

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th May, 2005

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Reports of the Departmental Committee on Agriculture, Lands and Natural Resources in respect of:-

- (i) Visits to Fish Landing Beaches on Lake Victoria, Kaptagat Forest in Uasin Gishu, Elgeyo Saw Mill in Marakwet and Pan African Paper Mill at Webuye from 10th to 11th December, 2004;
 - (ii) Tour of projects being implemented under the Lake Victoria Environmental Management Project (LVEMP) in Uganda, Kenya and Tanzania from 24th January, 2005 to 2nd February, 2005;
 - (iii) Visit to Botswana to study the country's beef industry from 21st to 22nd February, 2005;
- and,
- (iv) Visit to Mauritius to study the country's sugar industry from 24th to 25th February, 2005.

(By the Chairman of the Departmental Committee on Agriculture, Lands and Natural Resources (Mr. Bett)

NOTICE OF MOTION

ADOPTION OF COMMITTEE REPORT ON TOUR OF PROJECTS IMPLEMENTED BY LVEMP

Mr. Bett: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Lands and Natural Resources on the tour of projects being implemented by the Lake Victoria Environmental Management Project (LVEMP) in Uganda, Kenya and Tanzania laid on the Table on Wednesday 4th May, 2005.

*(Mr. Ojode crossed the Floor
without bowing to the Chair)*

Rev. Nyagudi: On a point of order, Mr. Speaker, Sir. Is it in order for Mr. Ojode to cross the Floor without bowing to the Chair?

Mr. Speaker: Where is he?

An hon. Member: He is here!

Mr. Speaker: Mr. Ojode, did you cross the Floor without bowing to the Chair?

The Assistant Minister for Foreign Affairs (Mr. Ojode): No, Mr. Speaker, Sir. I have been here longer and I know the rules of the House. Maybe the hon. Member who is complaining has not been here longer.

(Laughter)

Rev. Nyagudi: Mr. Speaker, Sir, he greeted Mr. Leshore and crossed over without bowing to the Chair.

Mr. Speaker: Order! I always believe hon. Members, and more so, when they are Reverends. So, Mr. Ojode, could you go to the Bar and bow?

(Laughter)

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Speaker, Sir, if the Chair wants me to bow twice, I will do that because it has made a ruling.

(Mr. Ojode walked to the Bar and bowed to the Chair)

Mr. Speaker: Very well! Can we proceed now. We will start with Questions by Private Notice. Question by the Member of Parliament for Nyaribari Masaba Constituency!

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. EVANS OKEMWA BY ADMINISTRATION POLICE

Dr. Manduku: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that an Administration Police officer shot dead Mr. Evans Okemwa outside Jack and Jill Supermarket, Nairobi, on 24th February, 2005 after he had escorted his mother to the Machakos Bus Station?

(b) What action has been taken against the officer who was arrested after the incident?

(c) What plans does the Minister have to compensate the family of the deceased?

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

(a) I am aware that on 24th February, 2005 at 1.30 p.m., four officers who were on patrol along Race Course Road, at OTC Stage, saw a mugger snatching a handbag from a lady and they rushed to assist her. When the mugger saw the officers and was challenged to stop, he dashed into a moving crowd. The officers gave chase where they decided to shoot the mugger. But unfortunately, the bullet strayed and hit the deceased who died instantly.

(b) The normal investigation procedure was followed and an inquest file No.1 of 2005 was forwarded to the Attorney-General for further direction.

(c) The matter of compensation shall be determined by the Attorney-General after the completion of the inquest. I would like to add here, that the issue of compensation is a civil matter, whereas, the inquest will be dealing with the criminal aspect of the killing.

Dr. Manduku: Mr. Speaker, Sir, I thank the Assistant Minister for that answer. That boy by the name of Okemwa had just finished Form IV. He had come with his mother to Nairobi to see their brother. They had escorted the mother to board a vehicle to go home. As he was standing at the bus

station, there was some little disturbance and the boy was shot dead. We know that the officer who shot the boy was arrested and later released. No communication has been made to the family and leaders as to why he was released. We are happy to hear that they are preparing to compensate the family. How soon are you going to compensate that bereaved family?

Mr. M. Kariuki: Mr. Speaker, Sir, an administration police constable was arrested and put in custody for about three days. He was then released when a decision was made that the matter should go for an inquest. The purpose of an inquest is to determine whether there was any criminal wrong doing on the part of any one person. Once the inquest finds out that somebody is liable for a criminal offence, he or she is charged.

As far as the issue of compensation is concerned, I would encourage the family to get in touch with the Office of the Attorney-General for purposes of negotiating the quantum of damages to be paid. I cannot, however, give the length of time it will take because the matter will be in the hands of the Attorney-General.

Mr. Mwanzia: Mr. Speaker, Sir, let me thank the Assistant Minister because he is frank when he is answering Questions. Although I do not support the people who mug people in town, could he tell us whether it is legal or illegal for the police to shoot somebody just because of mugging? You can see the result of that carelessness within the city.

Mr. M. Kariuki: Mr. Speaker, Sir, the law states that police officers have to use reasonable force, which depends on the circumstances of the offence. Where the suspect is unarmed, the police should not use force. They can contain or arrest that person without using a firearm. In that particular case, matters have been left to the inquest court to determine whether there was criminal wrong doing. Once that is established, appropriate action will be taken.

Mr. Speaker: Last question! The hon. Member for Nyaribari Masaba!

Dr. Manduku: Mr. Speaker, Sir, during that period, the parents and relatives of that young man incurred a lot of expenses as there was nobody to assist them. Now that the Government has accepted responsibility, why do they want us to go and start negotiating with the Attorney-General? Could they go ahead and compensate?

Mr. M. Kariuki: Mr. Speaker, Sir, the Attorney-General is the Chief Legal Advisor to the Government. All matters of compensation or litigation are handled through the Office of the Attorney-General. I am not saying that, that dispute will end up in court. But even when a dispute has to be settled out of court, the representative of the Government is the Attorney-General. That is why I am advising the parents of that young man to go to the Attorney-General for that negotiation.

TREASURY'S FAILURE TO RELEASE LOAN BALANCE TO MUSOCO

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

(a) Is the Minister aware that the Kenya Sugar Board and the Ministry of Agriculture last year approved a sugar development loan for Muhoroni Sugar-cane Outgrowers Company (MUSOCO) to the tune of Kshs100 million and that, Kshs67.5 million of that amount has been released for land preparation and planting of cane?

(b) Is he further aware that the Treasury has refused to release the balance of Kshs32.5 million to be used by farmers to weed the sugar-cane fields which are currently being smothered by heavy weed infestation?

(c) What efforts is the Minister making to ensure that the loan balance of Kshs32.5 million is released immediately to MUSOCO, so that the farmers can embark on weeding?

Mr. Speaker: Where is the Minister for Finance? I am sorry the Minister is not here! Could I

defer it to tomorrow.

Prof. Olweny: Mr. Speaker, let us wait for him.

Mr. Speaker: No. We cannot keep on waiting. I know you are at no fault at all. Mr. Ojode, where is your colleague? Or should I ask Mr. Raila?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Speaker, Sir, Mr. Raila would be in a better position to know where his colleague is!

(Laughter)

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, we want to apologise! But we expect that, before the end of Question Time, the Minister would have arrived here. Otherwise, we would be appropriately guided by your ruling on this matter.

Mr. Speaker: My ruling is as follows: The Chair and the House will not wait for anybody at anytime. I have said that in the past. The Minister for Finance will have to make an explanation about his absence to this House. So, will you pass that direction?

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, the direction will be passed but, sometimes, there might be a traffic jam on the way here. But I will definitely pass the message to the Minister.

(Laughter)

Mr. Speaker: Order! Mr. Raila, do you realise that the Speaker does not have a motorcade or outriders and yet, he has never been late?

The Minister for Roads and Public Works (Mr. Raila): Yes, Mr. Speaker, Sir! We do realise that, but Ministers do not have offices in Parliament Buildings. They are elsewhere.

(Laughter)

Mr. Speaker: Order! That is a very bad explanation. You have not cut the ice with that, Mr. Raila. I think you better pass the message that we are not going to wait.

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, the message will be appropriately passed to the Minister.

(Question deferred)

DEREGISTRATION OF UASIN GISHU
MEMORIAL HOSPITAL LTD.

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

(a) Under what circumstances was the Uasin Gishu Memorial Hospital Ltd deregistered by the Registrar of Companies in January, 2005?

(b) Could the Attorney-General confirm that the proper procedures were followed in deregistering the hospital?

(c) What was the Government shareholding in the facility in question?

(d) What immediate steps will the Attorney-General take to reverse the forceful takeover of the Memorial Hospital by Moi Referral Hospital to defuse tension building in Eldoret and its environs?

Mr. Speaker: Is the Attorney-General not here? Mr. Raila!

(Laughter)

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, if I give a standard answer to this one here, is not because we are trying to give excuses. But, as you know, the Attorney-General does not have an assistant like the Minister. So, we really want him to be excused.

Mr. Speaker: Would you like to answer for the Government, Mr. Raila?

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, I would be happy to answer if I had the written response. Unfortunately, I do not have it.

Mr. Speaker: Mr. Raila, would you pass the information to the Attorney-General?

Mr. Kimeto: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Hold it.

Mr. Kimeto: On a point of order, Mr. Speaker, Sir. Yesterday and today, Ministers have not been answering Questions in this House. Would I be in order to request them to go to their Ministries very early in the morning and check whether there are any Questions to be answered in Parliament? This behaviour neutralises the impact of this House. Could they be inducted through a one-day seminar or workshop?

Mr. Speaker: Order! You have made your point. Mr. Minister, do you have any response?

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, I now have an answer which I can read on behalf of the Attorney-General.

Mr. Speaker: Order! What we do in Question Time is not to read answers, but to reply to questions. Are you ready to reply to questions or to read?

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

Mr. Speaker: Very well! Go ahead.

Mr. Raila: Mr. Speaker, Sir, I beg to reply.

(a) Uasin Gishu Memorial Hospital Limited was deregistered by the Registrar of Companies in the exercise of the powers conferred on her under Section 339 of the Companies Act, Cap.486 of the Laws of Kenya. Notice to show cause why the company should not be struck off was duly given and in the absence of a response, the registrar proceeded to strike off the company from the Registrar of Companies vide Gazette Notice No.815 of 2005 dated 25th January, 2005, appearing in the Gazette Notice issue of 4th February, 2005.

(b) With regard to parts "b", "c" and "d", of the Question, the matter is *sub judice* in Kisumu High Court, case; Miscellaneous Application No.58 of 2005, in the matter of the Republic versus the Registrar of Companies and Uasin Gishu Memorial Hospital. The applicant is seeking orders for *certiorari* and *mandamus* to remove through the High Court, the decision of the Registrar of companies to de-register Uasin Gishu Memorial Hospital Limited; for the court to review and quash the said decision and compel the aforesaid Registrar of Companies to restore the name of the Uasin Gishu Memorial Hospital Limited to the Registrar of Companies.

Mr. Chepkitony: Mr. Speaker, Sir, this answer is not satisfactory---

Mr. Speaker: Order! Did I hear you say that the answer is not satisfactory, when at the time I was trying to defer the Question, you said you had an answer and that you wanted the Minister to read it? How can you be heard to complain about what you wanted to be read?

Mr. Chepkitony: Mr. Speaker, Sir, the Question has not satisfactorily been answered. Could the Attorney-General give evidence to show that the company was given the necessary notice following the procedure? He should give us the proof that the letter was registered and that the company never actually responded.

I have evidence to show that the company has been giving returns and I have copies of the returns which were filed by the company here. I would like to lay them on the Table.

Mr. Speaker: Go ahead!

(Mr. Chepkitony laid the documents on the Table)

Mr. Muite: On a point of order, Mr. Speaker, Sir. The hon. Member has laid some papers on the Table of the House. I think he asked a supplementary question and the Minister is seated. The House is actually not utilising the time. I think Mr. Speaker is also busy reading something.

(Laughter)

Mr. Speaker: Mr. Muite, the Speaker is never idle.

(Laughter)

The Speaker is forever busy discharging national functions.

So, Mr. Raila could you respond?

Mr. Raila: Mr. Speaker, Sir, as I said in the answer, the matter is before the court. Even the documents which the hon. Member is laying here on the Table are basically part of the evidence which has been adduced before the court.

Mr. Sudi: On a point of order, Mr. Speaker, Sir. Could the proper Minister answer the Question?

Mr. Speaker: Order! Mr. Sudi, you are being frivolous. You must leave the Chamber.

(Mr. Sudi remained seated in his place)

Hon. Members: Out! Out!

Mr. Speaker: Order! I warned the House that we are serious and we must transact serious business. Any hon. Member who becomes frivolous I am afraid, will be excluded from the serious business of the House and will be given the opportunity to go and be frivolous elsewhere.

Hon. Members: Forgive him!

Mr. Speaker: Very well! I forgive you today, but do not repeat it.

Mr. Muite: Mr. Speaker, Sir, could the Minister assure this House that in deregistering Uasin Gishu Memorial Hospital Limited, the Registrar of Companies was not acting in bad faith given that immediately after deregistration, the hospital in question was taken over falsely by Moi Memorial Referral Hospital? Was the purpose of deregistration to facilitate the take-over?

Mr. Raila: Mr. Speaker, Sir, the hon. Member who is raising that question is a lawyer and he knows that once a matter is before the court it is *sub judice*. The question he is raising is one of the questions which are before the court and will be determined appropriately by the court.

Mr. Speaker: In fact, what would the hon. Member for Kabete say to that proposition of law by Mr. Raila? You agree with it properly, do you not? So, can we now not query anything before the court?

Mr. Marende: Mr. Speaker, Sir, the Minister has answered Part "a" of the Question, but pleaded that parts "b", "c" and "d" are *sub judice*. The answer given to Part "a", in my view, is insufficient because the Question asked the Minister under what circumstances Uasin Gishu Memorial

Hospital was deregistered. The Question is, therefore, seeking reasons as to why the hospital was deregistered. Given that the Minister has---

Mr. Speaker: Order, Mr. Marende! That is what you would go and argue before the High Court on that issue. As it happens, I am not a Judge. This is the House and we will not deal with it here.

(Mr. Marende stood up in his place)

Order! You will not argue with the Chair. You are out of order.

Mr. Kimeto: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Kimeto, in the last two weeks you have formed the habit of standing up on what you call points of order all the time, which are not points of order. What are you looking for?

(Mr. Kimeto stood up in his place)

Will you sit down, please! You know today I do not want to send you out, but if you insist, I will.

Mr. Kimeto: On a point of order, Mr. Speaker, Sir. Would I be in order to ask the Minister, who the plaintiff and the respondent are, in this matter before the court?

Mr. Speaker: Order! That is not a point of order. It is frivolous. Now, you must go out!

Hon. Members: Forgive him!

Mr. Speaker: Order! Order! There is no forgiveness. You have to leave now until tomorrow, Mr. Kimeto.

Mr. Kimeto: Forgive me, Mr. Speaker, Sir.

Mr. Speaker: Order! You must leave. I will forgive you tomorrow.

*(Mr. Kimeto withdrew
from the Chamber)*

Last question, Mr. Chepkitony!

Mr. Chepkitony: Mr. Speaker, Sir, when a company has regularly filed its returns, what other reasons would the Registrar of Companies have to de-register it?

Mr. Raila: Mr. Speaker, Sir, the Company Law has several other provisions other than merely filing annual returns. In this particular case, I have stated that notice to show cause why the company should not be struck off the register was given. Reasons were also given in that notice. The rest is now history because the matter is before court.

ORAL ANSWERS TO QUESTIONS

Question No.301

SUSPENSION OF RECRUITMENT INTO ARMED FORCES

Mr. M.Y. Haji asked the Minister of State, Office of the President, whether, in view of the rampant insecurity which has spiralled out of control, he could consider suspending recruitment into the army, air force and navy for the next three years and

instead recruit more officers into the police force.

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

Insecurity is neither rampant nor has it spiralled out of control as alleged. There are no sound reasons to suspend recruitment into the armed forces because they are important for our national defence.

Mr. Speaker, Sir, recruitment into the police force is done on a regular basis and the number of recruits is contingent on the availability of resources. We have also embarked on major police reforms which will enhance the police capacity to tackle insecurity.

Thank you, Mr. Speaker, Sir.

Mr. M.Y. Haji: Mr. Speaker, Sir, the House and Kenyans have heard the Assistant Minister's answer that insecurity is not rampant in this country. Kenya has never been engaged in any war with any of her neighbours since independence.

Mr. Speaker, Sir, for the last 40 years, we have been recruiting military officers of various ranks. Four of them rose to the rank of Chief of General Staff (CGS) and retired without firing even a single bullet at a rat, leave alone a human being.

Mr. Speaker: Order! Order, Mr. M.Y. Haji! I am stunned! Are you wishing war on Kenya?

Hon. Members: No, he is making a point!

Mr. M.Y. Haji: Mr. Speaker, Sir, I am trying to demolish the Assistant Minister's assertion that there is no insecurity in this country. I am saying, there is insecurity in this country. Even the other day, some thugs mounted a roadblock next to the house of the Minister of State in charge of internal security.

Therefore, there is no need for us to continue employing military officers when our people are suffering. We should employ more personnel into the police force, so that they can take care of insecurity in our cities.

The Minister of State, Office of the President (Mr. Michuki): On a point of order, Mr. Speaker, Sir. Is the Member for Ijara in order to talk about the problem that was near my house in the manner he did, when, in fact, it could have happened anywhere? It was not pre-arranged.

Mr. Speaker: Order! Order, Mr. Michuki!

Hon. Members: That is frivolous!

Out!

Mr. Speaker: Order! Order, hon. Members! If you attempt to raise a frivolous point of order, Mr. Minister, you will get out!

Mr. M.Y. Haji, could you complete your question?

Mr. M.Y. Haji: Mr. Speaker, Sir, in view of the rampant insecurity, which has spiralled out of control, could the Assistant Minister consider suspending recruitment into the army, air force and navy for the next three years and instead recruit more police officers to manage the security of the country?

Mr. M. Kariuki: Mr. Speaker, Sir, I have already given an answer to that question. The armed forces have a different function from the police. They are supposed to protect the country from external aggression. However, if need arises, pursuant to Section 3 of the armed forces Act, they may be deployed to maintain law and order. Such a situation has not arisen yet.

Mrs. Kihara: Mr. Speaker, Sir, now that we have the Constituency Development Fund, and because of insecurity, we would like to put up police posts and police stations in our constituencies. Could the Assistant Minister assure us that he will provide enough personnel to man those facilities?

Mr. M. Kariuki: Mr. Speaker, Sir, that is a different Question, but I would like to advise those who wish to put up police posts in their respective constituencies to get the advice of their Officers Commanding Police Divisions (OCPDs), because they are the ones who provide the plans and

recommend the appropriate site to put up a police post. We do not want to have a proliferation of police posts in an unplanned manner.

Mr. Poghiso: Mr. Speaker, Sir, arising from the Assistant Minister's answer, when the armed forces were used to punish the Pokots, were they dealing with a foreign country?

Mr. M. Kariuki: Mr. Speaker, Sir, I am not aware when the Armed Forces were used against the Pokots. If the hon. Member could give us the details of the alleged incident, we would be able to respond.

Mr. Speaker: Last question, Mr. M.Y. Haji!

Mr. M.Y. Haji: Mr. Speaker, Sir, I still feel that there is no need for this country to employ military officers any more. Insecurity in this country is a reality. It is with us and rampant. Therefore, the Assistant Minister should consider employing more police officers to take care of Kenyans.

(A cell phone rang)

Mr. Speaker: Whose cell phone is that?

Mr. Kamama: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Yes?

Mr. Kamama: The Assistant Minister has just---

Mr. Speaker: Order! Order! I thought you are informing me about the mobile phone that has just rang?

Mr. Kamama: I am informing the Assistant Minister, Mr. Speaker, Sir. He has just said that---

Mr. Speaker: No! No! Until you become a Minister, you cannot answer Questions. You can inform him privately. This is Question Time.

Proceed, Mr. Assistant Minister!

Mr. Poghiso: On a point of order, Mr. Speaker, Sir. The Assistant Minister misled this House when he said that he was not aware of the times when units of the armed forces were unleashed on the Pokot people. From 1984 to 1988 and even as recently as last week, military helicopters were hovering over there. Is he really in order to mislead this House that he is not aware, when he is very much aware?

Mr. M. Kariuki: Mr. Speaker, Sir, 1984 is way back. The NARC Government was not in power yet. I think the hon. Member has answers for what could have happened. However, all said and done, Section 3, Cap.199, Laws of Kenya, gives the Minister in charge of internal security discretion, if the need arises, to use the army, the air force or the navy for purposes of support of any civil power or maintenance of law and order.

Mr. Speaker: Next Question!

Question No.219

DEVELOPMENT OF FISHERIES PRAWN
FARM IN NGOMBENI

Mr. Speaker: Is Mr. Kombe not there? His Question is dropped.

(Question dropped)

*Question No.181*SPECIAL PERMIT FOR AIRCRAFT FLYING
TO FORMER NORTHERN FRONTIER DISTRICT

Dr. Ali asked the Minister for Transport:-

- (a) whether he is aware that any aircraft flying to the former Northern Frontier District areas has to get a special permit before take off;
- (b) whether he is further aware that other aircraft flying to other areas in the country and even to Southern Sudan and Somalia do not require such permit; and,
- (c) if the answers to "a" and "b", above, are in the affirmative, whether he could explain the rationale for the discrimination.

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

(a) I am aware that national laws require that every aircraft flying over, into or out or within the former Northern Frontier District areas has to get a special permit.

(b) I am aware that other aircraft flying to other areas in the country and even to Southern Sudan and Somalia do not necessarily require a special permit.

(c) Although the answer to "a" is in the affirmative, there is no special discrimination. Indeed, any aircraft flying to certain restricted aerodromes and airstrips within five provinces, namely North Eastern, Eastern, Coast, Nyanza and the Rift Valley, require special clearance from the Office of the President. The requirement is spread across the five provinces and was based on security consideration. Requests for such clearance are usually filed with the Provincial Administration and the Office of the President.

Dr. Ali: Mr. Speaker, Sir, I am surprised. The answer to part "a" states that all airstrips in Northern Frontier District require a special permit. On part "b", the Assistant Minister says that they necessarily do not require permits for flights to Southern Sudan and Somalia. Could he tell the House why they require the special permit to fly to Wajir, which is a military airport, and which is bigger than even the ones in Mombasa and Kisumu, and not for Somalia and Southern Sudan?

Mr. Ligale: Mr. Speaker, Sir, I have said these are security considerations.

Mr. Sungu: Mr. Speaker, Sir, could the Assistant Minister tell this House what security considerations affect Nyanza Province? Why would he restrict flights to Nyanza Province, which is an integral part of this country with very peaceful people?

Mr. Ligale: Mr. Speaker, Sir, we are not referring to the whole of Nyanza Province. These are specific airstrips. In fact, in Nyanza Province, it is only Migori Airstrip.

Mr. Boit: Mr. Speaker, Sir, I am confused by the answer of the Minister. During colonial times, we used to have "closed districts", and people had to get special permits to travel to those districts, one of which was Baringo. Could the Minister tell the House which area in Rift Valley is closed to aircraft?

Mr. Ligale: Mr. Speaker, Sir, virtually the whole of the Rift Valley is free; people can fly there without any particular problem. There are only two airstrips that require special permission.

Mr. Speaker: Which ones are those?

Mr. Ligale: That is Baragoi and Oldoinyo Farm Airstrips.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. In view of the fact that in my own judgement, perhaps, Somalia and Sudan are more insecure yet they do not need special permits for flights, and in view of the fact that the Assistant Minister has not given details to satisfy this House and Kenya at large on the need for such requirement, would I be in order to ask the Chair to refer this Question to the relevant House Committee so that it can scrutinise those special requirements and confirm to this House that there is such a need?

Mr. Speaker: Order! Order, Mr. Bahari. Departmental Committees know their roles. They will not wait until a matter comes to the House and purport to be superior to the House. They are inferior to the House; and the House cannot be subordinate to them. So, let them do their job as I have said in the past.

In fact, there are too many requests for Departmental Committees to travel to very strange lands, even unrelated to our system of governance and social system. I think those will be curtailed. Go round this country and do the job here. That Committee should visit those airstrips. That, by the way, is an order to the Clerk.

We will not misuse public funds on unnecessary foreign trips. That is an order to the Clerk as the Accounting Officer from the Chair.

(Applause)

Dr. Ali: Mr. Speaker, Sir, I think the Assistant Minister has not answered this Question adequately. If he insists, could he tell the House which national law restricts aircraft flying to Northern Frontier District areas, unless emergency orders are still in place?

Mr. Ligale: Mr. Speaker, Sir, I have reiterated here that we are not restricting flying to the whole of North Eastern Province; there are only certain airstrips that are affected. The airstrips in North Eastern Province are the following; Buna East, Bura, Elwak, Giriftu, Gurar, Ijara, Liboi, Modogashe and Rhamu.

Mr. Speaker: Then, which is left?

Ms. Abdalla: Mr. Speaker, Sir, could the Assistant Minister give us which airstrips are not covered, because he has listed literally all the airstrips in North Eastern Province, except Wajir Airstrip?

Mr. Speaker: Mr. Ligale, the Members are saying that if you block all the airstrips in the whole province except Wajir Airstrip, how do they go there, knowing the state of their roads?

Mr. Ligale: We are not blocking any aircraft from flying. All that is required is for the owners to file a report with the Office of the President in order to get permission to fly.

Question No.290

LACK OF ELECTRICITY SUPPLY
IN KALAMA DIVISION

Mr. Mwanzia asked the Minister for Energy:-

(a) whether he is aware that Kalama Divisional Headquarters has no electricity supply; and,

(b) if he could inform the House what plans he has put in place to supply electricity to the divisional headquarters.

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

(a) Yes, I am aware that Kalama Divisional Headquarters has no supply of electricity.

(b) The list of priority projects forwarded to the Ministry in June, 2004 by the Machakos District Development Committee (DDC) does not include Kalama Divisional Headquarters. Given this position, it is not possible for the Ministry to plan for electricity supply to the divisional headquarters. Despite the omission, my Ministry can still consider power supply to the headquarters, but only upon inclusion in the priority list, as amended by the Machakos DDC.

Mr. Mwanzia: Mr. Speaker, Sir, I wish to thank the Assistant Minister for being frank.

However, I am very aware of the circular that was sent to the DC's office. In our DDC meeting on 18th September, 2003, we put down a list of divisions in terms of priority. We also met in June, last year and each constituency forwarded one project to be funded during the period that the Assistant Minister has mentioned. I wonder what happened to our list of priorities between Machakos and Nairobi. I am amazed that Kalama Division was not included in the list as one of the beneficiaries of the five projects. Could the Assistant Minister lay on the Table the list of the five projects and the constituencies they were meant to benefit?

Mr. Kiunjuri: Mr. Speaker, Sir, I am equally wondering what happened to the list between Machakos and my Ministry. What I have said is actually from the list I have. So, instead of both of us wondering, could the hon. Member go back and amend the list that he sent to us so that my Ministry can assist him?

Mr. M. Maitha: Mr. Speaker, Sir, the five projects which the Assistant Minister is talking about are only in two constituencies in the whole of Machakos District, that is, Kathiani and Mwala. Could the Assistant Minister cancel those five projects so that we can meet again as a DDC and distribute the projects all over Machakos District?

Mr. Kiunjuri: Mr. Speaker, Sir, if I am not wrong, Machakos District has six constituencies. This means that the six Members of Parliament could have sat in the DDC meeting. The hon. Members could not be telling us the truth by saying that they sat in the DDC meeting. It is true that every hon. Member could have suggested in the meeting which project to be given priority and in which constituency. I wish to appeal to the hon. Members from Machakos District to sit down and make the necessary amendments. When they bring the amendments to us, we shall surely go by them.

Eng. Muriuki: Mr. Speaker, Sir, what is happening is that the Ministry of Energy does not always tell our constituents how much money has been set aside for rural electrification or any other electrification exercise. Could the Assistant Minister consider telling hon. Members beforehand that for this and that district or constituency, a certain amount of money has been set aside for electrification. That way, each hon. Member would be able to suggest a project that would be duly funded.

Mr. Kiunjuri: Mr. Speaker, Sir, what the Ministry can actually do is to tell the hon. Members how much money a project has been allocated. This is because projects vary from one to another. It could be that one district presents proposals for five projects. One of the projects could cost Kshs20 million and another Kshs1 million. Our fund is such that we can only give funds to projects that we can afford.

Mr. Mwanzia: Mr. Speaker, Sir, I want to set the record right. The hon. Assistant Minister is wondering whether we sat in the DDC meeting. All the six of us and the Assistant Minister himself sat in the DDC meeting. I have the minutes of that meeting with me.

Could the Assistant Minister, in view of the fact that this list was tempered with, in fact, doctored on its way to Nairobi, cancel the list and order that we sit again next week so that we come up with five projects? I believe that the list we prepared was doctored in his office or on the way from Machakos to Nairobi by somebody I do not know and you know him.

Mr. Kiunjuri: Mr. Speaker, Sir, if there was any sabotage, I want to assure the hon. Member that it was not from our office. However, the hon. Member should be grateful that we already have an on-going project in his constituency, that is, in Kayanzira Market. The project will cost us Kshs5.6 million. I may not pronounce it the Kamba way, but the project is there.

Mr. Speaker, Sir, I said that my Ministry will go by the requests and proposals by the Members of Parliament from Machakos District.

Question No.211

RETRENCHMENT OF MATUU TOWN

COUNCIL EMPLOYEES

Mr. C. Kilonzo asked the Minister for Local Government:-

(a) if he is aware that the following employees of Matuu Town Council were wrongly retrenched in the year 2000:

Ms. Anna Nduleva Kilei
Ms. Winfred Mwikali Kumonya
Ms. Phyllis Katunge Mwilu
Mr. Joshua Kituku
Ms. Stellamaris Wanza Mbithi
Ms. Regina Nduku Kiilu
Mr. Mutuku Muli Mulei
Ms. Patricia S.P. Muia
Ms. Jane Mwikali Titus

(b) if he is further aware that the Town Clerk has ignored the Ministry's instructions to have the workers reinstated; and,

(c) what action he is taking to ensure that the workers are reinstated to avoid further suffering.

The Assistant Minister for Local Government (Mr. Kamanda): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that ten and not nine employees of Matuu Town Council were wrongly retrenched in the year 2000.

(b) I am not aware that these employees have not been reinstated because I have letters with me from the Clerk stating and appointing these employees to their former positions.

(c) The workers have already been reinstated.

Mr. C. Kilonzo: Mr. Speaker, Sir, it is interesting that things only appear to run in our Ministries when Questions are brought to Parliament. These people were reinstated when this particular Question came up.

However, I want to know what action the Government will take against the Matuu Town Council officials who did not act upon the directives from the Ministry.

Mr. Kamanda: Mr. Speaker, Sir, we have already taken action upon the Clerk of Matuu Town Council. He is already interdicted.

Mrs. Mwendwa: Mr. Speaker, Sir, could the Assistant Minister tell us why out of the ten people who were wrongly retrenched, eight are women? Is it not grossly unfair to interdict women and yet when it comes to employing people, like was the case with the police recruitment, women are given the least number of chances?

Mr. Kamanda: Mr. Speaker, Sir, these employees were employed a long time ago. We had nothing to do with their employment. All the Ministry is doing is to ensure that they are reinstated.

Mr. C. Kilonzo: Mr. Speaker, Sir, could the Ministry consider paying the formerly retrenched workers their salaries which now fall in arrears?

Mr. Kamanda: Mr. Speaker, Sir, there are rules that govern employment in the council and they will be followed.

Question No.267

CREDIT FACILITIES FOR THARAKA DISTRICT

Mr. Kagwima asked the Minister for Trade and Industry what measures the

Government is putting in place to ensure that business people in Tharaka District get access to credit to expand their businesses.

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

(a) The Government has put in place two credit schemes which provide loans to traders who meet borrowing requirements in Tharaka and the entire Republic. The first one is the Joint Loans Board (JLB). The JLB Credit Scheme was established in 1954 specifically to advance loans to small traders who cannot manage to obtain bank loans due to high repayment interest rates. The loans are disbursed directly by the Ministry through the JLBs, which are constituted in the 20 zones and eight satellite stations. The community at Tharaka is served by the JLB in Meru. So far, ten small business enterprises in Tharaka have been advanced loans. Tharaka County Council has been advised to liaise with the Ministry and establish a JLB in the district for easy access by the people.

The second scheme is the Micro-Enterprises Support Programme (MESP) Trust. This Trust was jointly established by the Kenya Government and the European Union as a lending agent to the credit offering institutions in the country, for onward lending to micro and small business enterprises. The Kenya National Chamber of Commerce, Tharaka Branch, has been advised to form a savings and credit co-operative society to be eligible for loan consideration by the Trust. Further, other credit facilities such as the Industrial and Commercial Development Corporation (ICDC), Kenya Industrial Estates (KIE), Non-Governmental Organisations (NGOs), and the local banks are also available for the business community in Tharaka and other parts of the country to explore in order to expand their businesses.

Mr. Kagwima: Mr. Speaker, Sir, I want to thank the Assistant Minister for that elaborate answer. I want to point out that in the entire district, not a single bank is operating there. However, how was the county council advised by the Ministry? Was it through a letter or telephone call? If the Ministry has not communicated to the county council, could the Assistant Minister write to the county council and give me a copy of that letter, so that this project can be started?

Mr. Miriti: Mr. Speaker, Sir, a copy of the letter will be availed to the hon. Member.

Mr. J.M. Mutiso: Mr. Speaker, Sir, recently, the Ministry of Finance liquidated the Industrial Development Bank (IDB). This was the major credit arm of the Government to businesses in most urban areas. The IDB was converted into Equity Bank and this compromised access to credit by most businessmen. Could the Assistant Minister tell us what alternative businessmen have to access credit now that the IDB is not providing credit to them any more?

Mr. Miriti: Mr. Speaker, Sir, the services of the IDB still continue. The IDB only discontinued banking services.

Mr. Kagwima: Mr. Speaker, Sir, the second part of the Assistant Minister's answer is very good. However, I am only asking for a practical solution. I have said that not a single bank is operating in Tharaka District. We have formed several co-operative societies. In the last one year, I have formed 11 co-operative societies. Could the Ministry now move quickly and ask the Co-operative Bank of Kenya or any other bank to move to the area, so that businessmen can benefit? Otherwise, these things will just remain on paper if a bank is not set up in the area.

Mr. Miriti: Mr. Speaker, Sir, it is a positive thing that many co-operative societies have been started in Tharaka District. When the climate will be considered fit by the Co-operative Bank of Kenya, they will open a branch there.

POINTS OF ORDER

MEMBERS MUST ASK THEIR QUESTIONS
AND MINISTERS MUST ANSWER THEM

The Minister for Livestock and Fisheries Development (Mr. Munyao): On a point of order, Mr. Speaker, Sir. I stand to seek guidance from the Chair. The hon. Questioner of Question No.219 is not here. Last week, another Question was directed to my Ministry about dips and it also went unanswered. I want to point out that there is total commitment by Ministers to come here prepared to answer Questions. I had to send people to Malindi twice to investigate the matters raised in the Question. It takes a lot of taxpayers' money to research on a Question and prepare an answer because a group of officers in the Ministry are involved in the exercise. It beats the purpose for the Minister to prepare an answer to a Question only to find that the Questioner is not here.

Mr. Speaker, Sir, I have talked about total commitment on the side of Ministers because a Questioner only sits down and drafts a Question, but Ministers have to do a lot of research on the Questions and prepare answers. Could we have a directive from the Chair as to what we should do in the future? It is not good enough to just drop the Questions.

Mr. Speaker: Order! As I have said in the past, and I will say it again, hon. Members must be present to ask their Questions, and Ministers must be present to answer them. I do not think I can be clearer than that. If hon. Members run away, then we will have to ask them why they are running away from their Questions, or why they are scared of their own Questions and what has happened that they fear their own Questions. Why ask a Question if you are scared of it?

The Minister for Livestock and Fisheries Development (Mr. Munyao): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I have finished with that, Mr. Munyao. We are not going to hang all over this.

Hon. Members: Throw him out!

Mr. Speaker: Order, hon. Members! I think we must be serious as a House, and we must take our work very seriously. As I have said in the past, we must guard very jealously the integrity and the honour of this House at all times. That is the end of it!

FAILURE OF MINISTER
TO ISSUE STATEMENT

Mr. Poghisio: Mr. Speaker, Sir, the Minister of State in the Office of the President in charge of Internal Security, had promised to bring a Ministerial Statement this afternoon, but I do not see him giving it.

Mr. Speaker: On what?

Mr. Poghisio: On West Pokot.

Mr. Speaker: What is wrong with West Pokot?

Mr. Poghisio: There is a Ministerial Statement---

(Loud consultations)

Mr. Speaker: Order! Order! I have said in the past that we do not have to make Ministerial Statements the order of the day. I have said that earlier, and I am repeating it now. Last week, I tried to follow up so that we can complete all Ministerial Statements, because we want to completely keep them to the basic necessity. So, maybe, the Ministers who have them should register all of them with the Clerk and beginning tomorrow, they will be delivered.

The hon. Member for Baringo East came to see me today and I think he is the only one who convinced me that I should reluctantly give him the opportunity.

CATTLE RUSTLING IN KAPAU VILLAGE, BARINGO EAST CONSTITUENCY

Mr. Kamama: Thank you very much, Mr. Speaker, Sir. I rise on a point of order to demand a Ministerial Statement from the Minister of State, Office of the President, in charge of Internal Security and Provincial Administration.

On Sunday, 1st May, 2005, 500 heavily armed bandits from Turkana District attacked a village called Kapau in Akoret Division in Baringo East Constituency. During the incident, 2,920 goats were stolen and taken towards Lokori Division of Turkana District. Secondly, one old man, called Mr. Riama, was killed and his 10-year-old daughter was also injured.

Mr. Speaker, Sir, in specific terms, I want to know what action the Minister or the Government has taken to recover the livestock? Secondly, what action has he taken to arrest the killers? Finally, now that there is tension in the place and there are about 13 families without food, shelter and everything else, I want to get the assurance from the Minister that he is going to take care of those families by giving them food, clothes, shelter and any other assistance.

My last issue, Mr. Speaker, Sir, is that there are two military patrol camps and a General Service Unit camp in Baringo East at the moment. I want to know what those officers are doing in that place when animals are stolen and they are not doing anything! I request this Ministerial Statement as a matter of urgency.

Mr. Speaker: The Minister can respond now. I think this House is getting very weary about these war-like and quarrelling people around this country. When are we going to stop this? We, as a House, are now being worn thin by this issue.

Mr. Michuki, what is your reaction?

MINISTERIAL STATEMENT

GOVERNMENT TO PROTECT AND ASSIST NEEDY KENYANS

The Minister of State, Office of the President (Mr. Michuki): Mr. Speaker, Sir, the Government is committed to maintaining order throughout Kenya, including Baringo, about which the hon. Member has raised his point of order.

Mr. Speaker, Sir, I will join the Chair in expressing my view that these exercises of cattle rustling are consuming a lot of time, and I think leaders must join us in ending these skirmishes. The Government will take care of the people of Baringo. Unfortunately, the way the hon. Member has put it, on whether the Minister will give food, I am not the Minister in charge of food distribution, but I know that the Government has plans to do that.

Mr. Speaker, Sir, so, I wish he would have framed his question correctly. But I want to assure him that the Government will not neglect any Kenyan who is in problems, be it hunger or insecurity.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well, that is the end of Question time! All matters are now over.

Next Order!

COMMUNICATION FROM THE CHAIR

DEFERMENT OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL

Mr. Speaker: If you have noticed, we have a Supplementary Order Paper, and we will proceed with it. In the meantime, Order No.7 is deferred with firm instructions by the Chair to the hon. Member whose name stands for this Bill to liaise with the Attorney-General in the drafting of that Bill,

because it needs serious attention.

So, the Bill is deferred and further, I do ask the hon. Member to get in touch with the Attorney-General and the Chair has already talked to him to assist that Member to draft that Bill correctly. Do you understand, Mr. Keter?

Mr. Keter: On a point of order, Mr. Speaker, Sir. I am very surprised with your ruling because of the fact that, when I was drafting this Bill, I was in consultation with the Attorney-General and I even talked to him yesterday. So, I am very surprised now that the Bill is appearing on the Order Paper and you are deferring it.

You are playing games here, Mr. Speaker, Sir.

(Applause)

Mr. Speaker: Order! Order! Order, Mr. Keter! Those of you who are applauding must understand that the law is not about populism; it is about being correct. If you are not correct, you are not correct, however popular you may be. The Constitution is not an easy issue. If you do not want to be guided, Mr. Keter, you should go ahead and have the Bill read, but if it is challenged and it is proved that it is wrong, do not complain. We want the Bill to go right. We want you to have the Bill properly presented before this House.

Mr. Keter: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! You really do not want me to make certain pronouncements here because it will have serious legal effects on that Bill. I am asking the hon. Member to see the Attorney-General to be assisted at no cost. Why are you complaining?

The Assistant Minister, Office of the President (Dr. Machage): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to refer to the Chair as "Playing games"?

(Loud consultations)

Mr. Speaker: Order! Did he ever say anything like that?

Hon. Members: No!

Mr. Speaker: Order! Mr. Keter, did you ever say anything like that? The HANSARD is present, so, Mr. Keter, did you say that?

(Loud consultations)

Order! Order! I hope the Deputy Leader of the Official Opposition will keep order in this House. If he does not, he will be forced to keep order.

Now, listen; I am not here to see the integrity of the Chair and the House being assaulted. Now, Mr. Keter, being an hon. Member, did you or did you not cast those aspersions on the Chair?

Mr. Keter: Mr. Speaker, Sir, I said I do not see the reason why these games are being played now after I had consulted the Attorney-General before. That is my question---

Mr. Speaker: Order! Order! Mr. Keter, the import of that is that you are saying the Chair is dishonest.

(Loud consultations)

Hon. Members: No! No!

Mr. Speaker: Order, Mr. Keter! I will have none of that! Either you respect the Chair or you do not. I order that if you cast any aspersion on the Chair, you must withdraw it.

(Loud consultations)

Mr. Keter: Mr. Speaker, Sir, I did not cast any aspersion on the Chair. I am asking why these games are being played because I have talked with the Attorney-General, and I even came to your office.

Mr. Speaker: Order, Mr. Keter! Are you going to withdraw or not?

Mr. Keter: Mr. Speaker, Sir, I am withdrawing reluctantly.

Mr. Speaker: Order, Mr. Keter! Either you do it or you do not!

Mr. Keter: Mr. Speaker, Sir, I withdraw.

Mr. Speaker: Order! Having withdrawn, may I lay the law on the Table in black and white. It is the business of the Chair to ensure that any Bill or Motion that comes before this House complies, first and foremost, with the Constitution of the Republic of Kenya and with the Standing Orders. That is my business! That is my job and it will not be shared with anybody else.

Having perused that Bill, I seriously believe, as the person presiding as the Chair, that it requires special attention from the hon. Member and the Attorney-General. If he does not do that, he is at liberty to ignore my advice and bring it here, then we will see who has the authority to ensure that it goes through or it does not. That is not a threat but a statement of fact. Therefore, be guided!

(Applause)

Dr. Godana: On a point of Order, Mr. Speaker, Sir. We respect the authority of the Chair and as the presiding officer, you certainly have the ultimate authority to interpret the procedures of the House, including whether particular documents which are being brought before the House are in proper order or not. We fully salute that! In a matter like this, it will be good if your honour will in future relay the message to the hon. Member concerned, a little early and quietly. The hon. Member feels that he has been ambushed. It will help a great deal to the mood of the House, if you just did that.

Mr. Speaker: Order, Dr. Godana! First, the Chair never ambushes. He waits for the business of the House. However, quite specifically, and there is the hon. Member, I have told him several times to address that issue. In fact, I have told you, Dr. Godana! So you know it.

(Laughter)

What I demand of all of you is honesty, and all hon. Members must be honest. I told Mr. Keter and Dr. Godana the problem and they chose to ignore it.

Next Order!

BILL

First Reading

THE COTTON (AMENDMENT) BILL

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

Mr. Speaker: Just before the Next Order, the Vice President and Minister for Home Affairs has a Ministerial Statement to make.

MINISTERIAL STATEMENT**APPOINTMENT OF HON. MEMBERS
TO HOUSE COMMITTEES**

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to make the following Ministerial Statement.

The following hon. Members have been appointed to serve in the Committees as follows.

THE SPEAKER'S COMMITTEE

The hon. Francis ole Kaparo, MP - Chairman
The hon. Daudi Mwiraria, MP
The hon. John Michuki, MP
The hon. James Nderitu Gachagua, MP
The hon. Raphael B.S. Wanjala, MP
The hon. Ekwee Ethuro, MP
The hon. Peter Kenneth, MP
The hon. David Mwenje, MP
The hon. Gideon Ndambuki, MP
The hon. Nicholas Kiptoo Salat, MP
The hon. Ali Wario, MP
The hon. Kiema Kilonzo, MP
The hon. Nicholas K.K. Biwott, MP

STANDING ORDERS COMMITTEE

The hon. Francis ole Kaparo, MP - Chairman
The hon. David Musila, MP
The hon. Daniel Khamasi, MP
The hon. Onesmus Kihara Mwangi, MP
The hon. Paul Muite, MP
The hon. Otieno Kajwang, MP
The hon. Nyaga Wambora, MP
The hon. (Dr.) Godana Bonaya, MP
The hon. (Dr.) Esther Keino, MP
The hon. Sammy Koech, MP
The hon. Antony Kimeto, MP
The hon. James Omingo Magara, MP

CATERING COMMITTEE

The hon. Metito ole Katoo, MP
The hon. J. Kahindi Kingi, MP
The hon. William Omondi, MP
The hon. Alfred Nderitu, MP
The hon. Viscount Kimathi, MP
The hon. Fahim Twaha Yassin, MP
The hon. Mohamed Abdi Haji, MP
The hon. (Dr) Sammy Rutto, MP
The Clerk of the National Assembly
The Chief Serjeant-at-Arms

POWERS AND PRIVILEGES COMMITTEE

The hon. Francis ole Kaparo, MP - Chairman
The hon. Musikari Nazi Kombo, MP
The hon. Kembi-Gitura, MP
The hon. Metito ole Kato, MP
The hon. (Eng) Eric Nyamunga, MP
The hon. Geoffrey Gachara Muchiri, MP
The hon. Hussein Maalim Mohamed, MP
The hon. Tola Kofa, MP
The hon. Arthur Kinyanjui Magugu, MP
The hon. Stephen K. Manoti, MP
The hon. Stephen Kanyinge ole Ntutu, MP

LIBRARY COMMITTEE

The hon. David Musila, MP - Chairman
The hon. Peter Kitarau Munya, MP
The hon. Jane Kihara, MP
The hon. Macharia Mukiri, MP
The hon. Wycliff Osundwa, MP
The hon. Moffat Maitha, MP
The hon. Twaha Fahim Yassin, MP
The hon. Samwel Chumel Moroto, MP
The hon. William Boit, MP
The hon. Francis Ewaton Achuka, MP
The hon. Mwanicha Okioma, MP

**CONSTITUENCY DEVELOPMENT
FUND COMMITTEE**

The hon. (Eng) Karue Muriuki, MP
The hon. Stephen K. Manoti, MP
The hon. (Prof) Christine Mango, MP
The hon. Jane Kihara, MP
The hon. Lucas Maitha, MP
The hon. (Eng) Eric Nyamunga, MP
The hon. Charles Kilonzo, MP
The hon. Mohamed Yusuf Haji, MP
The hon. Sammy Koech, MP
The hon. A.S. Dahir, MP
The hon. Henry Kosgey, MP
The hon. Stephen Manoti, MP

Mr. Speaker, Sir, the House Business Committee has made the following replacements to the Departmental Committees where vacancies have occurred.

**(a) THE DEPARTMENTAL COMMITTEE
ON ENERGY, COMMUNICATION
AND PUBLIC WORKS**

The hon. Viscount Kimathi, MP
The hon. Elias Mbau, MP

**(b) THE DEPARTMENTAL COMMITTEE
ON EDUCATION, RESEARCH,
AND TECHNOLOGY**

The hon. Charles Kilonzo, MP

(c) **THE DEPARTMENTAL COMMITTEE
ON DEFENCE AND
FOREIGN AFFAIRS**

The hon. Abdalla Ngozi, MP

The hon. (Capt.) Davis Nakitare, MP

Thank you, Mr. Speaker, Sir.

Mr. Muite: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Muite, what is it?

Mr. Muite: Mr. Speaker, Sir, the Departmental Committee on Administration of Justice and Legal Affairs had, through

the Clerk of the National Assembly, drawn the attention of the House Business Committee to the fact that it had one excess hon. Member. We are 12 Members in number, but the law requires 11. We had asked that, that issue be addressed. But I am not sure if it has been addressed.

Mr. Speaker: Mr. Muite, which party had more representation?

Mr. Muite: Mr. Speaker, Sir, I believe Mr. Omingo, who is a very effective hon. Member, was the last one to join the Committee when we were already 11. So, as currently constituted, we have an excess of one hon. Member.

(Laughter)

Mr. Speaker: Order, hon. Members! Mr. Muite, I did not ask you about an hon. Member. I asked you which party is over-represented. Anyway, I understand the subsequent addition to an already fully established committee was illegal from the very beginning. Therefore, that addition, for all purposes stands as null and dropped.

So, you will continue as you are legally supposed to.

Mr. Omingo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Omingo: Mr. Speaker, Sir, in the first place, I am the only representative of FORD(P) in that Committee. For whatever reason, intention and purpose--

Mr. Speaker: Order, Mr. Omingo! Get me right; I do not run political parties. I run the House. I have said the number required is 11. That is the maximum. Any purported addition, by whatsoever party, is illegal. That is the law, whether it is KANU, FORD(K), NARC or any other party.

Mr. Omingo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Omingo! Take that complaint to your party!

Mr. Omingo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Omingo! I do not manage party affairs. I am stating the law and it will remain that way. The number required for the Committee is 11 and it will remain that way. That is it!

Mr. Omingo: On a point of order, Mr. Speaker, Sir. I need to be heard--

Mr. Speaker: Order, Mr. Omingo!

Mr. Omingo: Mr. Speaker, Sir, I beg to be heard by the Chair.

Mr. Speaker: Now, what is it?

Mr. Omingo: Mr. Speaker, Sir, now I think this is the highest degree of intimidation and harassment. Three of us were selected to join that Committee at the same time. Who said my name was read last when we were selected on the Floor of this House? I think that is unfair to me and that cannot be taken kindly!

(Loud consultations)

Mr. Speaker: Order, hon. Members! Mr. Omingo, you are addressing the wrong forum. You are addressing the House. Go and address your party.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! We will not take the time of the House on party issues. Mr. Nyachae, it seems you have something you want to say. What is it?

The Minister for Energy (Mr. Nyachae): Mr. Speaker, Sir, it is good you have referred this matter to the parties. What we would like to request is for you to reconsider that statement, that the last name in that committee be dropped.

Mr. Speaker: Order, hon. Members! That is to the extent that the composition shall not exceed 11. This is not my business, actually. I wish to ask all hon. Members not to address the House on party issues.

Mr. Sungu: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Sungu: Mr. Speaker, Sir, I would like to draw your attention to the fact that under the Constituency Development Fund Committee (CDF) one name appears twice. That is Mr. Manoti's. If it was a mistake, it should be corrected. Also, I have not heard anything on the Public Accounts Committee (PAC) and Public Investments Committee (PIC). I am also sorry about how my voice sounds. I have a problem.

Mr. Speaker: Mr. Sungu, I am sorry for your voice. However, hon. Members will note that if there is a typing error, then the Clerk of the National Assembly is ordered by the Chair to rectify it. If one name appears twice, that will be rectified. If it is beyond that, then of course---

(Loud consultations)

Order, hon. Members! Could we have some attention? Yes, indeed, Mr. Sungu, you are right. Mr. Manoti's name appears twice. So, the Clerk of the National Assembly, having exercised his clerical functions, has struck off the duplicated name and left one Mr. Manoti, to leave a committee of 11, which is the lawful number required.

Hon. Members, shall we proceed!

Mr. Mwenje: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I am not accepting any more points of order.

Mr. Mwenje: Mr. Speaker, Sir, it is on a different matter.

Mr. Speaker: What is it?

Mr. Mwenje: Mr. Speaker, Sir, my concern is drawn on the Speaker's Committee. I find as if that Committee is a duplication of the work of the Parliamentary Service Commission (PSC). If it is not, could you clarify why we still need it and what job that committee is supposed to be doing. Will that Committee ever meet?

Mr. Speaker: Mr. Mwenje, Committees meet because there are some functions they have to perform. You must generate work. So, Mr. Mwenje, could you forward your agenda to the Chair.

Next Order!

Mr. Weya: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Weya, I am sorry, we must make progress.

Mr. Weya: Mr. Speaker, Sir, I would like some clarification on the issue of the PIC and PAC.

Mr. Speaker: Mr. Awori, what do you have to say about PAC and PIC?

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

not mention anything with regard to these two committees because they are still continuing with their work.

Mr. Speaker: Order! Mr. Awori, the fact that those two Committees are still continuing with their work does not stop you from renewing their mandate. On the contrary, in fact, the Chair would like their mandate renewed. We should allow them to continue because they never finish their work. The law does allow them to continue, but we must, at the new Session, renew the mandate. If you are ready now, you could present their names, but if you are not, you could do that tomorrow.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, we can do that tomorrow.

Mr. Speaker: Very well! That is all right.
Next Order!

MOTION

APPOINTMENT OF CONSTITUTIONAL REVIEW COMMITTEE MEMBERS

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to provisions of Section 10 of the Constitution of Kenya Review Commission Act

(Cap 3A) of the Laws of Kenya, this House appoints the following as Members of the Select Committee on the Constitutional Review process:

The hon. Kiraitu Murungi, MP

The hon. Raila Odinga, MP

The hon. Kaindi Peter Kyalo, MP

The hon. (Dr.) Christopher Murungaru, MP

The hon. Musikari Kombo, MP

The hon. Raphael Tuju, MP

The hon. Paul Muite, MP

The hon. Njoki Ndung'u, MP

The hon. John Munyes, MP

The hon. Otieno Kajwang, MP

The hon. Moses Wetangula, MP

The hon. Stephen Tarus, MP

The hon. Rashid S. Shakombo, MP

The hon. Adelina Mwau, MP

The hon. Norman M.G.K. Nyagah, MP

The hon. Joseph Kingi, MP

The hon. Uhuru Kenyatta, MP

The hon. (Dr.) Bonaya Godana, MP

The hon. (Rtd. Maj.) Mardsen Madoka, MP

The hon. William Samoei Ruto, MP

The hon. Mohamed Yusuf Haji, MP

The hon. Henry Kosgey, MP

The hon. Moses Cheboi, MP

The hon. Mutula Kilonzo, MP

The hon. Simeon Nyachae, MP

The hon. Kipkalya Kones, MP

The hon. Gonzi Rai, MP.

Mr. Speaker, Sir, I beg to move.

(Mr. Muturi stood up in his place)

Mr. Speaker: Order, Mr. Muturi! Just a moment! The matter is not before the House!

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Speaker: What was your problem, Mr. Muturi?

POINT OF ORDER

MOTION ON PSC MEMBERSHIP CANNOT
BE MOVED WITHOUT NOTICE GIVEN

Mr. Muturi: Mr. Speaker, Sir, looking at the Order Paper, I believe there is a place for Notices of Motions. We have a Supplementary Order Paper which has been circulated to us now, as we are seated here! I just wanted to find out whether a notice of this Motion has been given as per our Standing Order.

(Applause)

Mr. Speaker: Thank you, Mr. Muturi. I think you have raised a valid point of order. I understand that a notice was not given for this Motion. I would like to know whether--

(Loud consultations)

Order, hon. Members! By the way, those hon. Members who are getting agitated there, what Standing Order requires that a notice should be given for this Motion?

(Laughter)

Order, hon. Members! You know, sometimes, I get amazed when hon. Members clap and support things that they do not know. They even ask for Standing Orders that they do not know to be amended! So, please, know these things first!

I agree with the hon. Member for Siakago Constituency that to move a Motion, an hon. Member must give notice in accordance with Standing Order No.40.

For the benefit of hon. Members who do not know these things, Standing Order No.40 says:-

"(1) Save as otherwise provided by these Standing

Orders, notice shall be given by a Member of any Motion which he or she proposes to move.

(2) Before giving notice of Motion, the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by himself or herself; and the Clerk shall submit the same to Mr. Speaker.

(3) If Mr. Speaker is of the opinion that any proposed Motion:-

(a) is one which infringes, or the debate on which is likely to infringe any of the provisions of these Standing Orders; or,

(b) is contrary to the Constitution, without expressly proposing appropriate amendment of the Constitution; or,

- (c) is too long; or,
- (d) is framed in terms which are inconsistent with the dignity of the House; or,
- (e) contains or implies allegations which Mr. Speaker is not satisfied that the Mover can substantiate; or,
- (f) calls for commitment of public funds for which no provision is made in annual estimates as adopted by the National Assembly; he may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as he may approve."

In such cases, Mr. Speaker shall refuse.

Exceptions to this will be found in the next page, which stipulates Motions that need not be given notice. Those are ---

An hon. Member: They are not there!

Mr. Speaker: They are there.

(Laughter)

Order, hon. Members! Those who say that they are not there are those hon. Members who have never looked at the Standing Orders and they have no interest in looking at them! So, please, hold your peace!

Standing Order No.45 states:-

" The following Motions may be moved without notice:-

- (a) A Motion by way of amendment to a question already proposed from the Chair.
- (b) A Motion for the Adjournment of the House or of a debate.
- (c) A Motion for the withdrawal of strangers.
- (d) A Motion that the House do resolve itself into a Committee of the whole House.
- (e) A Motion moved when the House is in Committee.
- (f) A Motion for the suspension of a Member.
- (g) A Motion made in accordance with Standing Orders governing the procedure as to Bills.
- (h) A Motion for the agreement or disagreement of the House with the Committee of the whole House in a resolution reported, or for the recommittal thereof or for the postponement of the further consideration thereof.
- (i) A Motion raising a question of privilege.
- (j) A Motion for the orders of the House under these Standing Orders.
- (k) A Motion made under Standing Order No.171 (Exemption of business from

the Standing Orders).

(l) A Motion made for the limitation of debate under Standing Order No.81.

I believe all hon. Members have heard that we do actually require a notice, and that there are some circumstances where we do not require a notice.

Now, Mr. Muturi, in this case, do you think it is covered by Standing Order No.45?

Hon. Members: No! No!

Mr. Speaker: Order! I have not asked you the question! Shall we, please, make this an honourable House? We do not heckle! We debate! What is your position, Mr. Muturi!

Mr. Muturi: Mr. Speaker, Sir, quite clearly, in terms of Standing Order No.45, as you have read out, this Motion is not covered in those circumstances.

Therefore, it requires notice to be given prior to moving it.

Mr. Speaker: I agree with you. What is the remedy, Mr. Muturi!

Mr. Muturi: Mr. Speaker, Sir, it, therefore, means that there is no Motion before the House, notice having not been given!

(Applause)

Mr. Speaker: Order, hon. Members! Let me confirm the following in terms of Standing Order No.40. Indeed, His Excellency the Vice-President and Minister for Home Affairs submitted to the Clerk of the National Assembly, a Motion which complied with Standing Order No.40, which I approved and, therefore, found itself in the Order Paper.

I am satisfied that His Excellency the Vice-President has not given Notice of this Motion. I, therefore, direct that he gives Notice of the Motion and this matter comes up tomorrow.

(The Motion was withdrawn)

(Applause)

Do it now! Give Notice of the Motion!

NOTICE OF MOTION

APPOINTMENT OF THE CONSTITUTIONAL REVIEW COMMITTEE MEMBERS

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to give Notice of the following Motion.

THAT, pursuant to provisions of Section 10 of the Constitution of Kenya Review Commission Act Cap.3(A) of the Laws of Kenya, this House appoints the following as Members of the Select Committee on the Constitutional Review Process:-

The hon. Kiraitu Murungi, MP

The hon. Raila Odinga, MP

The hon. Peter Kyalo Kaindi, MP

The hon. Dr. Christopher Murungaru, MP

The hon. Musikari Kombo, MP

The hon. Raphael Tuju, MP

The hon. Paul Muite, MP

The hon. Njoki Ndung'u, MP

The hon. John Munyes, MP

The hon. Otieno Kajwang, MP

The hon. Moses Wetangula, MP

Mr. Maore: On a point of order, Mr. Speaker, Sir. Is the Vice-President and Minister for Home Affairs moving the Motion or giving Notice? If he is giving Notice, what Order Paper is he using? According to the Order Paper I have, we are on the Motion.

(Applause)

Mr. Speaker: Order, hon. Members! I invite the hon. Member from Ntonyiri to get closer to the Deputy Leader of the Official Opposition or even his Chief Whip, who will inform him that equity does not look at the form; it looks at the substance. This means

that it does not matter where the Vice-President and Minister for Home Affairs is reading the terms of the Notice of Motion from as long as he is giving it as approved by the Chair. So, he is right.

Mr. Awori, go on and finish!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I will continue reading the names of Members of the Select Committee:

The hon. Stephen Tarus, MP

The hon. Rashid S. Shakombo, MP

The hon. Adelina Mwau, MP

The hon. Norman M. G. Nyagah, MP

The hon. Joseph Kingi, MP

The hon. Uhuru Kenyatta, MP

The hon. Dr. Gonaya Godana, MP

The hon. Maj. Marsden Madoka, MP

The hon. William Samoei Ruto, MP

The hon. Mohamed Y. Haji, MP

The hon. Henry Kosgey, MP

The hon. Moses Cheboi, MP

The hon. Mutula Kilonzo, MP

The hon. Simeon Nyachae, MP

The hon. Kipkalya Kones, MP

The hon. Gonzi Rai, MP.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. I want to seek your guidance because the ruling you make on the Floor of this House stands for posterity. I do not understand what this Order Paper is all about. How can the Clerk-at-the-Table read out Orders from the first one to the eighth one, then go back to Order No.5 which is Notice of Motion? I seek your guidance and ruling on that matter.

Mr. Speaker: Order, Mr. Sungu! There is nothing you are seeking. You just want me to repeat what I have said? I have said that, as the hon. Member for Siakago rightfully brought to my attention, there was a lapse which was non-giving of Notice of Motion. I, therefore, disallowed that Motion to continue and ordered that Notice be given, as I am empowered by Standing Order No.1 and any other necessary Orders. That is what I ordered. A Notice of Motion has been given and we will proceed with it tomorrow afternoon. That is the end of the story. Have you understood that Mr. Sungu?

Mr. Sungu: Yes, Mr. Speaker, Sir. I understand and take your ruling. Your ruling will stand for posterity in case we are wrong.

Mr. Speaker: Order! Posterity will never get hold of you because you have not made a ruling. I am aware of what I do.

POINT OF ORDER

POLITICAL PARTIES SHOULD NOMINATE THEIR OWN MEMBERS TO COMMITTEES

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Speaker, Sir. It is true that you are the custodian of all the Standing Orders of this House. I am just wondering why we have gone into this matter through a Motion. The normal practice of this House is that Members of a Select Committee are selected by the House Business Committee and read through a Ministerial Statement by the Leader of Government Business. I am wondering why we have gone against that practice, which we have had in this House and which the Leader of Government Business has used before. I am wondering why we are diverting from our old practice.

Mr. Speaker: Order, hon. Members! Mr. Githae, have you ever looked at Section 10 of the

Act?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, I have looked at Standing Order No.154.

Mr. Speaker: I am asking if you have looked at Section 10 of the Act!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, of the Constitutional Review Act?

Mr. Speaker: According to Section 10, the House shall appoint a Committee in accordance with its Standing Orders. If you look at the Standing Orders, what do they say about electing Committees? It is done by procedure or by Standing Order No.154. So, what else do you want from me?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, Standing Order No.154 says:

"The House Business Committee shall nominate the Members who shall serve on any Select Committee appointed by the House and the Member who shall be Chairman thereof, unless the House, at the time of the appointment of the Select Committee, shall itself have nominated such Members and Chairman."

The House Business Committee did exactly that yesterday and has brought the names here.

Mr. Speaker: Order, hon. Members! I have already made a ruling on this issue. This matter will come tomorrow. If you really want to re-visit it tomorrow, we will do it. There is no problem in that. When you want to persuade me that you have a better way of doing things, you must point out that law to convince the Chair that you are right. I welcome all hon. Members who will bring to the attention of the Chair the correct procedure of doing things. Let us understand that this House does not sit to fight over procedure. The House sits to discuss the substance of a matter. Therefore, this House would be enriched by following the correct procedure and debating the substance of the matter. I think that is it.

Mr. Muite: On a point of order, Mr. Speaker, Sir. We respect your ruling on this Motion, which will come up for debate tomorrow. I am rising on a point of order to seek your guidance as we prepare to debate this Motion tomorrow. The practice of this House and of all Parliaments of the Commonwealth countries is that, it is particular parties that nominate Members that they wish to have serving in a particular Committee. When we begin to debate this Motion tomorrow, I will need to understand if parties on this side of the House will be deciding for example, for KANU as a party, who should represent it in this Committee and vice-versa. What precedent are we setting? It is the political parties that should have the exclusive power and authority to decide for themselves who are to serve on their behalf on particular committees. This ties up with the point that hon. Githae has raised that, once a party has confirmed the names of the people it wishes to serve on a particular committee, those names should be laid on the Table of the House through a Ministerial Statement so that we do not allow party "a" to decide for party "b" who its representatives will be.

(Applause)

Mr. Speaker: Order, hon. Members! The issue that has been raised by the hon. Member for Kabete is one that has exercised my mind for the last one month-and-a-half and it is best answered by you hon. Members. There are times when we are dealing with procedural and legal issues. That is within the domain of the Speaker to make rulings as to procedure and the law. As to political arrangements and political accommodation, that is totally outside the purview of the Chair. It is you to decide. Personally, I have been worried over the recent long public disagreements by political parties particularly on the Government side on the composition of their committees.

(Loud consultations)

Order! Those hon. Members who do not want to listen to this are at liberty to leave. If hon. Members cannot agree on what to do, then they can bring a Motion to this august House to do exactly what we are likely to have done today or which we must do unless some divine intervention comes our way which we must do tomorrow; which is ultimately to decide on the composition of the Parliamentary Select Committee (PSC).

I have had the following worries as your Speaker: First, I have asked myself: If KANU has no problem with its membership, does NARC have to interfere with it? Even if it has and they say: "Mr. Speaker, Sir, wait a minute, NARC has nothing to do with our hon. Members, tell NARC to sit down there and Mr. Speaker, Sir, as KANU, we want now to vote for our Members", KANU will then be reducing me from being the Speaker to being the Chairman of their Parliamentary Group (PG), a position I will never want to hold. And if the same things happens to NARC whereby if they were to ask that: "We have disagreed and we cannot elect our Members and we want to elect them on the Floor of the House, tell KANU to keep off this affair and we NARC will go to the election of our Members" and I allow that request and then order for a division of NARC, I will be reducing myself to be the Chairman of the NARC PG, a position I have never sought and I am not willing to hold.

So, what would be the next position for me to retain my status as Speaker? It is that if you, political parties, cannot agree out there and bring it here, then I will deal with it as a matter of the House and I am comforted in this by Standing Order No.154 which states the following:

"The House Business Committee shall nominate the Members who shall serve on any select committee appointed by the House and the Member who shall be Chairman thereof, unless the House, at the time of the appointment of the select committee, shall itself have nominated such Members and the chairman".

So, if you cannot nominate there, then we shall appoint here as a House. However, as political parties and as you prepare for tomorrow, prepare for the consequences which are the following and I wish Mr. Keter would occasionally relax and keep quiet!

I hope sometimes he takes time to study these things and they are the following: When a matter becomes a matter of the House, every Member of this House will have the right and liberty to bring a Motion, to delete, add and vote. If NARC gets united, the consequences will be the following, Mr. Keter: If by some divine intervention the Government side gets united tonight and we have this Motion tomorrow, they will dictate to KANU all the positions available to them in that committee by sheer numbers.

The reverse could also be true if the Government side continues to be what it is and a sizeable bit of it joins the Opposition or what looks like an Opposition.

(Laughter)

I am not defaming the Opposition. It is because there are Government Members on the Opposition side!

(Laughter)

Hon. Members: And also what looks like a Government since they have some of our Members on their side!

(Laughter)

Mr. Speaker: And what looks like a Government!

(Applause)

To be fair-handed, I think, hon. Members, you must see the dilemma in which I find myself. Order! You must see the dilemma I find myself and this House through me finds itself in. If the Government side were to decide, they will dictate completely what they do with you and if you take a sizeable side of the Government side, you can actually dictate who becomes the Members of the Government side. What is the whole point of having committees and membership? It is the following: That a political party shall send to a committee those Members it feels will advance its political agenda. Simple!

(Applause)

This is not a matter to be done by the Speaker and the House. It is supposed to be done by you people in your PGs as Whips and we as a House come to rubber-stamp and respect your decision. So, that is the best I can say in the circumstances. I know all hon. Members have very wise ideas on this but you can see I am in a dilemma. However, I must continue to make sure that irrespective of disagreements in political ranks, this House will proceed to do business. If you can go and agree on those things tomorrow, by all means, if you cannot, I will use Standing Order No.154.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Are we debating this? What is it, Mr. Billow?

Mr. Billow: On a point of order, Mr. Speaker, Sir. As you have rightly said, the Committees are the creatures of this House. Given the scenario that you have just explained and the concerns some of us have, of the likely confidence crisis in such a Committee, that will arise, could the Chair consider giving a ruling that a matter as important as the constitutional review process should, in fact, be carried out by the Committee of the whole House, as opposed to a Committee that will be created by the confusion that you have mentioned?

Mr. Speaker: Order, hon. Members! For avoidance of doubt, I do not want any hon. Member to ask me to make a political decision. That is outside my purview. That is your business.

Secondly, and much more important, I think we have had too much wrangling over the Parliamentary Select Committee on the Constitutional Review, as if that Committee is the one to determine what happens. It will not! It is this House that will make all decisions. I know the apprehension and all your worries have stemmed from the following and I must say it candidly and forcefully: This Committee, unfortunately, has been over-politicized by the past holders of the chair; all of them from the very beginning, by breaching all the Standing Orders.

Committees under the Standing Orders should not reveal to any person or authority, a matter that is being dealt with by that Committee before reporting to the House. The past chairs have been holding Press conferences about matters of the Committee, in total defiance of the Standing Orders.

May they be told, if you ever elect them, that they will not be allowed to do that under any circumstances. They will deliberate in accordance with the Standing Orders and bring their recommendations to this House for debate and adoption. Only this House can make a decision. That Committee cannot and should not!

The Minister for Roads and Public Works (Mr. Raila): On a point of order, Mr. Speaker, Sir. I did not want to speak on this matter until tomorrow. However, I am one of the past chairmen of this Committee. Mr. Speaker, Sir, you will recall that we did make a request to the Chair, in

view of the importance of this matter, at that time when the Committee was taking evidence from members of the public, that we will be allowed to occasionally invite members of the Press to our deliberations. You did give us permission to do so. So, we did actually comply fully with the provisions of the Standing Orders.

An hon. Member: No!

Mr. Speaker: Thank you, Mr. Raila. I like honesty! The honourable Minister is honest. They sought for permission from the Chair to allow certain instances, where they invited members of the public, to have a public hearing. I did give them the authority, but some Members took liberty to completely run away with all the authority, which has now been withdrawn completely by me!

We need to finish this now! Yes, Mr. Nyachae!

The Minister for Energy (Mr. Nyachae) Mr. Speaker, Sir, I just want to clarify one point. We accept your ruling. But it must be understood by this House, particularly those hon. Members who are not in the House Business Committee, that a mistake was not done by the Leader of Government Business or the Clerk of the National Assembly by tabling this document.

Mr. Speaker, Sir, it is the total House Business Committee which instructed the Clerk of the National Assembly last evening to prepare this list. Therefore, the whole Committee, including Mr. Muturi, is responsible. Nobody raised an objection last night. We all agreed that it will be tabled today.

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

Mr. Speaker: Order, all of you! I think Mr. Muturi brought to my attention the fact that there was no Notice of the Motion and not the procedure brought. So, I think there is nothing wrong.

I have finished now! Next Order!

*(Several hon. Members started
withdrawing from the Chamber)*

Order, hon. Members! We are now getting into business and the House will proceed with it. Those hon. Members withdrawing, please, do so with dignity, without disrupting the House.

Next Order!

MOTION

ADOPTION OF REPORT OF THE COMMITTEE ON FAST-TRACKING OF THE EAST AFRICAN FEDERATION

THAT, this House adopts the Report of the Committee on Fast-Tracking East African Federation submitted to the Sixth Summit of Heads of State of the East African Community - Arusha, Tanzania on 26th November, 2004 laid on the Table of the House on Wednesday, 6th April, 2005.

*(The Minister for East African and
Regional Co-operation on 3.5.2005)*

*(Resumption of Debate interrupted
on 3.5.2005)*

Mr. Speaker: Mr. Wario was on the Floor! I hope he is around.

An hon. Member: No!

Mr. Speaker: Okay! He has forfeited his chance!
Proceed, Mr. Kenneth!

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth): Thank you very much, Mr. Speaker, Sir. I want to support that this House adopts the report of the Committee on Fast-Tracking of the East African Federation. I think the world all over is moving towards integration. I want to thank the Minister for East African and Regional Co-operation for having brought this Paper on Fast-Tracking to see that we can fast-track the integration of the three East African countries.

Mr. Speaker, Sir, there are those who felt that, at one time, each country going on its own, would be beneficial to the country. But it is now coming out as a reality that, indeed, just like the European Union is continuing with integration, what is important today in this era and in our countries, we need to integrate as an East African Regional Grouping. We have been told of the population of the three East African countries. We have a population of nearly 100 million. That is a very good market even internally for the three countries. I want to encourage the Ministry, that they need even to take a bolder initiative of making the integration even faster.

We have lots of cases of unemployment in our country and it mainly consists of skilled labour. I think the earlier we integrate, the more we allow our own people to go to other countries and seek greener pastures. It does not make sense, when one wants to go just to Arusha which is just 250 kilometres, and be back, that he has to be held up at the border post for nearly an hour, whereas if one was to make a journey to Mombasa, he or she would just have to travel without having to stop anywhere on a longer distance.

We have had the East African Community before. It proved to us how an integrated block can work together. We had a railway system that was working but, unfortunately, today, it does not do that well even in our own country. We had the harbours that were working very well. But today, they cannot run on their own. We had even other things that were all bound together as a community. After 30 years, it has dawned on us that together we stand, divided we fall. I want to encourage the fast-tracking of the East African Federation so that, first and foremost, any of the three countries can access any other country without any further delay. If we are lucky to open up our borders, we will have encouraged our people to do business across border. We also need to encourage our people to do business outside the country.

We have many budding businessmen in Kenya. It would be very easy to allow them to venture into the neighbourhood and do more business. We have had a lot of problems in Lake Victoria. Many Questions have been asked in this House about our fishermen who have been arrested while crossing Lake Victoria. I believe that once we complete the fast-tracking, the lake will be owned by the three countries. We will have better fishing arrangements. I also believe that when we look at the European Union fishing quotas, we can have better prospects as a community than when we are individual countries.

A lot of integration has gone on all over the world. It has been about creating trading blocks that can do good business. If you look at the European Union (EU), it is not only the political will, but it is mostly the trading will that has brought them together, to have a common tariff. Although it looks like the other two countries have an advantage over Kenya on the trading tariffs, I believe that when you look at the Common Market for Eastern and Southern Africa (COMESA), where some countries have a 7 per cent tariff disadvantage, it is really not a disadvantage for Kenya to give a 5 per cent tariff

advantage to allow our brothers in Tanzania and Uganda to come on board. We must formulate ways to integrate with other countries without them feeling that we are taking advantage of our better infrastructure.

Mr. Speaker, Sir, indeed, if you look at the other two countries that form the East African Community (EAC), they have continued to create a very good infrastructure. We should not sit back and assume that our infrastructure is the best. If we have to negotiate with the EU even on the Lome Convention, it would be better if we are doing it as a EAC block. It would be better if they can see the kind of market that we can create.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, if you look at a country like Uganda, we already have agreements under COMESA that cover it. So, what we are trying to do is to pull one of our brother States to our side, come up with a Community, try to make things easier and see whether we can trade better. Yesterday, it was alluded that political dispensation in the other countries need to be the same. But, today, if you were to look at the development of political parties, a country like Uganda does not have political parties. But we are developing with many political parties.

Mr. Deputy Speaker, Sir, if you look at a country like Tanzania, the Opposition parties have, more or less, folded up. So, we cannot decide that we can only fast-track when the political dispensation is at the same rate.

If you look at the EU, certain countries that are members do not have the same political arrangements. We must look at the EAC as a trading block and make it better. We should also allow the integration of the three partner states irrespective of their political standing.

Mr. Deputy Speaker, Sir, I want to encourage the Ministry to move even faster. I believe the more we delay, the more we close or delay opportunities in the other brotherly countries of East Africa. We have a very good business infrastructure. We have very many big companies in this country that can easily take advantage of the tariffs that are being introduced. Therefore, we must, as a country, try to move forward and enhance the value of our peoples' investments. I want to encourage the Minister to try and move faster than he is moving.

With those few remarks, I support the fast-tracking of the Community.

Mr. Poghisi: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to add my voice in support of this Motion. The Motion urges us to adopt the Report on fast-tracking the East African Federation. We are actually under obligation to support this Motion. When we moved to create the EAC the second time round, we took the first step in a series of steps. When you start your primary education, the next level, for sure, is secondary education. Thereafter, we have tertiary education. The steps we have taken so far as the three countries of the EAC are on track. This is simply to say: "Let us move faster in attaining the ultimate, which is the Federation." Mr.

Deputy Speaker, Sir, personally, I have benefitted from being a member of the Defence and Foreign Relations Committee both in this Parliament and in the last one. It is very satisfying and gratifying to know that the things that we decided then, are on course. Therefore, as we move further up, we would like to be on board.

Mr. Deputy Speaker, Sir, from the very outset, I would like to state my interest in this matter. You know that Kacheliba Constituency is on the border. In fact, I would like to tell you that, Kacheliba is probably the only constituency which has been administered by both Uganda and Kenya. That just tells you how far ahead we are from the rest of Kenyans in fast-tracking the East African Federation.

When I was growing up, we were under the Karamoja District Administration, which is in

Moroto, Uganda. Something happened in 1970. That is when Kenya realised that it had its people and land being administered by Uganda. It was a very late awakening by this country!

Mr. Deputy Speaker, Sir, the fact that we are going back to becoming a federation is great news for the people of Pokot and Kacheliba Constituency. Anyway, they have never known the difference between the three independent countries that we have today. When it comes to grazing our livestock, our cows have known the border to be porous. When they go to the other side of the border, they believe that is where they are meant to live.

Mr. Deputy Speaker, Sir, that is a very important point for East Africans to know. If you have fears about fast-tracking, just come for consultations. We will give free consultations as people who have experienced that kind of thing. I need to remind all of us in the EAC that we have nothing to fear about each other. If you followed our people, our governments would adjust according to the people. The fear we have is that, if we have that federation, with different types of Governments and different levels of democratisation, people will follow other people.

Even in Europe some of the states are being admitted with a lot of question marks. Once anybody joins the European Union, they follow their people and their people determine what next level of democratisation they should follow. So, we should begin to understand that the people of East Africa are actually brothers and sisters and that they can adjust each other to fit in the best mode of governance that we choose.

Mr. Deputy Speaker, Sir, we are not doing this for any of the present leaders in the Government. This is not about the current President. This is not wondering who among these will become this or that. We are doing this for the people of East Africa. I would like to request that, the process of admitting Rwanda and Burundi be fast-tracked so that this market which we are looking for grows bigger. If possible, we need to expand this block, because in East Africa, including the Democratic Republic of Congo and other areas, Kiswahili has become the language of trade. We should encourage a situation where our people will begin to trade in a common language and we have that advantage in this region. I support the fast-tracking.

Mr. Deputy Speaker, Sir, the real problem posed by fast tracking in the East African Community is that the smaller communities, like the one I come from, are always ignored in the process. They are always not planned for in the process. In fact, when the East African Community was deciding which roads should be developed to connect the three countries, the most important road from Kitale, through Kacheliba, Konyao going to Amodat, Moroto, Lodwar and the rest of Uganda and the Sudan has been ignored.

You will find recommendations for other roads which are just substitutes. They are not even the most important roads. In the process, those of you who get the chance to serve in these meetings should not always think of the big communities, the most developed areas and only the people whom you know. You do not think of those areas which are marginalised, and yet those are the areas that you need to open up. The East African Federation should open up those areas which are hitherto closed, ignored and marginalised.

Mr. Deputy Speaker, Sir, I would like to see a situation where the greater East Africa focuses on its minorities and the people who have been left behind. This is the only chance for the people of East Africa to be made aware of the people who have been left behind. I say this because, at the risk of revisiting this issue many times, when we were seconded to Uganda from 1931 to 1970, when the colonial Government in Kenya thought it wise that the current Kacheliba Constituency be seconded for administration to Uganda, it left that territory answerable to nobody. So, we were not supported by Uganda, neither were we supported by our mother country. We just fell through the crack.

If you go to Kacheliba today, you will think it was created the other day. In fact, you will think that it is an addition where Kenya donated the higher grounds and Uganda the lower grounds. There is nothing there. Governments have not done anything in that area. In the old maps of Uganda there was

a little hunchback. It was always written there, Karapokot or Kara suk and, they always made a point of putting in brackets (administered by Uganda). It was always hanging there. Nobody took notice of that. The expiry date for that administration came and almost passed. As somebody was going through the files, one day they noticed that we needed to ask the Uganda Government to hand over and they did.

Mr. Deputy Speaker, Sir, do you know how terrifying it is that Uganda agreed to hand over Kacheliba Constituency known then as Karapokot because of the Karamajong-Pokot, to Kenya in July, 1970? In January, 1971 Idi Amin took over power. Do you know how we nearly never came out? It was only a difference of six months and we would never have come out of that situation. Let us not fall through the cracks again as we develop the East African Community. Let somebody lead this country called Kenya. One day who will say: Why did we leave Kacheliba behind? Can we now compensate them for leaving them behind? Is there nobody leading this country called Kenya who will one day stop eating his dinner or breakfast and ask: What are we going to do for the land that we forgot?

Mr. Deputy Speaker, Sir, the Attorney-General is here and he advises the President. The Ministers are here and they advise the President. Could somebody one day stop what is being done and raise the issue? It has been raised in the House but nothing has happened. It has been raised in different fora. The smaller communities have this fear of disappearance of some of us. The Kenyan delegation to these talks needs to bring that out. That is the reason why we speak on the Floor of this House. Fortunately, this is being chaired by our own Attorney-General. Somebody will begin to ask what really happened.

One of these days I would like to ask this House to raise this matter, that the Government of Kenya will make deliberate efforts to build Kacheliba Constituency as a way of saying: "We forgot. Forgive us for forgetting." It seems that forgetting is becoming the norm as governments become more callous. When we complain about the people of West Pokot, the Karamajong and Turkana, let us also remember where we have gone wrong. Let us not only show up when there is cattle rustling. We already know that the Government recognises that we exist when they hear that the Pokot have been raided by the Turkana or that the Pokot have raided the Karamajong.

Mr. Deputy Speaker, Sir, the Government comes in as your long lost uncle coming home some day and saying: "I am also your uncle." There is no time when the Government has come and said: "You are the people we forgot." Now we want to build hospitals. A hospital is not something that is too big for the Government to build. The Government comes and says they want to build a secondary school that "we never built for you." We never wanted to be annexed to Uganda. Now that we were annexed and Kenya brought us back, do we not feel that this Government should do something about it?

I would like to tell this Government to fast-track us into the federation. We need this federation because we would benefit from so many things because we are at the border. We would benefit from cheaper food from Uganda. Amazingly, maize is cheaper on the other side of the border. If there was this federation, it would be very easy for us to pick our food from Uganda. We could even change our diet, so that instead of just eating meat all the time, we could also eat *matoke* and sweet potatoes. This would ensure that we begin to change. The fight we have with the people of Trans Nzoia is that when our people find potatoes are growing, cows see the green tops of the potatoes and eat them. As a result the people of Trans Nzoia complain. The cows do not know that there is anything underneath the green tops.

We should teach our cows to know that there is something underneath by eating what is underneath. We fight over things we do not understand. So, this is to say to the governments of East Africa, and more so to the Minister of State in charge of internal security in this country, that he should not just come there to show his might or punish people. He should come there when there is no

fighting or cattle rustling and say: "I am the Minister in charge of internal security. I would like to introduce such-and-such a thing in this area." Let the people not fear you when they hear your name.

Very soon, the Ministers of Kenya and Uganda will feel like they are Assistant Ministers when we have Ministers for the East African Federation. I want to prepare you for that. Some of you will be lucky because you will be Ministers in the federation, but the rest of you will have to feel like the rest of us. It is, however, important that we integrate.

The Karamojong, Pokot, Turkana and Sebei, who are now fighting each other, will have no place to hide when we have a federation. I feel that when we go into a federation, we can sort out some of these problems. Some of these little things like cattle rustling will be a thing of the past. If, for example, people go across the border, steal cows and bring them into our country thinking that they have crossed the line or border, they will have wasted their time, because there will be no lines or borders once we go into a federation. That will help us deal with the issue for those of you who are keen to know it.

I am very interested in seeing cattle rustling disappears for good, because it always takes away lives. I am, however, keen to see it disappear in a way that will help our people. The best way to achieve this goal is to educate these people, provide them with health facilities, business opportunities and give them a chance to advance and catch up with the rest of Kenya. So, our people sometimes react in the manner they do, because we have hitherto ignored them.

Mr. Deputy Speaker, Sir, another aspect of the great East African Community and the idea of fast-tracking, is the fact that the world is going that way. The greatest military might, economy and everything else, today, is the United States of America (USA), and they went federal a long time ago. They used to tell us that a federation has its benefits. Even if we must get ours without going into civil war like they did, it is important.

Many years later, Europeans understood that aspect. It is now time for Africa to pick it up. East Africa is going to lead in this direction. Everybody is watching to see how we will do it.

Mr. Deputy Speaker, Sir, two years ago when Kenya transited from one Government to another, there was applause all over the world, because there was a very smooth transition. People are now watching to see how we will move on to become a federation. I hope that the issues that may make this difficult will be resolved soon. I am appealing to those of us who represent Kenya in these talks to remember that they have a very big area to cover. They must cover all the areas. I know that when they collected views on this idea, it was easy for them to do it on the highways and meet a few people. Of course, we would have supported it anyway.

Mr. Deputy Speaker, Sir, I do not want to take more time. I am a strong believer in the formation of an East African Federation and I support the Report.

Thank you.

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate.

I was in the USA when Kenya became independent and, as has been said by another hon. Member, the late Julius Nyerere withheld the acceptance of the independence of Tanzania in the hope that there would be a federation. All of us were really looking forward to a federated East Africa. Of course, we subsequently formed a community which was an extremely great idea, but we all know that, that is now history.

Mr. Deputy Speaker, Sir, therefore, this concept of forming a federation is something that a lot of East Africans are looking forward to. They are eager to participate in it. They want to be part of a bigger region. This is true, especially of a people who, because of colonial boundaries, were separated from their brothers and sisters and live on both sides of the borders. Some communities had relatives and farms on the other side of the borders. In the last 40 years, it has been very difficult for people to feel like they were no longer part of the other side of the border. So, I think the proposed federation

will be very good especially for these communities, who can now feel re-united.

Mr. Deputy Speaker, Sir, what will make the proposed federation last? It is very important for us to study carefully why the former East African Community did not succeed. We should not just embrace the concept and process without thinking very deeply, at every level, why the former community did not succeed. If it was greed, how do we control it? If it was misunderstanding, how do we control it? If it was mistrust, how do we control it? Unless these issues are addressed, watched over and subdued, when it is convenient, they will rise again. It will be a shame for us to form a federation only for it to fail because we have not addressed the causes of the failure of the previous community.

Mr. Deputy Speaker, Sir, for this federation to succeed, especially bearing our history in mind, it is very important for us to be honest with each other. I know that this is partly politics and sometimes politicians are accused of not being honest and becoming opportunistic. In forming a federation - if we Kenyans really want to get into this federation with a clean heart - it is very important to be very honest with our neighbours and with ourselves. Let us ask for what we want. Let us not assume that it will come, so that if it does not come, we decide that we do not want the federation after all. It is very important to be honest.

Mr. Deputy Speaker, Sir, I was thinking that in coming together, as we are doing, at different levels, there must be yardsticks that will say: "As we go into the federation, these are the standards we shall expect of our members", so that if any of our members under-performs in these standards, we will have to address them or resort to whatever measures will be agreed on. I say this because, even from observing what is happening in Europe, the European Union has said that each of its member states must practise good governance and respect human rights. We have seen some countries not joining the union as quickly as they would have liked, because the European Union is categorical on certain set standards on human rights. That is very important.

Mr. Deputy Speaker, Sir, in the case of the defunct East African Community, it was, indeed, partly because of governance issues that contributed to its collapse. We believed that we were not moving towards the same political goals.

Unfortunately, we may have fallen prey to the super-powers rivalries of the day. But I think it is very important for us to have standards. I do not know what these standards would be, but I am sure the Minister in charge will look into them. I think it is very important for us to put those standards on the table so that we can be very honest with each other. We should have an equivalent of the African Union Peer Review Mechanism so that at certain agreed times, there is an audit of what the different countries are doing. I would, for example, want to see standards of how we maintain our environment. This federation would be meaningless if we were, for example, to find out that we have forest cover that does not protect our land; that we have deforested our mountains or that we have allowed our very precious wildlife heritage to disappear.

Mr. Deputy Speaker, Sir, I think it is important that certain standards, on how we manage our environment be agreed upon, especially the management of the common resources such as Lake Victoria, shared rivers, national parks and the wildlife that travels between the countries. How do we manage the forests that are at our boundaries? These standards need to be very well articulated because we do not want to be in a situation where people feel like these resources belong to nobody or they belong to Tanzania or Uganda, or now that we have the federation, anybody can go in there and exploit these resources as if there was a vacuum. We must make sure that there is no vacuum.

Mr. Deputy Speaker, Sir, in our negotiations, the spirit of self-respect is very important. Kenyans are sometimes accused of being too aggressive. I think it is very important for us to have self-respect, but also respect our neighbours. We must have trust amongst ourselves and be efficient in the way we use our resources. In this House, it has been mentioned several times that Tanzania has been managing its infrastructure very well. All of us who have gone to Tanzania have seen that. Now,

why is it that we cannot do the same? If Tanzania was to say we agree on the standards of what kind of cars will be on the roads, what kind of vehicles will be allowed on our roads? These are very important standards. If we do not agree on these, sooner or later, we will have a quarrel and that is when people start accusing and mistrusting each other.

Mr. Deputy Speaker, Sir, it is very important for us to be diligent. I have been to Tanzania several times, not so much to Uganda, and I have actually observed that Tanzanians have a sense of belonging to Tanzania. They have a sense of nationhood. They work hard, they seem to be very conscious of the fact that they have to work hard wherever they are. Kenyans need to learn diligence. We need to have a sense of belonging. Sometimes, I feel that Kenyans think that they are in transition; that they are going somewhere else. Of course, they may be going to heaven, but until then, they belong to this land. I do not know what we can do, whether it is through school or our political parties. But Kenyans need to develop a sense of love and concern for their country. They should feel that this is their country, they should love it and should want to serve and protect it for themselves and posterity. If we did that, we would protect, for example, our resources, especially our forests.

I have said many times that no matter what we do in this country, until we learn to protect our forests, we put our future generations in danger. This country will be useless if it does not have water or rainfall. This comes from our forested mountains. So, whenever we go and log these forests, whenever we insist that we must continue to produce timber in these forests, and even when we see that the rivers are going down we continue to log and encourage commercial plantations in our forests, I know for sure that we are putting our future generations in trouble. I hope that when we open up, it will not be an opportunity for companies that have logged this country to a virtual desert, to now go to Tanzania and elsewhere and log. There should be some kind of control so that we do not desertify the entire East African region.

Mr. Deputy Speaker, Sir, I cannot over-emphasise the need for values. I have not yet seen any people who have managed to govern themselves respectfully and attain an image that is respected by other people in other parts of the world without having values. It just seems like we threw all our values through the window, without thinking of the consequences beyond ourselves and beyond our region. As Africans we need to demonstrate that we can govern ourselves. It was not a crime to have been colonised and governed. But we were governed for a very short time when we think about it, especially here in Kenya where we were governed for less than 70 years.

Now what happened to the values that we had that made our people respectable, diligent, honest, trustworthy? What happened? Why is it that almost everybody has decided that these values are no longer important? The truth of the matter is that when people find that a people like us do not have these values, do not respect these values, believe me, they would not respect us. So, we need to develop these values very strongly.

In Kenya, we have an opportunity to do that. In fact, sometimes, I wonder why we lost it, because we have not been at war. We have been having a relatively peaceful time in this region, yet we have lost all these values. Instead, we have embraced dishonesty without shame. We can tell the whitest lie without shame. We are accused of stealing from our own people. We have donors coming into this country to tell us that unless we stop stealing from ourselves, we shall not be supported. Those are very damaging images to any African child who is growing up. What we are teaching our children is that we have to rely on foreigners to show us good governance. It is as if we cannot think for ourselves. We are actually doing our children and grandchildren a lot of disservice when we engage in malpractices such as dishonesty, corruption and looting public resources.

When our children see us being reprimanded by people from other countries, simply because we rely on those countries for funds, we are, indeed, doing them a great disservice. The question is: How come we cannot generate our own money?

Mr. Deputy Speaker, Sir, I want to recognise the fact that the African leadership at the African

Union (AU) level is actually trying very hard to encourage us to come together as Africans. The African Heads of States reorganised the Organisation for African Unity (OAU) and formed the AU which is trying to set standards that we must meet. I know, for example, that the AU is very much concerned because whenever elections are held in African countries they are not free and fair. It is also bothered by the issue of *coup de tat*. The leaders we have are conscious of the fact that as long as Africa continues to invest in wars and present itself as a poor manager of its own affairs, it will not earn respect from the rest of the world. For that reason, I am very happy to be associated with the efforts being made by Heads of States of countries in Africa. I know that they are in the process of creating the Economic Social and Cultural Council (ECOSOC) of the AU. This is an effort by the African Heads of States to and embrace the people of Africa and to get away from the OAU which was perceived as a club belonging to the Heads of States. The AU is a union which embraces the African people. That is a very good thing and I must say I am very happy and proud to be associated with it.

Mr. Deputy Speaker, Sir, eventually, we shall have not only a well co-ordinated African civil society, but also an assembly of the civil society. I hope that Africa's civil societies will take advantage both at the national level and also at the continental level to mobilise and encourage our people to demand good governance from their leaders. Our leaders need to work together and invest in peace. In the same spirit, I wish to state that the 11 eleven Heads of States around the Congo Basin actually came together sometime in January and agreed that by working together they would manage and conserve the Congo Basin forest ecosystem. This was a great initiative by them. It was wonderful to see African Heads of State coming together to save a very important ecosystem. This ecosystem is not only important to the people of Congo, but it is important to the African Continent as a whole. If the Congo Basin was to vanish, then you may as well forget about Africa. The Congo Basin is the second largest forest ecosystem after the Amazon Basin. The Congo Basin controls the continents climatic patterns.

People are rushing to the Congo Forest to do logging. Even those who have cut down our forests and turned our country into a desert are now moving to the Congo Basin to do the same. We hope that by creating awareness on the need to protect the Congo Basin, we shall not only encourage the AU to protect this ecosystem, but also countries of the world. The world needs the Congo Basin just as much as Africa needs it. Of course, the world cannot do without the second largest forest ecosystem in the world. The Congo Basin has been called: The Second Land of the World. The first one is the Amazon Basin.

Mr. Deputy Speaker, Sir, what is going on is an extremely important engagement and we wish the Minister and his team much success. We hope that they will be able to negotiate well and create a foundation that will be firm, strong and based on justice, fairness and mutual respect in order to withstand the test of time. If we do that, the future generations will remember our efforts. So, we need to strengthen the AU and at the same time form the East African Federation.

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

Prof. Olweny: Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to add my voice to the debate on this Motion.

We all know that once upon a time the African Continent was comprised of communities which coexisted without boundaries. The communities interacted freely and easily. They had their own squabbles, but which were not as bloody as the wars that are fought across tribes and nations today. It was until the British came from Europe to colonise Africa that we were divided into what the colonialists termed as nations. They even gave those nations names. That brought hostility among the African communities which all along had been coexisting well. The hostility has since remained with us to date. East Africa was obviously one of the regions that was faced with the problem of subdivision of areas into boundaries. Families, clans and tribes were all subdivided.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, one thing that comes to the minds of those of us who experienced the East African Community; which was the brainchild of the colonial Government, is that the East African States had a real vibrant economy during that time. It was a time when we used to have very good cross-border trading activities. The economies of the three countries were doing very well. There was very good cultural interaction among the three States.

In fact, for those of us who live around Lake Victoria, we know that Luos used to interact with people living around Lake Victoria in Uganda and Tanzania and even intermarry. There were employment opportunities and Kenyans would very easily go across the border to be employed in Uganda and Tanzania. The same applied to Ugandans and Tanzanians. They would come to work in Kenya with ease during the days of the East African Community. Those were the days when we had one education curriculum for the three States. The same Fourth Form examination was done in the three States and the university curriculums were not very different. Education was at its best during those days. Those were the good days when our researchers shared their experiences for the benefit of the three countries.

Mr. Temporary Deputy Speaker, Sir, we went to Tanzania about two months ago and we found that there are very many employment opportunities for teachers there. Graduate teachers in Kenya cannot easily be employed in Tanzania because of the restrictions that we have today after the collapse of the East African Community. If the Community had not collapsed, our graduate teachers would just walk across the border and be employed there. Tanzanians told us that they have several employment opportunities for trained teachers. These are the benefits that we would have reaped if we had the Federation.

Today, we have food insecurity in Kenya and yet, grains are so cheap across the border, for example, in Uganda. If you buy a bag of maize at the Ugandan border, you will have a lot of problems with the Income Tax Department because you have to pay duty to bring that maize into Kenya. If the Federation was in place, this is one of the advantages that we would have. The problem of food insecurity would be addressed very easily. There is a lot of food in Uganda. We also have products which we need to sell to Ugandans and Tanzanians. There are also products which we would buy more cheaply from Uganda and Tanzania than when we import them from other countries.

Mr. Temporary Deputy Speaker, Sir, we all know that unity is strength. If the three East African countries came together as a union, we would be a very powerful force in the world. We all know that one of the most powerful countries in the world today is the United States of America, which comprise of 52 States. The European Union is following suit. The USSR was one of the strongest unions in the world. We should also unite and this will make us strong economically. Our education will be strong because we shall bring all our brains together and come up with a good curricular for our States. We shall also be very strong in technology. We will get the best technology by bringing our brains together and sharing ideas and experiences. This is one of the benefits that we shall reap from the union.

We should establish the union as fast as possible for the advantage of our scientists in this region. During the old East African Community, the Forest Department and other research wings were doing their best. As a matter of fact, some of the best sorghum varieties that we have in this country like Selena and Seledo were developed during the East African Community days. No other sorghum variety has beaten those two varieties in East Africa today. Those days, our scientists brought their heads together. Even the coffee varieties that we have in Kenya today, apart

from the Ruiru 11, were developed when our scientists in East Africa were doing their work together. So, you can see that unity does not bring economic power only, but it also improves technology.

Mr. Temporary Deputy Speaker, Sir, when the Federation will be established, we shall have one currency. We used to have one currency when East Africa was under the colonial rule and briefly after Independence. A currency that serves a union or a federation has a lot of strength, for example, the US Dollar and the Euro. The Governments of the three East African States should come together, so that we can come up with one currency which will have the power to shake the rest of Africa. If we have one currency in East Africa, it would be easy to do business. Today, if you go across the Ugandan border, for Kshs100, you will have to get a bundle of old Ugandan notes, which are so inconveniencing to carry around. The same thing applies to Tanzania. You cannot do business in Tanzania with the Kenyan currency. As you change money, you lose some of it because you have to pay a commission to whoever is changing it for you. Let us establish the Federation as soon as possible, so that we can have one currency which will make it easy for us to do business in East Africa.

Mr. Temporary Deputy Speaker, Sir, many Kenyans today have taken their children to schools in Uganda. In fact, I am one of them. My daughter is attending a college in Uganda. It is so expensive and inconveniencing to change the Kenyan currency into the Ugandan currency. If we had one currency for East Africa, students would simply have to take school fees to the schools without having to get bankers cheques. This would be very convenient. Under the Federation, the three East African States would have one education system. Our Form Four students should sit for the same examination. The teachers training programmes should be similar in the three States and all the other various diploma programmes should be similar, so that graduates from the various institutions can work anywhere within East Africa. The same case should apply to our university programmes, so that a graduate of the University of Nairobi or any university in Uganda, can do a post graduate degree in any university in East Africa.

We need to have one system of education in East Africa, so that even admission to the various institutions becomes easy for the citizens of the three States. This will also make education cheaper. Under the former East African Community, education used to be cheaper and convenient. When each of the three States is doing her own things, it is so inconveniencing and things are very expensive.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the great water body in the name of Lake Victoria, which is shared by the three States. Unfortunately, when the colonialists came, they decided to give us the smallest portion of the lake. This is giving us problems today because our fishermen are being arrested every now and then when fishing. The fish breed in Kenya, but after they swim to the deeper waters which are in Tanzania and Uganda, our fishermen chase the fish which have been hatched and bred in Kenya, they are told: "No, this is not your country; go back to your country."

As my colleague hon. Ogur said the other day, unfortunately, fish do not have passports or identification cards; it is our people who have passports and identification cards. So, they are arrested for not having Ugandan or Tanzanian passports. So, the Federation will help us in this respect, because we shall consider the lake as belonging to all of us and we shall not have boundaries on the lake. It is so difficult to draw boundaries on water; so, when we have the Federation, we shall make life easier for hon. Wanjala, hon. Oburu and hon. Ogur, whose people are arrested every now and then.

Mr. Temporary Deputy Speaker, Sir, if we look at that water body as belonging to all of us together, we shall conserve it together, because since Tanzania, Kenya and Uganda all have a feeling that they have their small shares, the approach to conservation of the catchment areas of Lake Victoria is not uniform. When we travel around Tanzania, Uganda and Kenya, we find that there is a lot left to be desired and that a lot is yet to be done to conserve the catchment of the only large fresh water body in Africa, which is actually threatened. The Federation will also give us a united approach of handling the Nile Treaty, which I hear is causing us problems on how to take advantage of Lake Victoria as a

resource. During the East African Community days, the railway network in East Africa was at its best. With the Federation in place, we will develop the railway network and the water transport system together and we will get back to where those two systems were before, and that will, of course, be to our advantage.

Mr. Temporary Deputy Speaker, Sir, my last statement is: Let us remember that strength goes with unity, the way it is for the United States of America (USA), the European Union (EU) and the way it was for the Union of Soviet Socialist Republics (USSR).

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

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to join my colleagues in supporting this particular Sessional Paper and recommendation for fast tracking of the East African Federation.

The Federation is already on the ground in reality because the people of East Africa consider themselves as one people and you will find that we have our relatives and kinsmen across the borders. We also conduct our affairs as if we were in one state. I think the challenges that we have faced are basically at the leadership level. As hon. Prof. Maathai has said here earlier, it is important that we appreciate the history of the community so that we avoid re-inventing the wheel and also avoid making the same mistakes that we have made in the past.

At the time of Independence, the mood was for a Federation and every East African wanted to consider himself or herself as part of this region, but the politics of the day put us apart. It is regrettable that we are trying to do what we had already tried to do in the past. Therefore, the lessons of the past become very relevant and pertinent for us. One of the major challenges and causes that led to the collapse of the East African Community was lack of systems of governance that ensured that we shared common values, vision of leadership and that we appreciated the sentiments of our people. Therefore, I think the way forward first is to address the issue of democratic governance.

Even as we are here now looking forward to a Federation, we must ask ourselves whether we look at ourselves in the forms of governance that we have today, as people travelling in the same vehicle. I know that the collapse of the East African Community had a lot to do with our failure to appreciate issues of governance. We used to have an East African Court of Appeal, but the political leadership ensured that we did not enjoy a jurisdiction to handle human rights issues. It is in this regard that the former East African Court of Appeal could not handle issues like treason at that high level, and issues that touched on the politics of the states were deliberately avoided.

Mr. Temporary Deputy Speaker, Sir, even if we look at what we have today, we have the so-called East African Court of Justice. The truth of the matter is that it is not a court at all; it is a tribunal and the first draft of the treaty stated as such. It was actually referred to as a tribunal to resolve conflicts in businesses. But now, I think after a lot of agitation, particularly by the lawyers, they decided to use the words: "East African Court of Justice." I think we need to get serious. In order to safeguard the rights of our people in this region, we actually need a regional court, whether we are going to call it the East African Human Rights Court or the East African Court of Appeal, but basically, it should have a clear jurisdiction to handle human rights issues. That is the only way we can guarantee ourselves against slipping back to dictatorship. We recall that when Idi Amin came into the scene in the 1970s, divisions within the political leadership in the region began to emerge.

We had a military leader and, of course, we had a one-party state in Tanzania, and also in Kenya, which had resorted to a one-party leadership. So, governance reall those areas of y created problems and our courts could not help us in terms of resolving conflicts.

We need to look forward to this court to bear the same jurisdiction as the European Court for Human Rights and to ensure that we have common standards of governance, and that we are able to observe the tenets of democracy across the board. Now, today, we have what we have in Uganda, a Government of National Unity and, of course, they have been deliberately reluctant to embrace

multipartyism, and this has been one of the areas that have actually pulled the East African Community behind.

Tanzania, of course, as has been observed by other speakers, has a strong governing party and small clusters of opposition parties which are basically very weak. We need to synchronize our systems of governance; it must be a key element of the Federation to ensure that we embrace multipartyism and that, that is accepted across the board.

One of those very basic and very important human rights is free and fair elections. The freedom of choice in terms of ensuring that we have free elections across the states are some of the underpinning values that will ensure that we succeed. Unless we are able to identify what the East African citizens want and what will protect their basic freedoms, we will not move forward. We are likely to fall into the same pitfall that the first East African Community fell.

Mr. Temporary Deputy Speaker, Sir, I must salute our current leaders in this region for making a bold statement and declaring to the world that we are moving on this road map towards an East African Federation (EAF). However, it was greatly disappointing for me that even after that major announcement was made here in Nairobi, it was given very scanty coverage by the Press.

Indeed, one of the print media put it right in the middle, in a small printout of about five lines. It was a major decision that should have deserved headlines in all the East African newspapers. However, it was not to be! The Press sometimes should appreciate when a noble concept like this is brought forward by the leadership. It is good to acknowledge that it is a step in the right direction. These three Presidents will go down in history as having taken that bold step.

Mr. Temporary Deputy Speaker, Sir, I know that politicians always fear losing clout when it comes to regional power sharing. When we talk of a federation, people begin to ask themselves: "Where would my constituency be in a large federation like the EAF?" Clearly, if we are committed to the cardinal principles of democracy, we should not fear that. We will still retain our state governments. We are also going to have a federal Government. I believe in the same way that the European Union (EU) today is trying to formulate a constitution for the Union, we should also be looking forward to a clear constitution for the federation.

I would like to say something about the EA Parliament. I am actually worried. When I look at our Constitution, Section 30, the legislative authority is vested in Parliament which shall consist of the President and the National Assembly. I am not aware that this particular House has donated legislative powers. If it has, then it is in breach of the Constitution as the legislative power is a monopoly of this House.

Mr. Temporary Deputy Speaker, Sir, now we have an EA Parliament and looking at its powers from a democratic perspective, one would wonder where it derives its mandate. Where we have a constitution of a federal nature, we still have elected representatives of the people sitting in that federal Parliament. We need to re-think about our EA Parliament as constituted today.

Mr. Temporary Deputy Speaker, Sir, we are, very much in the dark about what goes on there. However, once we say that whatever they make there binds our people, we shall be abdicating our responsibility, as elected leaders of this country, to say that other people can make laws for our people which we are not aware of and which we are not called upon to ratify. We need to synchronise our constitutions now that we are moving towards an era of having a new constitution. We have to synchronise this so that the constitution can provide that, that Parliament can delegate legislative power to another Parliament of a federal nature. By doing so, the decisions of that EA Parliament will be binding.

I expect that sooner than later, as we try and move forward, legal challenges are going to arise on the binding effects of the decisions and the Bills passed by that particular Parliament. It is good to take an early warning and see how we can avoid that kind of a showdown and have a clear framework within which they can legislate with clear authority from this Parliament and clear authority granted by

the Constitution of this country.

Mr. Temporary Deputy Speaker, Sir, we have a common market now and I know that we have been negotiating on a number of items about the Customs Union. This is a welcome idea. We are now opening up to major industries that will enjoy the economies of scale. We used to have the East African Airways but today we no longer talk about it. It has disintegrated and what was left of the other states is no longer there. So we have the Kenya Airways literally as the flag carrier for the region. That is a lesson on the economies of scale. When we had a regional airline, we used to enjoy those economies of scale and it was powerful.

Therefore, as we go to the Federation, it is important to appreciate that a common market is the real foundation for a properly functioning federation.

I know that sacrifices have to be made in the short run for our people. For example, there are concerns about second-hand clothing; the *mitumba* industry, where they have had to pay more taxes because we have to protect our domestic textile industry and cotton growing farmers. These are some of the things whose fruits may not be realised in the short-term but in the long-run. Therefore, I welcome the idea of a common market. I think we are on track.

We need to ensure that we have people who are really well versed with the skills of negotiations. I have no doubt that our Minister for Finance is an old hand in this area in the Community and I am sure that he will ensure that our people get a fair share as we negotiate our way to the Customs Union.

Mr. Temporary Deputy Speaker, Sir, I would like to also recognise that our professional associations in this region have set the pace. I like particularly to recognise the EA lawyers. More than 10 years ago in 1994, the EA lawyers came together and formed the East African Law Society (EALS). We thought that it was a pace setter. It is upon that, that the politicians begin to appreciate the need to come together. We have challenges at the EALS level. We are trying to have one common market for our skills across this region.

Mr. Temporary Deputy Speaker, Sir, I must thank the Attorney-Generals of the three states who came together and recommended the idea of having cross-border practice for lawyers. Unfortunately, it has been frustrated by our brothers in Tanzania who still fear that Kenyans, perhaps, are too aggressive for them and we might overwhelm their market. We need to overcome these suspicions of the past. We are still reeling under the suspicions that no one can trust Kenyans as they are too aggressive and too outgoing. I hope that the lawyers in Tanzania will see the need to pursue the legislation for cross-border so that we can have one common market to sell our legal skills to our people and we can have one common clientele within the region.

The East African judges and magistrates have also shown the way forward. Today, we have the EA Judges and Magistrates Association. It was not there in the past and we are going to have common standards in terms of administration of justice so that our people can enjoy common rights across this region. It is good for judges to compare skills and establish common standards. I am, however, disturbed that even as we go to the EA Court of Justice, the judges who were named in the Ringera Report, and some of whom have been suspended in our courts here, those in the EA Court of Justice still enjoy some protection. There is an anomaly there that we are not able to stop a judge in the EA Court of Justice and suspend him as we continue to investigate here. I was amazed last year as I attended the EALS meeting in Mombasa to find that the so-called disgraced judges are still occupying position at the EA Court of Justice in Arusha. We need to synchronise our laws and disciplinary procedures for judges so that justice is really seen to be uniform across this region.

Mr. Temporary Deputy Speaker, Sir, our people have always been ahead of the leaders. I know that they have been doing business across the borders of this country. So, the issue of movement of people is critical. We still have some so-called EA Passport which does not assist us very much. We need to put much more emphasis. If we are identifying ourselves as East Africans, let us have one

common passport where we can travel across the world as East Africans. More importantly is that our borders should be open to our citizens. My friend, Member for Amagoro Constituency, will tell you that the people from Busia, for example, do not know that there is a border. They move from Busia to the other side of Busia across the territory. These impediments we have brought at our border points about immigration checks and so many other things should be done away with. We should be able to open up our borders. Freedom of movement is key to opening up the region for economic investments, political and social interaction. We need to do more than we are doing. Merely providing a common passport and doing nothing more, I do not think this has really advanced our course.

Mr. Temporary Deputy Speaker, Sir, I must thank our Government and other governments of East Africa because they were able to appreciate the provisions in the treaty that we had to create the Ministry of East African and Regional Co-operation. Indeed, the Ministry that is moving this particular Sessional Paper is a creature of that treaty. I think it is not too late for us because in order to solidify the unity of the East African people, we need Ministers who will be able to have proper focus on what the East African people need.

I would have thought that we should be looking at a Minister at the level of the East African Legislative Assembly (EALA) in the same way it was prior to the collapse of the East African Community (EAC). Here we will have a Minister who has the benefit of what is happening in the EALA out there and also as an hon. Member of the Cabinet in his respective state. I think that interaction between what is happening at the Parliamentary level in East Africa and at the country level, is very important for purposes of advancing the course of the East African people.

Mr. Temporary Deputy Speaker, Sir, I am aware that the Attorney-Generals of this region frequently interact. I think they have been able to provide leadership for both judges and lawyers. I would like to pay special tribute to our Attorney-General, I think nobody is really thanking him, that he chaired the committee representing the Heads of States. This report that we are reading here is a product of his good work. He spent many days together with his colleagues within East Africa and they have been able to come up with a road-map that is truly admirable. Mr. Wako, I really would like to thank you for your input in this regard.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I must say that at the regional level, personally, I was very impressed last February to be invited at a joint military exercise for the East African forces. We had a lovely time in Arusha watching our military do drills. However, what is more impressive is the fact they have been exposed to conflict resolution. There was a mock scenario of a country that had collapsed due to ethnic strife. They were trying to show what the military can do to ensure that there is unity and peace in the country. They were also addressing issues of disaster management. I think our military is way ahead. We will host another military exercise for the region in September in this country. I think that is the federation. That is part of what we are saying, that our people should feel they are one thing.

Mr. Temporary Deputy Speaker, Sir, security challenges are the same for this region. When our military and security chiefs meet and compare notes, that is actually a step in the right direction.

The issue of cattle rustling, which is very common across our borders, both in Uganda and Tanzania is something that we truly need to address. We cannot do that unless we have the leadership interacting across the borders. We also need to have our police and military patrolling those borders.

Today, more than 50 per cent of insecurity cases in this country arise out of the movement of livestock between communities. This is an issue that requires to be addressed at both regional and country levels. We have had incidents of carjacking, particularly the four-wheel vehicles which are stolen from Kenya and marketed in Tanzania. I think that with the co-operation we have between our

regional police, this will become an event of the past. We have seen tremendous improvement and decline in carjacking cases at the local level and also across borders. So, those are the fruits that we will reap from the co-operation. We will enjoy with our colleagues across the borders.

Mr. Temporary Deputy Speaker, Sir, finally, let me say something about the system of education. We used to have an East African Examination Council in this region and a University of the East Africa before each State went on its own. We also used to have common standards of education in this region. If we are truly going to be a federation, we must watch the standards of education. If, for example, we are going to train lawyers in this region to serve a common market, such that a Kenyan lawyer can practise in Kampala or Dar-es-Salaam, then, we must ensure that the Faculties of Law for all our universities in this region have the same curriculum and sit one common examination. That is the only way we will be able to maintain reasonably good standards for the region.

We used to have an East African Examination Council which set examinations for Form IV and Form VI. That is no longer there. We need to rethink. That is why there is a lot of concern now as we move to the federation. If we have a system of education of 8-4-4 and our sister States in the region have retained the old system of 7-4-2-3, we need to rethink if we are going to talk about a common market. We must be in-line with the others. I think it is time we did an overhaul of the 8-4-4 System of Education, so that we can have common skills and examinations within the region which can benefit our people.

Mr. Temporary Deputy Speaker, Sir, universities used to have an exchange programme for the teaching staff. We had professors from Kenya going for teaching sessions in Dar-es-Salaam for three months, and vice versa. We need to encourage that.

I must thank the students in this region because today, we have an association of East African Law Students. That is really commendable. I hope that the other disciplines will think along those lines. It is an early age to interact at the students level and I am sure that, as they move to universities and take up careers in their own countries and, perhaps, rise up in the leadership ladder, they will be able to refer to each other as colleagues. That will cement our bond for a federation.

So, it is really my humble view that, as we move on this particular path, we will be able to enlighten our people on what we are doing. It will be very important that we have a referendum for the East African people to say: "We need to be one people!" That way, even when the political leaders change, they will be bound by that decision of their people. The question of saying: "We are moving out of the federation", would have to be reverted to the same people who donated the mandate to the political leadership. So, it is an important path to follow. I wish to commend the authors and all those people who took their time to contribute to this Paper.

With those few remarks, I beg to support.

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support his Motion, although I am sitting on the Opposition Benches. It is important, as we discuss this Motion and make decisions on the way forward on the integration of East Africa, to know exactly what we are talking about. What do we have at the moment? What are we trying to put together? It is important to know that the total population we are trying to put together is 93 million. That means that, if Kenya was left alone, we would be talking of a market of only about 30 million people. But when the three countries are put together, we are talking of a market of 93 million people. That is before we add the population of Rwanda and Burundi. Hopefully, one day, they will join us to make a population of 110 million people. That will be a very good market.

Mr. Temporary Deputy Speaker, Sir, the only reason why United States of America (USA) has advanced more than any other country is because they are, they themselves, a big market. Whatever they want to do, they have the resources because they have the people. Unfortunately, when we put together our three countries, the debts increase in the same proportion. They become enormous. The total debt that we have in East Africa is US\$20.7 billion. If it is shared out, Kenya

would have US\$8.5 billion, Tanzania US\$7.8 billion and Uganda US\$4.3 billion. That amounts to a total of US\$20.7 billion that is owed by the three East African countries. We can only be able to deal with that debt if we formed a big market and integrated politically and economically in a federation. The total foreign exchange earned by the three countries is almost US\$4.8 billion. This is got after adding up Kshs1.8 billion, Tshs1.9 billion and Ushs1.04. If we became one federation and all this money came from one country, then everybody would see that it is a strong market and would want to invest in it. We would attract many investors if we got together. There is clear evidence that the European Union has attracted many investors due to the wide market it has. Despite the fact that some countries like Britain and Sweden wanted to retain their currencies, the European Union market is still enormous.

If the East African countries came together, we would reduce our inflation rate. These countries would assist each other to stabilise. This would help us reduce the inflation rate we have now. The inflation rate in the year 2004 was Kshs9.8 billion (?) in Kenya and Tshs4.8 billion (?) in Tanzania. If we came together, the three countries would help each other to reduce the inflation.

I was involved in the Defence and Foreign Relations Committee that looked at the draft report which recommended the formation of the East African Community. We went through the draft report and I do not know why we did not agree that it should be made easy for Kenyans to enter Uganda. The bureaucracy that was there before the East African Passport was formed is still in existence. I own an East African Passport No.008, one of the earliest. However, when I want to drive to Tanzania, I have to go through the same bureaucracy we used to go through. What was the point of giving out these passports? They do not make any sense up to now. We cannot use them to travel out of this country. It is simply a piece of paper. It does not make any sense. If the same passports are given to Ugandans and Tanzanians, then I think we should formalise their use. We should not follow the same bureaucracy of crossing borders for people who have these passports, as if they are carrying passes. It does not make sense to have these passports if we do not make them formal. We should either make them formal or do away with them because they do not mean anything to anyone who is doing business.

The other thing I am disappointed about is that hon. Members of the East African Legislative Assembly who have been here are not effective. One does not even feel their presence. When they came here yesterday, I am told that they were seated in one of the galleries. I do not know why they were not told to sit inside this Chamber where Government officers sit. We have to respect these people because they are our own creation. The hon. Members of the East African Legislative Assembly have been looked down upon. The amount of salaries they are paid is very little. They are paid US\$2,000, which is about Kshs160,000. I feel they need to be considered. I want to appeal to the Minister to reconsider and recommend that they be paid at least US\$4,000. We must consider our colleagues in that Assembly, who are only nine from Kenya. We have been treating them like councillors.

Let us give them a status that befits a Member of Parliament. I am not saying they must be exactly like us but at least they should be elevated to a certain level. I agree they do not have constituencies, but at least they should be considered and I recommend US\$4,000 would be a more appropriate figure than the figure that they are being paid. I have heard them complaining about their meagre salary.

Mr. Temporary Deputy Speaker, Sir, the other issue is that all the nine of them share one office and I am told they do not even have a secretary. They depend on borrowed secretaries from Continental House. Each of them should at least be given an office. Nine offices will not cost us so much. They should be given secretaries at least one or two even if it is in a pool where they can work from. Since they neighbour my office, I have seen all nine of them share the same office. At the same time there is no secretary. Sometimes I feel they keep on having a *kamukunji* in that office. If they are

not going to be given offices, at least let them be allowed to rent offices somewhere where they can operate from. Let them look like Members of Parliament because unless we respect them, there is no way we can claim to respect the East African Legislative Assembly or even the Community for that matter. It does not happen that way.

Mr. Temporary Deputy Speaker, Sir, I think the three Ministers should meet more often than they do at the moment. They should meet and discuss the problems that face the three countries because hon. M. Kariuki asked whether they have been making legislation. It is true they have made a few legislations particularly on Private Members Motions. They have passed nine of them but where are they going to apply them? I agree that there is no mechanism to enable whatever they legislate to operate. It does not help. The mechanism should be put in place. They have been complaining that the three Ministers in the East African Assembly have either not been meeting or have not been taken seriously. There is also claim that there are also Members of the Assembly who do not attend parliamentary sessions. I feel it is important that they attend so that they hear and know precisely what they are passing so that they are effective.

Mr. Temporary Deputy Speaker, Sir, it has taken us a lot of meetings to come up with this Assembly. It has taken the three Heads of State several meetings to come up with this Assembly. They have been to Arusha more than 50 times but I still see that not much is happening. Sometimes I wonder.

Mr. Temporary Deputy Speaker, Sir, the other day, I read that Kenya is closing more embassies but if we had combined them it would be much better. It is absurd to see a Ugandan Ambassador in Sweden competing with a Kenyan Ambassador for the same commodity. If they were put together it would be cheaper for us. They would do everything for us and we would be represented in more countries than we are at the moment instead of reducing the embassies that we have. I think those are the areas of co-operation that we need to consider.

Mr. Temporary Deputy Speaker, Sir, I would not really rush for a political federation. That would never be my priority. My priority would be business. Let us first of all establish business with the outside nations referring to us as East Africans. The political federation will come gradually and later once we are cohesive. I do not think we need to rush and bring this political federation, even if we talk of 2010. I do not think that would be mainly the residents priority. What the common man wants is the kind of business they would be able to do with the market of 93 million people. A political federation will only benefit those who want positions like being the President and Ministers of East Africa because they cannot get the positions here. Incidentally, I am not saying it should never come. I am only saying that it should be the last issue that we should be discussing.

More importantly, let us be careful as we do business with these people. When Tanzania is carried away by South African because of the Southern Africa Development Co-operation (SADC) it is also more dangerous.

Mr. Temporary Deputy Speaker, Sir, I remember very well when we went for negotiation, one Minister from Tanzania, Mr. Sim, said: "We would rather go for SADC than the East African Community because we fear Kenya". They do not trust us. They still tend to think that Kenya is still more senior. If you look at the GDP, you will find that Kenya's is double that of Tanzania and Uganda. So, they have some small reasons to fear us, but I think it is "Big Brother" who will lead the small countries.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Order! Hon. Members, it is time to interrupt the business of the House. This House stands adjourned until tomorrow, Thursday, 5th May,

2005, at 2.30 p.m.

The House rose at 6.30 p.m.