventures Capital Fund.

Mr. Temporary Deputy Speaker, Sir, our nation has realised good development from use of the CDF. The benefits brought by the CDF to the service sector in this country have been appreciated. For this reason, we feel that the benefits of the proposed community social enterprise legal framework would also do very well in assisting Kenyans to enjoy being Kenyans. It would give them an opportunity to increase job opportunities for themselves. The first benefit of the proposed Bill will be creation of employment. Secondly, it will result in generation of capital and income. Thirdly, there will be access to affordable financial services. Fourthly, it will assist to inculcate in Kenyans saving habits. Our people are not saving money. They earn and spend on a day-to-day basis. Fifthly, it will increase awareness of self-development and leadership skills among our communities. This is because if they will be able to look after themselves and control their expenses and needs, they will not be easily bought, and thereby lose their voting rights. Sixth, it will increase the capacity of Kenyans to make informed decisions on investments within their own families. Seventh, it will help businesses to grow. Lastly, it will have snowball effects on our economy and service sectors such as education, health and others related to them.

Changes that will result from this kind of Bill will cause people to become proactive and be interested not only in their consumption patterns but also in national development. It will assist them to contribute to nation building without fear of taxation. It will help them to become managers of their own development efforts and other matters that contribute to the growth of a nation.

This House is, therefore, being asked to grant leave, so that I can introduce a Community and Social Enterprise Bill that will help the young, the disabled, women and the poor to access funds. It will put in place a legal framework that will make money flow to the people directly. Today, we all see money from the CDF going directly to the service sectors. The poor and marginalised women would have access to money that is controlled. They can access that money when they need to invest it, so that they can become part and parcel of their own national economic development.

With those few remarks, I beg to move.

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, I rise to second this very important Motion, which seeks to look into the interests of the marginalised and very poor people in our society.

Mr. Temporary Deputy Speaker, Sir, as you know, poverty is an area that this Government and the previous regimes have not tackled properly. As of now, an average of 60 per cent of our people live in absolute poverty. As the Mover of the Motion has said, poverty has taken the face of a woman. That is why in many places, you find that the majority of hawkers are women. The majority of the people who till our land, from morning to evening, are women. The people who look after children - be they their own or other people's children - are usually women. So, as we talk about poverty, we should bear in mind that poverty has taken over the face of a woman.

Therefore, as this Motion clearly puts it, there is no way we are going to adequately fight poverty in this country unless we start looking at the issues of women. I would like to put forward a quote relating to women as follows: "Behind every successful family is a woman." We might even add to this one to say: "Behind every successful family or community or nation is a woman."

Mr. Temporary Deputy Speaker, Sir, other common quotations relating to women include the following: "Women are the pillars of society." "Think right, think women's needs." "Women rights are human rights." Women carry the burden of not only the community but they also carry the burden of the nation and, indeed, the world. So, as we look at the issue of community social enterprise, which this Motion tries to capture, we should focus, first and foremost, on how best this will go towards alleviating poverty in society and bolstering the capacity of women.

Probably, our second-biggest problem in this country, which we have to take head on, is unemployment. Over the years, so many of our youths have been loitering around without any meaningful employment. I would like to add at this stage that whoever will form the next Government must come up with programmes based on appropriate policies and ideologies, aimed at reducing unemployment in this country. Unemployment is a time bomb we are sitting on. It can very easily explode although nobody knows when that will happen. So, we should be able to avert this explosion.

Mr. Temporary Deputy Speaker, Sir, the Government has come up with an economic growth rate of 5.8 per cent. However, when you walk in the rural areas and the urban slums, you do not see the impact of this growth rate. Instead, the number of people who live in absolute poverty is increasing. What can we do, as a country, to make this economic growth rate trickle down to the very poor, the marginalised and those who live on the edges of life?

Mr. Temporary Deputy Speaker, Sir, one of the ways of doing this is to address the issues that this Motion has brought forward. We must put forward a Community Social Enterprise Fund that will address some of the issues that are being mentioned. In so doing, we will be making the impact of the 5.8 economic growth rate to trickle down to the very poor and the marginalised people.

The important question that one will ask is: Where will these funds come from? There are several options that we can look at. One of them is that it can be moulded along the lines of the Road Maintenance Levy Fund, alcohol levy or a tobacco levy. We could even get money directly from the Exchequer again along the lines of the Youth Fund. We would like this money to go to communities directly. It has been in the news recently that the gentleman who started Gramine Bank in Bangladesh was recently honoured with a Nobel Prize. The Gramine Bank model targets the poor and the down-trodden. This is a model that we can borrow in this country. In a nutshell, the model allows groups to borrow and co-guarantee one another without having to put forward a piece of paper like a title deed or a log book to access funds from the bank.

Mr. Temporary Deputy Speaker, Sir, as a country, we do not have to invent the wheel. We can copy the success stories around the world. The proposed Community Social Enterprise Fund,

or whatever name it will be called when the Bill comes up, should follow the lines of the Gramine Bank. This is a bank that has succeeded. This is an ideology that has succeeded to lift millions of people from the pit of poverty, so that they can live a decent life and be able to put food on their tables.

We should look at some of the successes that we can borrow from. One such success is the concept of the Constituencies Development Fund (CDF); the concept of devolving funds to certain regions. Although you will find people like the leader of the World Bank in this country saying that communities do not have capacity to utilise these funds, I will say without any fear of contradiction that, as we mature in the CDF path, truly our communities have the capacity to absorb these funds and utilise them maximumly. They have the capacity to police the funds.

In Lugari, we always say that each one of us must watch over the other. Unless we reach at a stage where each one of us is not policing and watching over the other, we shall never get rid of corruption. Unless we reach at a stage where each one of us is policing and watching over the other, we shall never make our money do as much as we expect. Most of it will be pilfered and end up in people's pockets.

Finally as I conclude, Mr. Temporary Deputy Speaker, Sir, I would like to say that the spirit of this Motion looks at the community. The community, as we know it, is dynamic and a living entity. In many places and in the past, governments have done things for communities and this, in my view, has been a costly error. We should be able to allow communities to do their own things, and this Motion has that in its spirit.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Trade and Industry (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. First of all, I would like to congratulate the Mover of this Motion, Dr. Ojiambo. She has introduced other Motions in this House which have really had a lot of support from both the Front and Back benches. This shows that she is thinking a lot about our country, and that is very good of her. We commend her for that.

Mr. Temporary Deputy Speaker, Sir, we know that there is a lot of poverty in Kenya. We have very many poor women, youth and disabled persons. If you go round the country, you will see a lot of poor people. Nevertheless, we have seen people really putting a lot of effort and struggling to have some economic gain. Very many women have formed and joined self-help groups and Community Based Organizations (CBOs). The purpose of such groupings is to empower themselves economically. We have also seen a lot of youth groups in form of *Jua Kali* organizations and also trying very much to struggle in order to increase their daily earnings. We know that the Government has also done a lot trying to empower these groups. There is already some money, about Kshs1 billion, which has been set aside for the youth. The women are going to be empowered in the form of employment and also financially. We know that the Government has also given out some money in the Small and Medium Enterprises (SMEs). However, in the absence of such a Bill to streamline what is happening, it becomes really difficult to operate. That is why I feel this Motion is timely. It will really help in the implementation of various programmes. Although we have such groups, we know that many Kenyans do not know how to conduct business. So, we need civil education in entrepreneurial skills. That is why I support the Motion. We also need these people to be empowered through capital. Although many people are conducting business, most of them do not have collateral. As we all know, banks in Kenya cannot lend any amount of money without security in form of title deeds and any other collateral. We, therefore, need some special funds which will be available to these very hardworking Kenyans who would

like to venture into business.

Mr. Temporary Deputy Speaker, Sir, we have been talking about industrialization in Kenya. However, we all know that without the participation of the rural folk, we cannot talk of an industrialized country. We need to involve every Kenyan, from east, west, north and south, in this industrialization programme. It can only work if every Kenyan who is willing to work is empowered. That is why this Community Social Enterprise Bill will include areas where such people will be supported. I know that in Nyanza Province, very many people would like to fish, but they do not have canoes, nets and other equipment. If they are given these facilities, they will do the fishing. Instead of having foreigners exploiting our resources when we are just staring and standing by, we should encourage local people to do so.

Mr. Temporary Deputy Speaker, Sir, this role of empowering people has sometimes been taken over by some Non-Governmental Organizations (NGOs). These NGOs are regional. Sometimes, they really do not do what they claim to be doing. When we go and try to assess the impact of their input, we find that it is almost nil. So, we need the Government, through the church involvement, to come in very quickly and support all Kenyans who would like to do business. In many urban centres in Kenya, there are very many shops with very few goods being sold in them. This is because the proprietors do not have enough capital. If we had capital such people who have already proved that they are willing to do business, would go very far.

Mr. Temporary Deputy Speaker, Sir, as the Mover has already said, countries run on taxes which are contributed by people. If we have more people paying taxes, the country will be very rich, because we shall have money to support our programmes; be they in the transport, roads, energy and such like sectors. We can only enrich ourselves if we empower our people to be rich. Once they are rich, we shall have more people paying taxes and be able to support ourselves. There are outsiders, especially in the local embassies, who claim that the donor money that we receive is from taxpayers from their countries. If we widen our tax base, we shall also be able to donate money to other countries which are poor.

Mr. Temporary Deputy Speaker, Sir, in my closing remarks, I would like to say that we see people agonizing out there. We see the plight of many Kenyans who are willing to work, but there is no support. They look like people who are crying in the wilderness, but there is nobody to save them. I hope that once this Bill is drawn, it will include provisions for such people. I mean the disadvantaged, the disabled, those in the *Jua Kali* sector, the hawkers, the youth and the children. Once that is done, it will touch on the lives of all Kenyans. We shall succeed in empowering our people and uplifting their living standards. I know there are people who go for days without a meal, just because they have no support. Although the Constituencies Development Fund (CDF) is supposed to address poverty, it is mainly being used to develop infrastructure which has been very bad. It cannot cater for what is proposed in this Bill.

Mr. Temporary Deputy Speaker, Sir, finally, let me congratulate the Government and the President of the Republic of Kenya for the work that has been done so far. A lot of work has been done to address poverty, regardless of what people might say. If you want to know what has been done, let us go to the grassroots. Let us not listen to what people are saying. Let us go to the ground and see what has been done and people---

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that the Government is addressing poverty, when the facts on the ground are that Kenyans are, today, more poorer than they were four years ago?

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, it depends on the constituencies. If an hon. Member is not addressing issues in his or her constituency, then people would be poorer than they were. But the Government is working very hard. It has given every hon. Member CDF monies to take to his or her constituency! If that money

is not utilised well---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Assistant Minister! You might start contradicting yourself. You have just said that CDF does not address poverty.

The Assistant Minister for Trade and Industry (Mr. Miriti): Yes, Mr. Temporary Deputy Speaker, Sir, the Government has addressed issues---

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

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. This country has only two communities. The community of the rich which comprises of a few but stinking rich and very powerful people in this country.

An hon. Member: MPs!

Prof. Olweny: Not MPs! I am very poor. The second community comprises of majority of Kenyans who have been impoverished over time. Unfortunately, this country does not have a social welfare system where the money from the rich can be used to support the poor. This country needs a system to support the poor. We should find a way of getting the poor out of where they are. We should give them economic support. The lack of economic empowerment has left majority of Kenyans very poor. Inadequate resources have been mobilised to get majority of Kenyans out of poverty.

Mr. Temporary Deputy Speaker, Sir, a few rich farmers have benefited in terms of loans from the Government. However, majority of poor farmers have never been supported by the Government. Unless a farmer has good security, he or she is not likely to access the loans. That makes Kenyans to remain poor. Most of the small-scale farmers are in the rural areas and have never had the opportunity to access the resources that are availed to the rich people.

We have a Finance Bill that will be debated in this House. The Finance Bill intends to make poorer sugar-cane farmers by coming up with weird proposals which are not acceptable to Kenyans. The wealth of this country has been shared out among the rich people of this country based on tribalism. People from certain areas of this country, who are well placed within the Government, and who have been close to the powers that be in this country, are the ones who have had resources availed to them so as to become rich. Distribution of wealth in this country is based on *siasa mbaya, maisha mbaya*. If you are against or critical of the Government, then you get nothing.

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

The Assistant Minister for Trade and Industry (Mr. Miriti): That is true Professor!

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has admitted that it is true.

The Temporary Deputy Speaker (Mr. Poghisio): Please, help those who do not understand what you are saying to understand you.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, the poverty most Kenyans are suffering from is linked to the pattern of politics in this country. That is the famous phrase that Mr. Moi used; that is, politics of discrimination which have led to poverty in this country. That cannot be denied, although it is still being done today under the NARC Government. We do not know whether the Government is promoting NARC or NARC(K).

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to mislead this House by saying that the current regime is also promoting *siasa mbaya, maisha mbaya* and encouraging poverty?

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us how money meant for water development was--- Anyway, a lot of money which was meant for water development in this country has been taken to areas surrounding Mount Kenya. I think the

Assistant Minister should tell us about that. The resources that have been available in this country have been misused or abused. For example, money for the YK '92, Maendeleo ya Wanawake Organisation (MYWO) and some which was supposed to be used to assist the disabled was misused. How was it used? If it was used well, it would have helped poor women who were in the Maendeleo ya Wanawake group and who were being misused by politicians at that time. We are talking about the systems of administration of this country since Kenyatta's time. Everybody has been made poor under the three regimes of Kenyatta, Moi and now Kibaki. If it was used well, it would have helped the poor women in MYWO who were being used by politicians at that time. Since Kenyatta's regime, everybody has been made poor.

Mr. Muchiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member aware that Kenya is better now than it was before?

The Temporary Deputy Speaker (Mr. Poghiso): Order, that is not a point of order!

Prof. Olweny: May be it is Kenyan like you only, not everybody else. The YK '92 money was meant to abuse or misuse the youth for political reasons. The same was done to women using the MYWO and even the disabled. If such money was put in the hands of people who had skills, or was well managed, a few more Kenyans would be doing better today. So, we need a system where Kenyans are trained better on how to manage small business enterprises. We need a legal system which helps in having such money well managed, not simply misused by politicians.

Mr. Temporary Deputy Speaker, Sir, people go round collecting money in terms of Harambees and it ends up being misused for political reasons. This has happened since Kenyatta's time. So, we need a system which will help us in managing such funds, whether it is raised from the Treasury or other sources. That is what we are calling for.

Today, this Government has proposed a youth fund. Everybody is asking, how is this money going to be administered? What is it going to be used for? Is it going to be another YK '92 money, now that we are approaching elections next year? Probably, this is what the Government has in mind, because even up to today, these millions of shillings that have been allocated to the youth, nobody knows how it is going to be spent. The Minister has not come out clean. We do not even have guidelines in the district offices on how that money will be administered, if it is meant to alleviate poverty.

Mr. Temporary Deputy Speaker, Sir, we have had some kind of informal training systems in this country. We have had youth polytechnic. We used to have a formal training through technical schools some time back. But these are basically technical training facilities. They do not train people on how to manage enterprises. That is why you find that even when some of the people trained in these facilities get money to do business, the businesses do not do well because they lack the capability to manage. We need a system in this country which trains Kenyans on that.

With those remarks, I beg to support.

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

It is a fact that poverty is a condition that dehumanises people. By dehumanising, I mean that it devalues the status of the human being and our dignity. It also devalues our bid to be self-reliant. Poverty denies us access to opportunities to realise our potential and to live as human beings. It denies us opportunities for good education, better health care and economic benefit. It devalues the totality of our lives. The Motion points to that fact; the evil that can be created by conditions of poverty. It makes us disabled in many respects and deprives the poor of the voice to speak for themselves and re-make themselves in a bid to become better human beings. Poverty should be a condition that all of us should fight, whether we are in the Government or in the Opposition. It deprives the poor of the capacity to make their history. History is a series of events through which the human person manifests his potential and growth to become a better human

being.

Mr. Temporary Deputy Speaker, Sir, there is need, therefore, to create conditions for humanising the poor. Recently, we witnessed battles on the streets of Nairobi between the hawkers and the Nairobi City Council, and perhaps the Government as well. This has been a fight for economic space. The poor are asking the Government and the NCC to provide space for them so that they can push the horizons of poverty away from themselves. It is sad that we have a Government that is not sensitive to the plight of the poor. Instead of listening to them, it clobbers and shoots them around like wild animals. This is sad!

The Motion brings us to the point where all of us should focus on the plight of the poor. What are the causes of poverty? I think these are very clear. One, of course, is the unequal distribution of resources. There is plenty of that in this country. That scenario is not new. We are all aware that resources of this nation are unfairly distributed. If you look, for instance, at the plight of pastoralists, they are struggling with bad weather and climatic conditions yet we have done very little to improve their plight so that they can move away from poverty. We also know that in this country, roads are not fairly distributed. Some regions have all-weather roads while some have impassable roads because in the past, we have unfairly distributed resources. This Motion calls on us to focus our attention on the unequal distribution of resources, while at the same time paying attention to the legal framework it points out to be unfair.

Mr. Temporary Deputy Speaker, Sir, another cause of poverty is the widening gap between the rich and the poor. There is immense falling of household incomes and rising prices of commodities. If you compare the cost of fuel a few years ago and now, you will find that it has gone up. That affects the prices of commodities that are common, particularly for the poor. In other words, I am saying that the plight of the poor, particularly, the women, children and the disabled is worse today than ever before. This is simply because the gap between the poor and the rich has widened.

Another cause of poverty, as the Motion points out, is lack of a level playing ground when it comes to the access of credit or investment opportunities. In other words, the legal provisions are not level. The Motion has pointed out that fact. The Motion asks us, as legislators, to look at the legal framework and make it level. As we introduce factors and contents into the Bill that will address the plight of the poor, we should also address the unequal distribution of resources in this country. We have paid lip service to this call for many years. It is high time we sat down and looked at the unequal distribution of resources. If that is not addressed, it will rubbish the intentions and spirit of the Motion that is before us. There is no need to enact laws on investment opportunities while at the same time, not pay attention to unequal distribution of resources. If we do not put in place measures to address the unequal distribution of resources, we will distribute that investment unequally. One of the primary things that we should do is to address the unequal distribution of resources.

Mr. Temporary Deputy Speaker, Sir, I support the point that has been made by the previous speakers; that, there is need to create a fund for the poor. While working with women and young people in our constituencies, one of the major problems they tell us they face is lack of access to credit facilities or funds to enable them engage in the activities they want on the ground. I think such a Motion provides an opportunity for us to create a fund, specifically for those activities that young people, women and the marginalised groups engage in, in the rural areas.

As we debate this Motion, there is need to encourage entrepreneurial capacity on the ground. If you visit our constituencies or villages, you will discover that people are willing to engage in business. However, the problem is that they lack entrepreneurial skills. I am happy that this Motion addresses that aspect and urges us to pay attention to the development of entrepreneurial skills. We need to set aside, as leaders of this country, funds that will help us impart

the entrepreneurial skills through training.

Mr. Temporary Deputy Speaker, Sir, there is need to introduce and develop marketing authorities for what these entrepreneurs produce. My observation is that some of the things that these people produce cannot be marketed effectively simply because we have not established marketing authorities on the ground. There is need to assist the common *mwananchi* in this respect. There is need for the Government and leaders in general to be more sensitive to the plight of the poor.

I support the Motion.

Prof. Mango: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very appropriate Motion. I take this opportunity to congratulate the hon. Member for bringing this Motion to the House because in Kenya, we have two tribes: The rich and the poor. The poor are the majority in this nation.

In this country, we have areas where more than 70 per cent of the population experiences poverty. These areas should be treated specially when we are talking about economic growth and economic recovery strategy. We should address these areas without talking in a blanket form about poverty.

This Motion brings out very important points about skills and resource allocation. We keep talking about achieving industrialization by 2030 but we will not get there until we create skills among our people. In this country, we have free primary education. We are enrolling all the children for free education up to Standard Eight. After Standard Eight, out of the 600,000 that are sitting for exams we may place 200,000. Do we ever care to find out what happens to the remaining 400,000? These are still Kenyans but we do not care whether they fall into oblivion. That is where we need to start.

We need to find out what happens to those children who fail Standard Eight exams. This is the group that ends up being the marginalised poor with no skills, no form of income, unemployed and roaming around streets begging but we do not seem to care. We had a few village polytechnics but they are not even equipped to give skills to these children. We need to develop the human resource. We should look at the human resource from primary school up to university. As it is today, we do not seem to care about what happens to the human resource. Right now, we are talking about the youth. We classify the youth from 18 years to 35 years. What is happening to those below the age of 18 years, most of whom are Standard Eight dropouts? We need to give them skills so that they can lead normal lives and join the working nation as we have been told by our President. You cannot work without skills. Therefore, we need to follow up these Kenyans and give them skills so that they can also contribute to nation-building.

Mr. Temporary Deputy Speaker, Sir, in Form Four, you will find that about 200,000 students will sit for exams, out of which 10,000 students will go to the national universities and the rest are left to fend for themselves. That is another level of wastage of human resources that we do not give skills to take care of themselves. We leave them unemployed and eventually they become the marginalised poor who cannot contribute to the economy of this country. When they end up as hawkers we send policemen to clobber them. We are not being fair to the youth of this nation.

We have the Ministry of Youth Affairs and I hope it will come up with proper strategies to take care of the Kenyan youth. It should not just be a Ministry to be used for campaigns come 2007 elections. It should take care of our youth. We do not seem to care what happens to these youth who do not go to university. They are left to fend for themselves. As a nation, we will not move forward without planning for these youth.

Mr. Temporary Deputy Speaker, Sir, the next marginalised lot are women. You will find a few of them at the market. These are people who do not have the capacity to run even the small businesses they are trying to run. They try very hard but they do not know how to start a business,

do book-keeping and the basics that are needed to do a business. Therefore, we need to do capacity building for them. They do not have the resources---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Prof. Mango, you have a balance of five minutes when we resume debate on this Motion.

ADJOURNMENT

Hon. Members, it is time to interrupt the business of the House. This House, is therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.