

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th April, 2007

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

INTRODUCTION OF INFORMATION AND COMMUNICATION BILL

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

THAT, in view of the fast changing Information and Communication Technology (ICT) environment, the ever increasing need to enforce E-Commerce, E-Government and ensure implementation of ICT programmes in rural and remote areas of this country; aware of the existence of complex and cumbersome licensing systems of broadcasting and multi-media services; this House grants leave for the introduction of a Bill for an Act of Parliament entitled "Information and Communication Bill" to set up a universal access fund to create a one-stop shop for making decisions affecting the use of radio frequencies spectrum and access network, and for matters indulged therefor and conducts therewith.

QUESTION BY PRIVATE NOTICE

Mr. Deputy Speaker: Hon. Members, we have one Question by Private Notice. We will start with it. It is by the hon. Member for Kasarani Constituency, Mr. Omondi.

CONTAMINATION OF TAP WATER IN ZIMMERMAN ESTATE

(Mr. Omondi) to ask the Minister for Local Government:-

(a) Is the Minister aware that tap water serving approximately 100 flats and bungalows in Zimmerman Estate in Kasarani has been contaminated with sewerage effluent from septic tanks causing serious health hazard to the residents, students and teachers of Rainbow Academy, Totos Academy and St. Marks Catholic Church?

(b) How will the affected residents be compensated for the money spent in form of hospitalization fees in both private and public hospitals?

(c) When is the problem likely to be settled once and for all?

Mr. Deputy Speaker: Mr. Omondi is not here? The Question is, therefore, dropped.

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.001

IRREGULAR ERECTION OF BUMPS ON CLASSIFIED ROADS

Mr. Maore asked the Minister for Roads and Public Works:-

(a) whether he is aware that erection of bumps on classified roads contravenes the International Highway Code;

(b) whether he could order the immediate removal of bumps on all Class "A", "B", and "C" roads as they are a danger to the motorists and cause damage to motor vehicles; and,

(c) whether he could further ensure that proper signs and signals are the only acceptable mode of controlling vehicular traffic in the country. Mr. Deputy Speaker, Sir, I have not received a written answer for this Question. The answer that he has is the same one which made us defer this Question up to today!

Mr. Deputy Speaker: Mr. Assistant Minister for Roads and Public Works, could you address yourself to the matter raised by Mr. Maore?

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker, Sir, there is no different answer! That is why he has not been given a different one. The answer is still the one that we gave last time. I have got some supplementary information to enable me explain what is missing in the answer that he has received. So, could I go ahead and answer the Question?

Mr. Deputy Speaker: Yes! Proceed!

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

(a) I am not aware of the existence of an International Highway Code and, therefore, erecting bumps on classified roads does not contravene any code.

(b) Most bumps on Class "A", "B", and "C" roads have been erected as a result of public outcry due to continued road safety concerns. Removal of those bumps is not in the interest of the overriding safety of Kenyans, in the absence of tangible statistical evidence that they pose a danger to motorists and damage to motor vehicles.

(c) My Ministry will continue to ensure that proper signs and signals are put in place for the control of vehicle traffic. I, however, wish to caution people against vandalizing road signs and reflective markers on the roads, as they are for the safety of all road users.

Mr. Maore: Mr. Deputy Speaker, Sir, you will agree with me on how outrageous that kind of answer is. The Assistant Minister is not aware of our National Highway Code. He is taking advantage of the typographical error which indicates the International Highway Code. But our National Highway Code prohibits the erection of those obstructions on our highways.

Mr. Deputy Speaker, Sir, he says that those bumps were erected due to safety concerns. Some few months ago, we had a problem. Mr. Poghio and I ran over a bump and the car spun six times. Less than ten days ago, His Excellency the President's convoy also had problem on the same road, after hitting a bump. This Assistant Minister is giving a pedestrian answer to a very serious Question. Could he state what he wants to achieve with the bumps on Class "A", "B" and "C" roads? We need roads!

Mr. Deputy Speaker: Just before the Assistant Minister answers, did I hear you right; that you meant "national" and not "international"?

Mr. Maore: Yes, Mr. Deputy Speaker, Sir. There is a National Highway Code.

Mr. Deputy Speaker: But your Question was about the International Highway Code.

Mr. Maore: Mr. Deputy Speaker, Sir, even if that was the case, the Assistant Minister should have explained about our National Highway Code that is being violated by the erection of those bumps!

Mr. Deputy Speaker: Okay! Proceed, Mr. Assistant Minister.

Eng. Toro: Mr. Deputy Speaker, Sir, you are right. The Question does not talk about "national". It talks about the contravention of the "International Highway Code". It is good to answer a Question the way it has been asked.

Mr. Deputy Speaker, Sir, bumps are not mentioned in any national or international highway code anywhere in the world. So, it is not prohibited anywhere. Everything has to do with how you manage traffic on our roads. Class "A", "B" and "C" roads are our highway roads and they have to be managed properly. The management of those roads depends on how our Kenyan drivers behave. It is not a secret that our own drivers have no respect for road signs, speed limits and other motorists.

Our Kenyan drivers should change their mentality and follow speed limits. When you approach towns, speed limits range from 40 kilometres to 50 kilometres per hour. Until they obey those road signs, we will be forced to accept demands by leaders and Members of Parliament to erect road bumps on certain roads to avoid accidents.

Capt. Nakitare: Mr. Deputy Speaker, Sir, this Ministry is not responsible for road signs. On the other side, the road bumps that we are talking about are under his Ministry. The Ministry of Transport issues international drivers licences. The Traffic Act booklet shows road signs that are not available on our roads. This Ministry and the Ministry of Transport have been defeated in answering this Question. Could we defer it until they carry out proper research?

Mr. Deputy Speaker: No! There is no justification to defer the Question.

Mr. Assistant Minister, could you address yourself to the question?

Eng. Toro: Mr. Deputy Speaker, Sir, I think the hon. Member who was on the Floor should have told us specifically what he meant. The erection of road bumps is done by the Ministry of Roads and Public Works but the Minister for Transport also has a role to play. The road signs are the responsibility of the Ministry of Roads and Public Works. However, I would like hon. Members in this House to, categorically, tell me that all road bumps should be removed from our roads. They are the same leaders who tell us to erect certain road bumps. For example, recently when we were in Mombasa and hon. Members from the Coast Province met the President, they were talking about the roads and they specifically told him that the Ministry of Roads and Public Works should erect bumps in places like Mackinnon Road, Taru, Samburu, Manyani and other places because there are accidents there and people are dying. Those are hon. Members who were telling the President the problems in Coast Province. When hon. Members tell me here that they do not want road bumps, then I will go ahead and remove them. If they do not say that they do not want them, the bumps will stay.

Mr. Muriithi: Mr. Deputy Speaker, Sir, I sympathise with the Assistant Minister who is trying to save lives of Kenyans despite the contravention of the International Highway Code. I would rather not attend funerals from accidents like the one that occurred on the Nyeri-Karatina Road where I lost seven members of one family.

Mr. Deputy Speaker, Sir, I have been "crying" for bumps to be erected on that road so that we do not have such nasty accidents on that road.

Mr. Deputy Speaker: Mr. Muriithi, you never asked a question! You just made a

statement!

I will give the Floor to Mr. Boit, then end with Mr. Maore.

Mr. Boit: Mr. Deputy Speaker, Sir, last week, I asked a Question regarding so many deaths caused by bad roads. Today, we have been told that there are too many bumps. Is it not shameful to stop people from moving smoothly because of carelessness which the Government cannot control? We put things on the roads to stop people and international visitors so that we can move slowly. Is this not a country after 40 years of Independence where so many people are educated? The Government has failed to control traffic! They can only control people through bumps. Have they failed to control the systems? We are tired of these barriers!

Mr. Deputy Speaker: Order, Mr. Boit!

Eng. Toro: Mr. Deputy Speaker, Sir, it is better for us to differentiate the two issues here. The aspect of erecting road bumps as a result of lack of speed control by motorists does not fall under my Ministry. We have no control over the speed or licensing of drivers. We also do not have control over the discipline of the drivers on the highways. You heard what Messrs. Muriithi and Boit said. We have no choice but to agree to the requests by leaders and members of the public that certain areas have become a danger because motorists are not obeying traffic signs. We have to do something to rectify the situation through short-term measures.

Mr. Deputy Speaker: Well, this Question has taken too long.
Mr. Maore, ask the last question!

(Mr. Angwenyi stood up in his place)

Mr. Maore: Mr. Deputy Speaker, Sir, Mr. Angwenyi was in the---

Mr. Deputy Speaker: Order, Mr. Maore!

Mr. Maore: Mr. Deputy Speaker, Sir, this Assistant Minister and the officials who are helping him to answer the Question have been to every corner of the world. Whether it is North America, Europe or China, there is nowhere else where they use these barbaric and uncivilised "objects" on roads. I would like to give him an example. If you drive from the Embu-Makutano to Maua, it is a distance of 200 kilometres and they have erected 128 bumps.

An hon. Member: What?

Mr. Maore: Mr. Deputy Speaker, Sir, if you are on this road with a vehicle and you are not supposed to speed, why can the Assistant Minister not ask motorists who do not want to speed to use the bush instead of the road? We have destroyed the road!

Eng. Toro: Mr. Deputy Speaker, Sir, I agree with the sentiments of the hon. Member for Ntonyiri. However, until such a time that Kenyan drivers start behaving and obeying traffic signs---

Mr. Deputy Speaker, Sir, what he said about other countries, those who have gone outside Kenya know that drivers outside Kenya in Europe obey traffic signs, so there is no need for road bumps. However, in Kenya, drivers have no respect for anything, even their colleagues on the road. This is why I am challenging hon. Members that if in a particular area, as an hon. Member, you do not want those bumps, write to us, as a Ministry, and request us to remove them so that anything that happens on that road is squarely the responsibility of the hon. Member!

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Before we move on to the next Question by Mr. Owino, hon. Members are requested to consult in lower tones.

Proceed, Mr. Owino!

*Question No.016*ACQUISITION OF NJABINI LAND
BY MIDLANDS LIMITED

Mr. Owino asked the Minister for Lands:-

(a) under what circumstance the company by the name Midlands Limited acquired land at Njabini Farm; and,

(b) what portion of land the company acquired for what purposes and at what cost.

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

(a) I am aware that Midlands Limited was allocated a plot in Njabini Settlement Scheme in June 2005, on application and after investigations and ground status was done.

(b) The company was allocated Plot No.5852 of 10.12 hectares in the scheme to establish a vegetable processing plant to serve Nyandarua District and beyond. The company paid Kshs125,336 vide Receipt No.2841474 of 4th July, 2005.

Thank you.

Mr. Owino: Mr. Deputy Speaker, Sir, the answer given is a little bit inadequate because according to the information I have, this land was acquired when a Minister, who is a director in this company---

An hon. Member: Kimunya!

Mr. Owino: Mr. Deputy Speaker, Sir, I did not mention the name. A Minister, who is a director in this company, assisted in acquiring this land. However, that is not important to me. What is important to me is: When that land was acquired, was it advertised and for what purpose? The purpose for which they acquired the land was not the processing of vegetables but for erecting a pyrethrum plant. That is the information I have. Could he explain further?

Mr. Deputy Speaker: Mr. Owino, now you are telling us the purpose for which the plot was allocated and yet, in your Question, you are asking the same thing!

Mr. Owino: Mr. Deputy Speaker, Sir, he has given me the wrong purpose.

Mr. Deputy Speaker: So, you already knew the answer?

Mr. Owino: No, Mr. Deputy Speaker, Sir. I got that information today.

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

Mr. Kamama: Mr. Deputy Speaker, Sir, the hon. Member, probably, knows the answer. However, I will give the official position of the Ministry which is that this land was allocated to this public company and it paid the requisite amount which I stated before.

With regard to the issue of the former Minister, I would like to absolve him by reading out the names of directors of that company. The name of the Minister does not appear anywhere on the list. The company has seven directors, but the Minister's name does not appear on the list.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, these settlement schemes were set up to settle squatters. For the information of this House, I have 110,000 squatters in Kitutu Chache Constituency. Is the Government right to give a Minister 20 acres of land at a cost of only Kshs125,000 in an area where an acre goes for Kshs500,000?

Mr. Kamama: Mr. Deputy Speaker, Sir, I do not know why the name of the Minister is being mentioned here. The Minister's name does not appear anywhere and if it does, you had better state your facts clearly.

Mr. Deputy Speaker, Sir, I have said that this is a public company and it applied for this land. They were given the land after they paid what the Government felt was the right amount of money. So, the issue of the Minister's name does not arise.

Mr. Keter: Mr. Deputy Speaker, Sir, this allocation was done in June, 2005. Had the suspension of allocation of land been lifted at that time? I am aware that the allocation of land had been suspended for some time.

Mr. Kamama: Mr. Deputy Speaker, Sir, this land belongs to the Farmers Training Centre (FTC) and under special circumstances, land can be allocated to anybody after it has been verified and confirmed that the public company deserves allocation.

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

Mr. Deputy Speaker: Mr. Owino, what is your point of order?

Mr. Owino: Mr. Deputy Speaker, Sir, it has been overtaken by events!

Mr. Gitau: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is attempting to clear the name of his Minister and yet he has not been mentioned. What is it that he knows that he is not telling us? He is attempting to clear a Minister who has not been mentioned!

(Applause)

Mr. Deputy Speaker: Mr. Kamama is talking about a "Minister". I do not think the "Minister" has been named.

Mr. Gitau: Mr. Deputy Speaker, Sir, he said, "the previous Minister" meaning hon. Amos Kimunya. Why is he trying to clear him and yet he has not been mentioned?

Mr. Kamama: Mr. Deputy Speaker, Sir, I thought that, that was mentioned by Mr. Owino. That the former Minister---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Order! Ask your last question, Mr. Owino! We have only handled two Questions in a span of nearly 30 minutes.

Mr. Mukiri: On a point of order, Mr. Deputy Speaker, Sir. Every Kenyan has a right to fight land grabbing. The land in question belongs to the FTC. This company is getting a lot of preference. It is the same company which, against the Pyrethrum Act, has been given the mandate to process pyrethrum. It is because of this that pyrethrum farmers are not being paid. These people want to bring down the pyrethrum industry in Nakuru.

Mr. Deputy Speaker, Sir, why is the Assistant Minister hiding the fact that this was actually land grabbing? As much as he is saying that it is a public company, we know that it is not a public company. In fact, it is a company that is receiving preference. Whatever was grabbed was public land and it should be returned to the farmers who own it.

(Applause)

Mr. Kamama: Mr. Deputy Speaker, Sir, I mentioned earlier that this is a public company and it has directors. I can name the directors here. The seven directors of the company are:-

Mr. Njugae Wainaina; Mr. Githire Nderitu Kagia; Ms. Charity Nyambura Kigurani; Mr. Charles Wanjau; Mr. Harrison Ngatia; Mr. Tedd Richard Kaberi; and Mr. Fredrick Ngatia.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members! Order! Will all of you, please, sit down? Mr. Owino, ask your last question!

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

Hon. Members: What is it, Mr. Cheboi?

Mr. Deputy Speaker: What is it, Mr. Cheboi?

(Laughter)

Mr. Cheboi: On a point of order, Mr. Deputy Speaker, Sir. Quite a lot of information about this company has come up in this House. These people have been given public land under dubious circumstances. Mr. Deputy Speaker, Sir, would I be in order to ask the Minister to cancel the title deed since we have a problem in both the Ministry of Lands and the Ministry of Agriculture? They have violated the Act by licensing this company to process pyrethrum when we know, for a fact, that the Act has not been amended!

Would I be in order to ask that the title deed given to them be suspended? The Ndung'u Commission handled a lot of such issues.

Mr. Kamama: Mr. Deputy Speaker, Sir, that is not a point of order. It is just a statement!

(Loud consultations)

Mr. Owino: Mr. Deputy Speaker, Sir, according to the Annual General Meeting of this company held on 26th August, 2006, the names of the directors are as follows:-

1. Mr. Njugae Wainaina
2. Hon. Amos Kimunya

(Applause)

Mr. Deputy Speaker, Sir, I can go on with the list. I, however, will table it.

Hon. Members: Continue! Continue!

Mr. Owino: Mr. Deputy Speaker, Sir, I will continue!

3. Eng. Joseph Kamau Thuo
4. Ms. Maryanne Kinyanjui
5. Dr. Kariko Gatere
6. Mr. Mburu Njoroge
7. Eng. Samuel Mwaura Ngai
8. Mr. Muturi Kamande
9. Maj. (Retired) Warage Wanyeki
10. Mr. Mutito Mwangi

*(Mr. Owino laid the document
on the Table)*

Mr. Deputy Speaker: I will look at that list before we proceed! The Question is, therefore, deferred!

(Question deferred)

Next Question by Ms. Abdalla!

*Question No.027*DEPORTATION OF MEMBERS
OF ISLAMIC COURTS UNION

Ms. Abdalla asked the Minister of State for Immigration and Registration of Persons:-

(a) how many suspected members of the Islamic Courts Union were deported from Kenya to Somalia in January, 2007;

(b) how many of those deported were Kenyan citizens; and,

(c) why the suspects were taken to Somalia instead of being charged in a court of law in Kenya.

The Minister of State for Immigration and Registration of Persons (Mr. Konchella):
Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ninety-six aliens linked to the Islamic Courts Union were returned to Somalia where they had come from.

(b) None.

(c) These were aliens who had come from Somalia.

Ms. Abdalla: Mr. Deputy Speaker, Sir, it baffles me that the Minister has given me an answer the Assistant Minister early said was not satisfactory.

I wonder whether it is because one of the deportees comes from the Assistant Minister's constituency. Nonetheless, the Kenya National Commission on Human Rights and the entire human rights network in Kenya has proven beyond any reasonable doubt that 22 Kenyans were deported. They even have their identity cards. What judicial process did the Ministry undertake to prove that these persons, who were deported, were non-Kenyans? I have the list of those deported.

Mr. Konchella: Mr. Deputy Speaker, Sir, it is the responsibility of my Ministry to deport aliens and all those people who are in this country illegally. These people were taken back to Somalia because they had no documentation to show they were Kenyans.

Mr. M.Y. Haji: Mr. Deputy Speaker, Sir, in view of the fact that Ms. Abdalla has the list of names and identity card numbers of the Kenyans who were deported to Somalia, why can the Government not own up its mistakes and apologise to the nation? They should also promise this House that they will make every effort to bring these people back.

Mr. Konchella: Mr. Deputy Speaker, Sir, unless somebody can produce evidence, we know many people hold illegal Kenyan documentations. In fact, most of them have forged documents. If anybody is purporting to be a Kenyan and does not have the documents, we refer to them as aliens. As far as I am concerned, these were aliens from Somalia and we only took them back to their home.

Mr. Gachagua: Mr. Deputy Speaker, Sir, the allegations made here are serious. The fact that a Kenyan can be sent out of this country as an alien is a serious allegation. Could the Minister clarify to the House how the Ministry establishes that one is a Kenyan? Is the mere absence of an identity card at the point of arrest proof that one is not a Kenyan? What steps did he take to establish that these so-called aliens were actually non-Kenyans? This is important because national identity and belonging to a country is a very serious matter.

Mr. Konchella: Mr. Deputy Speaker, Sir, none of those who were deported held any Kenyan documentation to justify that they were Kenyans. These were aliens from Somalia.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Ms. Abdalla has the details of 24 Kenyans. These are Kenyans of Muslim-Somalia origin. They were deported to Somalia under pretext that they were not Kenyans. This is a very serious matter.

Mr. Deputy Speaker, Sir, would I be in order to ask that this Question be deferred, so that

the Minister can verify the information held by Ms. Abdalla?

Mr. Deputy Speaker: Mr. Minister, you can hear the sentiments of hon. Members!

Mr. Konchella: Mr. Deputy Speaker, Sir, unless there are hon. Members in this House trying to protect foreigners, so that they continue to destroy this country, I will not agree with them on that point.

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, this is a very serious matter. First of all, the Minister is telling Kenyans that this Government is surrendering the sovereignty of this country. When people are under threat and run away from such threats, international protocols demand that they must not be repatriated to their country.

Secondly, we do not have a repatriation agreement with Somalia because there was no Government there. Why were these people repatriated to Somalia?

Mr. Konchella: Mr. Deputy Speaker, Sir, with due respect to the senior general who has been involved in peace keeping all over the world, we know that when the problems of Somalia began, people were intercepted. Out of those intercepted, some were carrying firearms. It was in the interest of Kenyan security that we find out why they were carrying the firearms. We, therefore, sent them back to Somalia.

Mr. Mwandawiro: Bw. Naibu Spika, suala hili limedumu kwa muda mrefu sana. Wakenya wamekuwa na hofu kwamba Serikali ya Kenya inafuata maagizo ya Marekani na marafiki wake walioko Somalia na kwingineko. Je, Waziri anaweza kutueleza alitumia vigezo gani kujua kwamba hawa watu walikuwa wakimbizi au ni raia wa Kenya? Tuna mkataba wa kimataifa kuhusu wakimbizi!

Mr. Konchella: Mr. Deputy Speaker, Sir, one needs to realise and appreciate the Government of Kenya and its people. Kenyans have been living with Somalia problems for a very long time. We have more than 300,000 Somalis in Kenya. What the hon. Members is saying is wrong.

Mr. Midiwo: On a point of order, Mr. Deputy Speaker, Sir. This is a very important Question. The Government is deporting Kenyans. The 24 Kenyans were deported to Somalia and there is another one who was deported to Guantanamo Bay. Would I be in order to request that the Question be deferred, so that the Minister can answer it properly next time? We should be told what the process of deporting Kenyans to other countries is. The Margaryans are now saying they are coming back, and yet they have not been to any court.

An hon. Member: They even own our girl!

Ms. Abdalla: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to apologise to this House because he has claimed that we are protecting non-Kenyans and yet he knows that those 22 people are actually citizens of this country.

Mr. Deputy Speaker: You were seeking an apology. Now ask your question!

Ms. Abdalla: Mr. Deputy Speaker, Sir, Kenyans are suffering because there is no employment. I am one of the Kenyans who worked in Somalia. There are three categories of Kenyans working in Somalia.

Mr. Deputy Speaker, Sir, first, there are those, like myself, who are international workers who can be returned back to Kenya within four hours when there is chaos. Secondly, there are those Kenyans of Somali descend, who work for local Non-Governmental Organizations (NGOs) and who pass as Somalis so that they can get employment. Thirdly, there are Kenyans who work for private entities. When war breaks out, all those Kenyans need protection from this Government. So, for you to purport that you need an identity card to prove that you are a Kenyan when you are running away from war is abdicating your responsibility as a Government.

Mr. Deputy Speaker, Sir, having said that, there are two Kenyans who have been reported to have been taken from Kenya to Somalia and are now in Ethiopia. Now that there is renewed

fighting in Somalia and all the nations, including Britain and Sweden have moved fast to airlift their nationals from there and, now that you know that there are Kenyans there, what are you doing to bring them back? If they have committed any offence, you should take them to court.

Mr. Konchella: Mr. Deputy Speaker, Sir, unless the hon. Member has proof of what she is talking about, those are simply allegations. The Government knows everybody who is working within our region and who has been employed by NGOs. Most of those people were arrested with firearms. Those are the people who are causing problems in this country. They are the ones bringing firearms here.

Mr. Deputy Speaker, Sir, I wonder why this House should defend people who are carrying firearms to come and kill us here.

Ms. Abdalla: On a point of order, Mr. Deputy Speaker, Sir. He has not apologised!

Mr. Deputy Speaker: First, you asked the Minister to apologise. The Chair did not order him to apologise because it is his discretion and he decided not to.

Before we go to the next Question, the Question by Mr. Owino has been deferred to Thursday so that he can verify the information that he wants to give.

Question No.034

NUMBER OF CATTLE BRANDED IN
NORTH RIFT SINCE 2006

Mr. Lesrima asked the Minister for Livestock and Fisheries Development how many cattle have been branded in North Rift since the branding exercise was launched by the Minister in June, 2006.

The Assistant Minister for Livestock and Fisheries Development (Mr. ole Ntutu): Mr. Deputy Speaker, Sir, I beg to reply.

Since I launched the branding exercise in June, 2006, 888,149 animals have been branded in the North Rift region and the programme is still on-going.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I asked the Assistant Minister about "cattle" and he answered about "animals." He knows that if he was answering me in the language that we share, "cattle" is *nkishu* and animals are *ng'uesin*.

Mr. Deputy Speaker, Sir, could the Assistant Minister be kind enough to give a breakdown of livestock?

Mr. Deputy Speaker: Be specific about cattle! You are talking about animals.

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, then let me call them "cattle" if that is the language that you can understand.

Mr. Deputy Speaker: But the hon. Member asked you to give a breakdown of how it has been done.

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, about the branding exercise, in West Pokot, we managed to brand 272,934 head of cattle; Samburu, 211,630; Baringo, 190,917; Marakwet, 26,000; Turkana, 21,413; Keiyo, 15,455; Trans Nzoia, 1,960; and, Laikipia, 145,840. The total is 888,149 head of cattle.

Mr. Boit: Mr. Deputy Speaker, Sir, the Assistant Minister is not specific. Could we know how many goats and sheep have been branded? They are also animals.

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, the Question is not relevant because the hon. Member who asked the Question was very specific about cattle.

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

Mr. Lesrima: Mr. Deputy Speaker, Sir, is the population of livestock in Kenya 10 million

animals including camels? At the rate at which they are branding, it will take them ten years. We cannot sell cattle or livestock to the Kenya Meat Commission (KMC) without brands. This exercise is obviously too slow.

Mr. Deputy Speaker, Sir, could the Assistant Minister explain how they can speed up that exercise to enable farmers take livestock to the KMC?

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, since the exercise is still on-going, by the end of this month the figures might reach one million. I think the exercise is not slow.

Mr. Deputy Speaker: Next Question by Prof. Oniang'o.

Question No.031

CAUSE OF FREQUENT POWER

BLACK-OUTS IN THE COUNTRY

Prof. Oniang'o asked the Minister for Energy:-

- (a) why there are so many power black-outs in the country in the recent past;
- (b) whether he is aware that this is causing damage to property and loss of revenue when businesses go without power; and,
- (c) whether he could inform the House what plans the Government has to expand the power base so that all Kenyans have equal access to electricity.

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, I beg the indulgence of the House to answer this Question on Tuesday next week. The answer is not ready and I would like to give a comprehensive answer to the hon. Member.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, the Minister consulted me so that he could bring a comprehensive answer.

Mr. Deputy Speaker: Very well!

The Question is deferred to Tuesday next week in the afternoon.

(Question deferred)

Next Question by Mr. Khamisi.

Question 004

SUPPLY OF MOTORBIKES/VEHICLES

FOR AGRICULTURE RELATED WORK

Mr. Khamisi asked the Minister for Agriculture whether he could inform the House how many motorbikes and vehicles have been supplied for agriculture-related work to each constituency in the country since 2003.

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

A total of 122 vehicles and 461 motorbikes have been supplied to various constituencies for agriculture-related work in the country since 2003 to date. I wish to table the list for hon. Members because it is long. I have made a copy available to the hon. Member.

*(Mr. Kaindi laid the document
on the Table)*

Mr. Khamisi: Mr. Deputy Speaker, Sir, I have received a list of the motorbikes and vehicles that have been issued as per the Question. However, looking at this list, I am rather

disappointed because, Bahari Constituency has only been supplied with only one vehicle and three motorbikes but an area like Mwingi North has been provided with two vehicles and ten motorbikes. I do not think that this is fair. Could the Assistant Minister tell the House why there is this disparity in terms of distribution of these resources?

Mr. Kaindi: Mr. Deputy Speaker, Sir, I do appreciate the sentiments by the hon. Member. In distributing those vehicles, we look at a number of things. First, is the transport position within the district and the number of divisions. But you will also recall that certain districts that fall under Arid and Semi-Arid Lands (ASALs) have an added advantage through the donors. That is why the number is slightly larger than for other areas. But I also wish to point out to the hon. Member, that this morning, we released 11 vehicles and 116 motorbikes to augment those areas which have not received motorbikes to date.

Mr. Kamotho: Mr. Deputy Speaker, Sir, looking at the list tabled by the Assistant Minister, on page three, is he aware that Mathioya is a division and also a constituency and yet it does not appear in his list? So, this list leaves a lot to be desired.

Mr. Kaindi: Mr. Deputy Speaker, Sir, within this financial year, we have availed money to buy new vehicles and motorcycles to pass over to the districts that had been left out or were created recently.

Capt. Nakitare: Mr. Deputy Speaker, Sir, the Assistant Minister has not taken into consideration the fact that the most productive areas like Saboti Constituency in Trans Nzoia District do not have vehicles and the agricultural technical assistants walk to work. What steps is he taking to ensure that the "granary" of Kenya is well motorised to enable personnel reach the farmers in good time?

Mr. Kaindi: Mr. Deputy Speaker, Sir, as a policy, it is our business to ensure that we revamp the areas that have high potential. Equally so, we try and provide logistics so that those areas that are disadvantaged can also produce that which they can. I have pointed out that we are buying another 20 vehicles, apart from the ones we rolled out this morning, and 140 motor cycles within this financial year.

Mr. Khamisi: Mr. Deputy Speaker, Sir, the Assistant Minister has said that they have bought additional vehicles.

Could he assure this House that he will ensure that those areas that have not been provided with any vehicles will be provided with them?

Mr. Kaindi: Yes, I can give that assurance.

COMMUNICATION FROM THE CHAIR

REINSTATEMENT OF HON. OMONDI'S QUESTION

Mr. Deputy Speaker: Mr. Omondi, your Question was the first on the Order Paper and I dropped it; what are you saying about it?

Mr. Omondi: Mr. Deputy Speaker, Sir, I beg you to allow me to ask it.

Mr. Deputy Speaker: Well, I did mention last time that it is not the business of this House to wait for hon. Members when they are late. So, maybe, by the indulgence of the House, I will allow you to ask this Question. Let hon. Members note that we will not be going back to Questions which we have already declared dropped.

QUESTION BY PRIVATE NOTICE

CONTAMINATION OF TAP WATER IN ZIMMERMAN ESTATE

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

(a) Is the Minister aware that tap water serving approximately 100 flats and bungalows in Zimmerman Estate, Kasarani, has been contaminated with sewerage effluent from septic tanks causing serious health hazard to the residents, students and teachers of Rainbow and Totos Academies and St. Mark's Catholic Church?

(b) How will the affected residents be compensated for the money spent in form of hospitalisation fees in both private and public hospitals?

(c) When is the problem likely to be settled once and for all?

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

(a) I am not aware.

I am aware but that Zimmerman Estate is under septic tanks waste disposal. These tanks are mechanically emptied by property owners and not the Nairobi Water and Sewerage Company. Arising from the complaint, we have directed the Nairobi Water and Sewerage Company and public health officers to thoroughly investigate and establish whether there is any contamination in the water system, and take firm action against those involved in any possible contamination.

The water company is currently flushing, sterilising and replacing water pipes near the affected areas of Rainbow and Totos Academies and St. Mark's Catholic Church as a safety measure and to allay any fears.

(b) The issue of compensation does not arise at this stage.

(c) The Athi Water Service Board is vested with the mandate of asset development, and is sourcing for funds to install the sewerage network in Zimmerman and other adjacent areas. In the meantime, Nairobi Water and Sewerage Company and the Nairobi City Council shall ensure that surveillance on the area is done regularly, and that landlords are required to empty their septic and conservancy tanks immediately they show leakage and over-flow within 48 hours, lest they shall be prosecuted.

Mr. Omondi: Mr. Deputy Speaker, Sir, I am very thankful to hear from the Assistant Minister in relation to part (c) of the Question that they are preparing to install the sewerage network in Zimmerman. I want to know when this will become a reality.

Mr. Muchiri: Mr. Deputy Speaker, Sir, a complete sewerage reticulation network would cost Kshs900 million. This would be able to serve Zimmerman Estate with a sewer line and related treatment works. The hon. Member is aware that Zimmerman is on a kind of trough, and that it is not possible to connect it to the main sewer trunk of the Nairobi City Council. So, I am not able to give the time frame at the moment, but once funds are availed we shall commence the work. I must also mention that the hon. Member is aware that Zimmerman Estate residents have constructed high rise buildings in an area that does not deserve such development. This was a historical mistake by the former city fathers. I will, therefore, seek the indulgence of the hon. Member to understand the problem. I can only assure him that at the moment, water is safe, and he is aware that we are actually fixing the pipes.

Mr. Karaba: Mr. Deputy Speaker, Sir, the problem of Zimmerman Estate applies to many urban centres in Kenya. In Kerugoya-Kutus Municipality, we experience the same problem. In 2003, I asked a similar Question and the Minister said they were going to construct a sewerage treatment plant, but to date nothing has happened. Is the Ministry going to make sure that all urban centres, before they are given municipality status, have sewerage treatment plants as a requirement and as a priority?

Mr. Muchiri: Mr. Deputy Speaker, Sir, you appreciate that, that is a different Question. But I can assure the hon. Member that the whole question of sewerage is very important to our urban authorities. We are going to look into his suggestion.

Mr. Omondi: Mr. Deputy Speaker, Sir, this Question came to this House during the last

Session. It is true that machinery was mobilised to the site about three days ago. But since that time, these people have done a stretch which is hardly three metres. At this rate, I wonder how long they will take to finish the job.

Mr. Deputy Speaker, Sir, I also wonder if the people who have been mobilised to this site are really the people who are capable of doing this kind of work! They are laying effluent pipes over the water pipes! This creates a situation where sucking of effluent into water is very possible. Could the Assistant Minister mobilise competent staff to do this work in good time?

Mr. Muchiri: Mr. Deputy Speaker, Sir, the staff at the site are highly qualified and they are doing a very good job. I have, personally, inspected what they are doing. The hon. Member should be thankful because what they are doing is what property owners ought to have done "yesterday". The hon. Member understands the problem of Zimmerman Estate. Septic tanks are over-flowing and, as a Government, we are not going to encourage that. Therefore, I do not understand what Mr. Omondi is talking about when he says that staff at the site are not competent. We have top engineers there!

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

Mr. Deputy Speaker: Mr. Omondi, I have been magnanimous to you. It is now exactly one hour since Question Time begun. What is your point of order?

Mr. Omondi: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to say that the workers who have been mobilised to work there are competent people? That sewerage effluent is being directed into a near-by river and road. I wonder how those people are competent when they cannot stop that effluent from spilling into the river and the road! At the moment that effluent is being diverted into the river. It is illegal!

Mr. Deputy Speaker: Mr. Omondi, that is not a point of order! It is a supplementary question. However, due to public interest, the Assistant Minister may respond to it.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I want to confirm that notices to abate nuisance have already been served. We are also looking for one landlord who is very notorious on that aspect. We are doing what is necessary and possible to arrest the situation.

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

POINTS OF ORDER

ESCALATION OF INSECURITY IN MERU DISTRICT

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, I rise on a point of order to request the Minister of State for Administration and National Security---

(Mr. Michuki consulted loudly)

Mr. Deputy Speaker: Order, Mr. Michuki! Mr. M'Mukindia is asking for a Ministerial Statement from you.

Mr. M'Mukindia: Thank you, Mr. Deputy Speaker, Sir, for drawing the Minister's attention to the fact that, I am addressing this matter to him. I would like him to issue an urgent Ministerial Statement regarding the escalating insecurity in the whole of Meru region.

During the past one week, hooligans from Tharaka Constituency have invaded South Imenti, Central Imenti and North Imenti constituencies. At the moment, we understand those hooligans have moved to Tigania East Constituency. Two days ago, they burnt down houses, granaries and other property in my constituency, including the property of one *Mzee* Solomon. Could the Minister, therefore, issue an urgent Ministerial Statement clarifying the following:-

(i) The urgent and immediate measures he is taking to restore security in the area and arrest the situation.

(ii) Whether the hooligans who burnt down *Mzee* Solomon's property have been arrested and charged in court.

(iii) Whether any politicians, chiefs and assistant chiefs have been involved in organizing and funding those hooligans. We have a feeling that some politics is involved.

(iv) Finally, when the issue of the boundary between Tharaka District and the rest of Meru districts will be sorted out, so that we do not have another case of Mt. Elgon District emanating from the Meru region.

Mr. Deputy Speaker: Mr. Michuki, do you have anything to say for now?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, the desired Ministerial Statement will be issued on Thursday.

Mr. Deputy Speaker: Thank you, Mr. Minister.

STATUS OF CONCESSIONING OF FORMER KENYA RAILWAYS

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I rise on a point of order to request the Minister for Transport to issue a Ministerial Statement on the condition and state of the Rift Valley Railways (RVR).

I request the Minister to focus, particularly, on three things:-

One, that---

Mr. Deputy Speaker: Order, Prof. Anyang'-Nyong'o! Is the Minister for Transport around? Can somebody take brief for the Minister? The Leader of Government Business can do that.

Proceed, Prof. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I request the Minister to focus particularly on three things.

One, on the status of the concessioning process of the former Kenya Railways (KR) given the many court cases that are facing the new RVR in Uganda.

Secondly, the guaranteeing and protecting of the public interest in the former KR given the fact that, some of the properties and interests of the workers are still not yet clearly guaranteed.

Finally, the status of the efficiency of the RVR in service delivery given the fact that, thousands and thousands of containers destined for the market in Uganda have been compounding at the Port of Mombasa thereby, frustrating the transaction of business in the East African region.

Mr. Deputy Speaker: Well, the Leader of Government Business will---

Hon. Members: The Assistant Minister is here!

Mr. Deputy Speaker: Sorry, Mr. Githae. You were seated somewhere and I could not see you.

The Assistant Minister for Transport (Mr. Githae): Mr. Deputy Speaker, Sir, we will provide that Ministerial Statement on Tuesday, next week.

Mr. Deputy Speaker: That is fine. Next Order!

MOTIONS

ADOPTION OF FOURTH ACP AND 11TH ACP-EU ASSEMBLY REPORTS

THAT, this House adopts the Report of the 4th Session of the ACP Parliamentary Assembly and the 11th Session of the ACP-EU Joint Parliamentary Assembly held in Vienna, Austria from 15th to 22nd June, 2006, laid on the Table of the

House on Tuesday, 3rd October, 2006.

(Mr. Kamotho on 5.4.2007)
(Resumption of Debate interrupted
on 5.4.2007)

Mr. Deputy Speaker: When the debate on this Motion was interrupted, Mr. Poghiso was on the Floor, seconding. He had not finished seconding the Motion. He is not here and, therefore, I will have to propose the Question.

(Question proposed)

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. This Motion calls for a bell that rings in a parliamentary union. The African, Caribbean, Pacific, jointly with the European Union (ACP-EU), cannot be viewed as one of those Commonwealth parliamentary meetings. It is important to bring to sanity the international knowledge that is required from hon. Members to interact. When hon. Members are elected in this House, many of them lack knowledge in international relations. Having perused some of the international laws that are required for us to compare notes with other countries, I appraise my competence to the Kenyan Parliamentary Group under ACP. I am sure they have come back home with very rich knowledge. We need that kind of knowledge to be disseminated to the people in the grassroots.

Mr. Deputy Speaker, Sir, the ACP-EU Joint Parliamentary Assembly was held all the way in Vienna, Austria. One question we pose is: When a document comes in the hands of this House, it becomes the property of Parliament. How many hon. Members visit the library to look at the contents and equip themselves with the current information that enshrines and encompasses the ACP Joint Assembly? It is a joint effort. It is a matter of economics. Parliament is now a trade organ. When hon. Members go out of this country, they are the ambassadors of this country. We need to go out there and show our economic potential. Trade, public relations and tourism are such investments. Those are areas our Parliamentarians need to look into.

Mr. Deputy Speaker, Sir, there are no uniform laws in these countries. But since most of them were colonised by the British Government, they fit in this assembly. To me, ACP Assembly is more or less the same as the Cambridge Examination. This examination was done throughout Caribbean Islands and British colonies. What do we, as a country, gain from this assembly? We benefit abundantly from those other countries as we do in the East African Community (EAC).

Although we have bilateral agreements with our neighbours, they are very aggressive. For example, they trespass on our soil. They even send militia to invade our country. I believe these issues can be addressed by the Departmental Committee on Defence and Foreign Relations.

[Mr. Deputy Speaker left the Chair]

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

I am concerned with the disparity in this assembly. We should look at the broader issues. What international relationships are we looking at? Does Kenya stand to benefit from ACP Assembly? We go there for a purpose which is to embrace unity of different Parliaments.

In our constitution making process, we borrowed a lot from the British Constitution because we were their colony. Should we continue adoring the British Constitution? We need to

wake up and formulate our home grown constitution. By so doing, we would be proud to be Kenyans with our own constitution.

Mr. Temporary Deputy Speaker, Sir, Barbados is in the Caribbean Islands. What do they grow? What technology do they have that Kenya does not have? These are the contrasts that we need to address. I am convinced that this assembly is important to our country. It started in 1963 when Kenya attained Independence. We had to embrace it just like other countries within the Commonwealth. However, at this stage, we must be careful about the gains of such an assembly.

It is very interesting to note that our colleagues from other parliaments know this country better than us. They are very knowledgeable about our country. It baffles me when I am asked a question by a foreigner about some places in this country and I am unable to answer. We claim to be scholars, but we are not. Legislation is scholarly. We are legislators. Are Kenyan legislators ready to lobby for an international seat? We must join hands with ACP Parliamentarians to lobby for seats in the United Nations (UN). I was in New York and I saw how people from other countries lobby for international seats. Kenyans have never had a good opportunity to do so. It baffles me because a lot of UN jobs are occupied by our fellows from West Africa. Does it mean that we do not have graduates in this country who can serve in the African Desk in the United Nations?

Mr. Temporary Deputy Speaker, Sir, we can achieve a lot as legislators, but the time is against us. We are only good when we serve as hon. Members for a given session. We do very well during our term, but when we are voted out, we go home with our knowledge. All that knowledge we have acquired for five years goes to waste. The newcomers start from a clean leaf. Sometimes, they do not even know what goes on in this House. That is how we forfeit our chance of getting top UN seats.

The East African Legislative Assembly (EALA) is a good example here. Our Parliament could have lobbied for the position of Speaker, but because of unforeseen circumstances, we lost it. It is a pity that we look ugly in the eyes of the world. What comes out of our mouths is what defiles us. That is exactly what has happened. We go out there to argue, strip ourselves naked and wash our dirty linen in public. This matter was supposed to have been discussed conclusively in this House. What went wrong? What kind of shame have we brought to our country? What if there was a position for us in ACP Assembly? Would we have washed our dirty linen in Vienna? Charity begins at home. There must be some sobriety in this House.

Mr. Temporary Deputy Speaker, Sir, it is only the Kenyan Parliament which has young Members. If you go to Russia, for example, you will see legislators who are over 55 years old. They have knowledge and experience. We know an hon. Member aged 35 years old is not as knowledgeable and experienced as a 55 years old legislator. What experience does he have internationally? How can he make laws when he does not even know how laws are made? We know that laws are made after the crime has been committed.

Mr. Temporary Deputy Speaker, Sir, we need to uphold the dignity of this House. It is a fallacy for us to introduce ourselves as hon. Members from Kenya Parliament if we do not uphold integrity. The integrity of this House must override our personal interests. That is the only way we can proudly introduce ourselves as hon. Members. The title of "Honourable Member" is not used in other countries. For example, our colleagues from Uganda wonder why we normally refer to ourselves as hon. Members. They ask us why we do not simply refer to ourselves by our names. Who are you honourable to? These are areas where people are challenged when we go out there with titles that are not applicable in other countries. So, these are the areas that we need to discuss here. Of course, it is a good Report, but it calls for a lot of sobriety.

We should have used this kind of forum to fight disarmament in Africa, international terrorism and alleviate poverty by comparison. Why do we have to go out there to attend the

African Caribbean, Pacific and the European Union (ACP-EU) meetings, if we cannot come back home with a harvest? The only harvest that hon. Members of Parliament can bring is the knowledge they gain from those conferences, that would benefit people in different parts of the country, including those in Saboti Constituency and Trans Nzoia District in general. If they do so, we will say: "Yes, we have overcome." I have a dream that some day, Kenya will feed the entire Africa, because we have good soil. If we can only teach our children how to use their hands and go back to be labour intensive; produce more and sell the surplus--- Those are the dreams that we need to have in this country.

Mr. Temporary Deputy Speaker, Sir, we travel with imprints from Parliament, which have to be paid back through the knowledge that we bring back. I hope that we do not go overseas to do shopping, but to interact and get knowledge. However, that knowledge must not be brought to Parliament and kept in the archives. How many of our people in the streets know what this movement is doing? How many of them read the documents that are tabled in this House? If many of them do not access them, then we are not transparent. Once a document has been tabled here, it is called the property of the House. Not even the media has access to most of these documents.

Research has been done and it beats me if parliamentarians can be used as rubber stamps. There are cases where people come here to do scientific research and they go away with old thesis. We do not even understand the scripts. Years later, when issues arise, reports are written from overseas and imposed on Kenyans and then they are told that this is what is supposed to be done. This is not an acrobatic showground, but a national Parliament. So, I think it is high time that we, as hon. Members of Parliament, disseminated the knowledge that we get through these kind of fora, back to our constituencies. I would have shared this information with my people in Saboti Constituency, so that those people in Kimagut caves, could know that fighting is not a way of solving issues. They would know that ancestral land issues can only be discussed and solved by tribal elders, but not by bows and arrows, or the muzzle of the gun. The shame is on us. The scenes that we watch on television channels are pathetic.

Hon. Members of Parliament have to rise up and discuss peace in this country. Let us not allow our military or soldiers to go to the streets to quell uprisings or violence. These uprisings actually originate from our own mouths. The statements that we sent out there are alarming. If we go out of the country and chest-beat and say that we are from Kenya, we will be asked: "Have the clashes stopped? What is happening in Mt. Elgon?" What would you say if you were asked those kinds of questions during an ACP-EU conference and after being given a paper on international security to present? These are the issues that we need to address. Charity begins at home while fraternity and stability start from us; but not from Heaven. They say socio-species of identical plumage and birds of the same feather flock together; that is the translation. We are birds of the same feather under the ACP. But we have a problem back home. Today it is in Imenti, but tomorrow it will be Eldoret. The other day it was in Mt. Elgon and tomorrow it will be in Mombasa. We do not want to have these ugly incidents. Departments are under Ministries, while Ministries are under Parliament. The Executive is not above this Parliament. Therefore, the time has come when we have to say "no" and enough is enough to the Executive. Why do we have human rights organizations? Are they good preachers than religious people? Are they more concerned about life than the preachers at the pulpit? I have never seen a human rights movement talking about Jesus Christ. They want to liberate criminals and interfere with justice. This is the section of life that we are looking at saying: "Democracy is good, but not good enough." We have our own African socialism, where a father walks with a walking stick. He has many wives, but they and the children respect him. The wives are subjects of the husband.

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

Mr. Wambora: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this

wonderful opportunity to comment on this important Report of the 4th Session of the ACP-EU Joint Parliamentary Assembly, held in Vienna.

May I start outright with a general comment that the ACP-EU regional co-operation is critical and important. It is, indeed, the future. The national trade within the nation is not enough. We need to go beyond Kenya. With the ACP-EU co-operation we have now come to the limit in a way. The significance of the ACP-EU is that we have a larger market. The EU on its own is only second to the United States of America (USA) in terms of importance. This is where we should put our focus, because they are our traditional markets. The Kenyan major exports include coffee, tea and horticultural products, like flowers. The EU provides us with one of the most developed markets for our products.

But I want to issue a challenge to our future Kenyan delegations, because I am not convinced that the current ones are doing enough. They are not doing enough because they should take the challenges which the ACP-EU Co-operation is really experiencing. One of the major challenges is the issue of value addition for the products that I have talked about, including coffee and tea. We have a problem because when we try to market them, we face both tariff and non-tariff barriers.

An EU country like Germany has literally discouraged value-addition for coffee while Britain has literally rejected value-addition for tea. Their excuses are that this is going to undermine the jobs which the value-addition will create in those countries. Here, we must be firm. We must not just accept the *status quo*, because as long as we continue accepting the *status quo*, we are heading nowhere. We produce the best coffee and tea in the world, yet our farmers do not get the benefit of these wonderful products simply because the two countries that I have mentioned above and others are not accepting our value-added products. So, what do we do when it comes to that? These are the issues which should be addressed by parliamentarians and other Kenyan officials when they attend these conferences rather than just talking in general terms.

Mr. Temporary Deputy Speaker, Sir, we are now aware that, the USA is ready to buy our value-added tea and coffee. We are also aware that China is ready to buy our value-added coffee. We should bypass Germany and Britain because they have not co-operated with us and go to these major markets directly. We must not just accept the *status quo* when it is not serving us well! The second challenge to the Kenyan delegation in future is the issue of cheap imports from the European Union (EU). They want us to open our markets completely. We must resist that move because our local industries will be threatened. They are still infant industries and we must be very careful in terms of accepting to open up our markets when they are not allowing us to add value to our products in our country. This is a situation which makes us continue exporting our products as commodities when, in fact, they should be specialty products.

Mr. Temporary Deputy Speaker, Sir, I do not want to take a lot of time. I want to mention the third challenge which our Kenyan delegation should, in future, emphasize on, and this is the issue of global warming. We know that EU countries and the USA are the biggest culprits when it comes to global warming and atmospheric pollution, yet they are trying to resist our flowers saying that they are contributing to global warming. In fact, Africa as a whole contributes only 2 per cent of the atmospheric pollution. They are the major culprits and they are now trying to give us an excuse so as not to buy our flowers.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Report so that we can adopt it.

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, first of all, I want to thank you for giving me this chance to make my humble contribution on this Report.

The Report that is before us is an extremely important one for a number of reasons. First, the participation of hon. Members in this process; negotiations with the EU on behalf of Kenya,

being a part of the ACP-EU countries, gives the political leaders and Parliament the very rare opportunity to be a participant in the economic partnership agreements between ACP-EU countries. Without the participation of Parliament through this delegation, which was ably led by hon. Kamotho, politicians' participation and the capacity to influence the outcome of these negotiations would be seriously limited. After the WTO, the Economic Partnership Agreements (EPAs) with the EU is simply the second-most important trade and investment agreement. The EU happens to be our biggest trading partner, just as it has been elaborated by my colleague, hon. Wambora. So, it is very important that every forum that gives us an opportunity to address some of our predicaments as trading partners with EU from a position of weakness, which is a reality, should be taken seriously.

Mr. Temporary Deputy Speaker, Sir, with our limited resources, more often than not, our delegations to the EPAs negotiations with the EU are extremely small. In some cases, even when the EU delegations are over 200 or 300, you find that Kenya's delegation at the technical level, is less than 5, to the extent that we are overwhelmed and we cannot, therefore, sit in the various committees and sub-committees prior to issues being brought to the plenary. As a result, we always come out of these negotiations completely defeated and all our issues are hardly looked at and, at the end of the day, the EPAs favour the EU. So, if Parliament, which is the Legislative arm of the Government, can also use this opportunity to influence the content or direction of negotiations with the EU, it will be a most important thing.

Mr. Temporary Deputy Speaker, Sir, I am disappointed that even as we discuss this important Report, not a single representative of the key economic Ministries of Trade and Industry, Planning and National Development, Tourism, Agriculture, and Livestock and Fisheries is represented in this House. Even the Minister for Finance, who, of course, should have a very keen interest on what we are talking about--- I hope that he has read this Report. At least his technocrats have read it.

*(Several hon. Members
consulted loudly)*

But, of course, as you can see, some hon. Members are consulting at a corner on issues which, I am sure, have nothing to do with this particular Report.

(Laughter)

If you look at the current stalemate in WTO, the only other important trade agreement is the African Growth and Opportunity Act (AGOA), which as you know is fluttering and EPAs, our trade and investment agreement with the EU. How can you explain the absence of these key Ministries? I can bet Kshs1,000 out of my salary for every single day until this Session ends that the Ministry of Trade and Industry has not seen this document and it is not taking into account the wonderful resolutions which were made at this meeting when going to face the EU in the next round of negotiations! No wonder then that Kenya has not been able to meet its quota ever since the Cotonou, Lome 1, 2, and 3 agreements. Even when the EU agreed on quota-free and duty-free market access to the EU, Kenya is unable to sell any significant quantities to the EU. We cry about unemployment, yet we have idle land and labour. We have markets there, but, of course, we are not serious. This is, obviously, a demonstration of how serious we are!

Mr. Temporary Deputy Speaker, Sir, the question of the need for political leverage cannot be over-emphasized. More often than not, the negotiations between ACP countries and the EU are

done at technical levels. But as I have already said, at those fora, our technical delegations are completely overwhelmed by the numbers as well as the quality and knowledge of those who meet the delegations from EU countries. It, therefore, is extremely important that we must use political leverage where the opportunity presents itself. Unless we do that seriously and understand the constraints which are related to the capacity to produce the volume and the quality of goods which are needed in the European market, and address the issues of the non-tariff barriers, such as vital sanitary, fresh produce, fisheries and use political leverage, we will not benefit.

Only last week, you heard that the British Government or Tesco, which is one of the most important outlets for our fresh produce and flowers, has threatened to ban Kenyan flowers and horticultural produce, simply because they believe that aeroplanes flying across are contaminating our *shambas* where we grow these crops. Yet we have not heard a single word or any serious statement from that side of the House.

Much as we appreciate that the Permanent Secretary, Ministry of Agriculture, led a small delegation to go and negotiate, it requires much more than just a very small delegation led by a technocrat in the Ministry. I would have expected the Leader of Government Business to be listening to this, so that even as we talk about the serious unemployment of our people because we are not expanding our production capacity, that indeed, the Government will be taking heed and form policies.

Just the other day, the "Vision 2030" was launched, which touches on some of these issues. However, I can bet you another Kshs1,000 paid to this Government every day for the rest of this Parliament, some of these things which are so important were not taken into account when formulating the "Vision 2030". The capacities which are required to be addressed in order to achieve the "Vision 2030" will not be addressed and so, this will just be another beautifully bound and very well-written document, which other countries are going to steal and go and implement and then after five years, we shall go to those countries, which will simply have used our document, to find out if they can advise us on how to do what we should have done with our own ideas.

I want to conclude by thanking hon. Kamotho and hon. Poghiso for leading a small but very effective delegation to the Conference whose Report we are debating this afternoon. I want to commend them, but I would have wished that in future, there is provision for them to insist that they carry along with them technocrats from the various relevant Ministries. Secondly, they should be allowed to take along with them Members of the relevant Departmental Committees of Parliament such as the Committee on Finance, Planning and Trade as well as the Committee on Agriculture, Lands and Natural Resources.

With those remarks, I beg to support.

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

First of all, I would like to appreciate the fact that our own Parliament sponsored a few hon. Members to participate in this discussion as hon. Members of the ACP-EU Joint Parliamentary Assembly. I was a bit disappointed that although this was an opportunity for Parliamentarians from Kenya to interact with those from the ACP and the European Union, we only managed to send two hon. Members. I would really have appreciated if we sent more hon. Members. Again, if you look at the two reports; the one we are discussing now which is for the June meeting and the other one for the November meeting, you will realise that it is still the same two hon. Members who attended. I would really have appreciated if there was a bit of diversity.

Mr. Temporary Deputy Speaker, Sir, apart from that, I am impressed by the issues that were covered in the meetings of Vienna and later on, in Barbados. The Report identifies various issues which provided a basis for us to learn from other Parliamentarians the world over. One of them, of

course, is the issue of poverty. Poverty featured in the discussions. The goal for discussing poverty is reported to have been, that poverty is a challenge to national development.

Indeed, we acknowledge the fact that poverty is still a big challenge to our development in this country. When I was contributing towards the Presidential Speech, I mentioned that although the other side continues to report growing economic development, the gap between the rich and poor is growing and there is need to try and reduce that gap. The Report identifies, specifically in the Kenyan situation, that the gap between the rich and the poor is growing. As a Parliament and as leaders, we need to respond specifically to this development trend.

Mr. Temporary Deputy Speaker, Sir, when the have-nots are more than the haves, that is a recipe for unrest and criminal activities. There is need to learn from such fora and do something to improve our situation; to try to bridge the gap between the rich and the poor. Indeed, we are being told that the economy of this country is growing, but I still insist that the proceeds of the growing economy still favour the rich more than the poor. There is need to reduce this gap.

I also want to make an observation on the basis of this Report that the economic strength between the rural areas and the urban areas is not the same. The urban areas in this country tend to experience much more economic benefit than the rural areas. I represent farmers in my constituency and we labour day in, day out, but the problem is that the rural farmers do not fetch sufficient profits as traders fetch in urban areas. The gap between development in rural and urban areas is widening and there is need for us to stem that trend and close the gap.

Mr. Temporary Deputy Speaker, Sir, if you look at the developments that are taking place now in urban areas versus the rural areas, you will find that there is a lot of infrastructure development in urban areas than there is in rural areas. Look at electricity, for instance. The Ministry of Energy is distributing electricity and it is giving priority to urban centres while leaving out the rural areas.

I would like to make an observation that energy is a right and not a privilege. When the Government sets its policies to provide energy to urban areas first, it is sincerely saying that urban areas have more priorities in terms of the use of energy than the rural areas. That is wrong. I want to say that, in terms of distribution of energy, we need to close the gap between the urban and the rural areas.

The Report continues, on the issue of poverty, to say that one of the causes of poverty in society is unequal distribution of resources. It is sad that, in this country, distribution of resources, particularly to the development of infrastructure like roads and communication networks, is still uneven. The poor continue to receive little resources to develop their roads and communication networks.

For instance, if you compare Central Province, or Rift Valley Province, with North Eastern Province or Coast Province or Meruland, you will realise that the distribution of resources to roads and communication networks development is unfairly done. We are saying that the Meru people, or the North Eastern Province people, are impoverished because we have consistently distributed resources, which are meant to revive our economies, in a very unfair manner.

Mr. Temporary Deputy Speaker, Sir, the Report identifies another factor that is an enemy of development, particularly in the African setting, namely, conflict. It is sad that in this country, we still experience sporadic conflicts in various areas. The Mount Elgon conflict affects the development of this country. Although the conflict is located in Mount Elgon area, the weakening effect on the economy of this country will be felt by even those who do not come from Mount Elgon. If we do not pay attention to the conflict in Mount Elgon, we will, simply, be saying that we are not concerned about our economic development. There is need to strengthen dialogue amongst our communities. For several years, this country has had conflicts occurring in various places. For instance, in 1992 and 1997, my own constituency experienced a lot of ethnic animosity. In Molo

recently, we experienced a lot of ethnic animosity. From my own observation, the basic point is that the Government and leaders are not serious in strengthening dialogue between communities. There is no reason as to why one community should go for the neck of the other.

Secondly, we have failed, as leaders and Government, to do justice when it is due. There is a lot of delayed justice. I am glad that the Minister for Justice and Constitutional Affairs is here. The weak criminal justice system in this country affects how we deal with crime and conflicts. So, we need to strengthen the criminal justice system, as well as the Judiciary, and quicken our response to conflicts, so that we can reduce the losses that accrue from conflicts.

Mr. Temporary Deputy Speaker, Sir, the Report also touches on issues of governance. I would like to say that in this country, we are still learning. We are slow in learning to improve on issues of governance. Corruption is still very much around, because we have not put in place the legal instruments that support the fight against corruption very strongly. We still engage in bad politics, as a nation and leaders - politics that does not promote good governance.

Mr. Temporary Deputy Speaker, Sir, for instance, the Government still meddles in the affairs of Opposition parties. The Government continues to poach hon. Members from the Opposition and includes them in the Cabinet. That is a way of meddling in good governance. I wish the Government could understand and leave Opposition leaders on their own. Secondly, the Government is not very serious about strengthening the policy of separation of powers. You still find that the Executive exercises a lot of control even over matters that take place in Parliament.

The Executive still controls the parliamentary calendar when, in actual fact, previously, a Motion was brought to this House to change that arrangement. What I am sincerely saying is that bad governance, has some effect on development; we are still lagging behind. I urge my colleagues that we should strengthen certain instruments and institutions, which will strengthen good governance in our country.

Mr. Temporary Deputy Speaker, Sir, we are still discussing matters of constitutional review five years after the current Government came into place. My observation is that the Government is very happy when constitutional review talks are derailed, so that it can drag its feet instead of providing leadership on the issue of constitutional change. I want to tell leaders from both sides of the House that we need to write the rules that will guide our political development as we strive to develop better governance structures.

With those words, I beg to support.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this very good Report. The Report is very comprehensive despite the fact that we were represented by only two hon. Members. Let me also commend my colleagues for their very good compliments for this Report, and the comments they have made.

I have noticed that in this Report there is an addendum highlighting the situation in Kibera slums. A fact finding mission was set up by the ACP Parliamentary Group to actually come and visit Kenya in May, 2005. It seems that the Report was, really, discussed in those two meetings, and yet we had only two representatives from our Parliament, which is, really, a shame. The Report talks about the behaviour of Parliamentarians and how we give ourselves hefty packages.

Mr. Temporary Deputy Speaker, Sir, the Report says that if you compare the package given to Members of Parliament, who claim to be leaders of the people, with the situation of the Kibera people that they saw, to them, this does not reflect good leadership or good governance. We should do something about it. This was in 2005, and now we are in 2007, and headed for elections, yet things have not changed for the people of Kibera. Kenyans have every right to be upset with us, because we keep talking of---

The Temporary Deputy Speaker (Mr. M'Mukindia): Prof. Oniang'o, there is a point of information. The Clerk-at-the-Table has made it clear that, according to the rules, Members of this

Parliament cannot be represented by more than two Members. So, we were limited by the rules of the Africa and Caribbean Pacific (ACP). He has clarified that only two of our colleagues were able to go to Kibera on that mission. The rules say that we cannot be represented by more than two Members.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, I am aware of that rule after being in this Parliament for four years and being in some delegations going abroad.

The Temporary Deputy Speaker (Mr. M'Mukindia): But you were complaining that there were only two Members.

Prof. Oniang'o: I am not complaining. I am just taking note that Kenya was the key issue in that particular meeting. I am also aware that there have been delegations of more than two Members. But they reserve seats for only two Members. You may be there with two seats, but have more Members listening. So, we should have more Members listening so that, when we come back, we can engage our colleagues more. I agree with that. I also hope that, as we change rules--- We must change rules. The issues are so critical and different. We cannot just go on using the rules of yesterday. We can change the rules so that we can have more Members taking part in those meetings. That way, we can be aware of what goes on there. But this is a very good report. It covers all issues. It talks about good governance and insecurity.

Mr. Temporary Deputy Speaker, Sir, I have noted that there are nine pages on fish and fishermen. That is because fishermen in this country are some of the poorest and most neglected people in our society. Secondly, fish is very key to the European Union (EU). I remember that meeting was between Africa and the Caribbean. The Caribbeans are the Africans in the diaspora. Africans talked with the EU, whose people eat fish. The EU wants to make sure that our fish is good enough for their market. So, they even want to offer support and funds, so that we can produce good fish. I am happy to see that Kenyans, with Government's support, are looking for opportunities to produce more fish. But our fish must meet their standards. Fish is a source of protein and is very healthy. Many people do not want to eat beef because of the mad cow disease. Thank God it never reached us. Nobody wants to eat chicken because of the avian flu. Thank God it has not reached Kenya yet. So, fish is very critical. If we were forward looking, we would actually capitalise on fish production. We would capitalise on fish trade. We would also make sure that we access those funds. I learn from reading here and there that our people are not even aware of the fact that there is an EU Fund meant to assist us to improve our fishing methods and come up with a very high quality product that would stop the EU from chucking us out of their market. Somebody comes to you and says: "This is what I want! But because I want it so badly, I will help you to produce it to the standards that I want," yet we are not even aware of that Fund. We do not take advantage of it. It is sad that nobody from the Ministry of Trade and Industry is here. They cannot be telling us of Vision 2030. It was Vision 2020. But it has now moved to Vision 2030. Soon, it will be Vision 3010, when some of us would have already gone. Really, that is the job of the Ministry of Trade and Industry! If we want to create more jobs; if we want Kenya to make more money; if we want Kenya to position itself strategically; if we want Kenya to position itself economically and market our fish, we need a Ministry of Trade and Industry that has a different face, altogether. Our Minister stands here and often uses a good language that takes all Kenyans by surprise! They are surprised by what he knows. But we cannot take advantage of what exists out there. This country can produce the best fish.

Mr. Temporary Deputy Speaker, Sir, today during lunch hour, I met with the officials of the Kenya National Academy of Scientists. They are extremely well qualified Kenyans. They asked me: "Why do you not use us? Why does Parliament not use us? You are the lawmakers. We are not lawmakers. We do not want to be politicians. You are the politicians! You go out there. You have

no facts and issues to discuss. We want to tell you that we would rather pair up with you and give you the information."

They even mentioned the issue aflatoxin poisoning in maize that killed our people. They mentioned the issue of *kumi kumi* which killed many of our people. They also talked about the Rift Valley Fever which has also killed many of our people. They would give us an objective view. We are not using our professionals properly.

It is sad to note that, whereas the EU has that support, we do not. Whenever you travel—even the Chair has gone to those meetings - you see the EU delegation accompanied by very young people; scientists with papers and computers who give them information. They tell them what to say. The rest of us go there and wonder: "When will the session end, so that we can go to the shops and buy something?" We need a different kind of leadership. We need a different kind of Parliamentarian. We also need a Government that gives us the kind of leadership that helps us to do what we are supposed to do.

It is also very sad that we talk about a growing economy. I now spend more time in the rural area where I was born. Butere, where I come from, does not have a single tarmacked road. For a good reason, I have to campaign and get that seat. It does not have a single inch of tarmac. We should construct more roads to open up our rural areas. Why are the people crying all the time? They cannot even keep their cars running. The road between Kakamega and Eldoret is a nightmare. You take three hours instead of one hour! It is a "potholed" tarmac road. It would have been better to have murram. I am talking about the whole of Kenya. Over 40 years after Independence, Kenyans are crying. Those are the things that are in this Report. These were the issues that were being discussed.

Mr. Temporary Deputy Speaker, Sir, I want to talk about Economic Partnership Agreements (EPAs). They are in this Report. For hon. Members who do not know, EPAs are just later day structural adjustments. We are talking about countries which are well positioned. They are well developed and have everything. We are telling them: "Come! Let us talk about how to market with each other!" They will come and create all kinds of reasons as to why they cannot take your produce. Through the internet, I learnt about Ethiopia. It has some of the best coffee in the world, just like Kenya. An international company called Starbucks was claiming intellectual property over Ethiopian coffee. It had to take activists all over the world to tell them: "We are going to boycott Starbucks coffee if you will not allow Ethiopia to claim its coffee!" Starbucks uses Ethiopian coffee. You are also aware of our *kiondo*. You are aware of our *lesos*! They are being taken away because we are not lobbying. We have not learnt to position ourselves to claim what is ours. What am I saying here? I am saying that we need a different kind of engagement. We need to be informed ahead of time. We need to be part of the reasoning. We need, as a country, to lead the rest of Sub-Saharan Africa and East Africa.

We have the professionals but we are not identifying them. We are neither giving them space nor using them. If you called all of them here, you would be shocked at the level of expertise we have.

Mr. Temporary Deputy Speaker, Sir, finally, I am an educator. I remember when I was going to school, I had an opportunity to learn French. I took three courses of French but I did not go on with them. I said: "There is enough work to do without French." Everybody now is learning Chinese because China is the emerging super-power by the sheer numbers of the people. So many children here are going to the Chinese Embassy and facilities to learn Chinese. However, these are urban and Nairobi-based children. How about our rural children who have no facility to learn Chinese? In our educational system we must insist on Kenyans' right now to learn another foreign language. It must be a requirement! It must be a national policy because that is one of the reasons why we do not fill our quota in the United Nations (UN) because we do not know another

language.

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

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

So, I would like to believe that we have learnt a lot from this Report. It even talks about Millennium Development Goals (MDGs). If I asked hon. Members here whether they know how far we are in meeting MDGs as a country, I am sure they have no idea because nobody has called them to teach them about MDGs. So, it is not good enough for two hon. Members to go out there to represent Kenya, bring the information and we debate it here. However, I believe that, as Parliamentarians, it is our responsibility to be proper leaders; to be always informed and educated. We should not just be debating here because as you can see we do not even have a Quorum.

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

The Temporary Deputy Speaker (Mr. Khamasi): Are you bringing to the attention of the Chair that there is no Quorum?

Prof. Oniang'o: Yes, Mr. Temporary Deputy Speaker, Sir. We do not have Quorum!

Hon. Members: That is not fair!

An hon. Member: Is that another rule?

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! She did not stand on a point of order! So, I did not listen to that.

Mr. Lesrima!

Mr. Lesrima: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. I want to begin by congratulating our delegation to the African, Caribbean, Pacific-European Union Joint Parliamentary Assembly - ACP-EU (JPA). In particular, may I congratulate my friend, Mr. Kamotho for being elected as Vice-President to the Bureau. I also want to take this opportunity to congratulate our staff at embassies in the various locations where these meetings are held.

In this Report, it is indicated that, in fact, there was not much Government co-operation in terms of preparation for these meetings. I quite agree with it because I recall as a representative of KANU then, it was very difficult for me to get information from public servants because they viewed me as an Opposition person. They forgot that some of the guys hiding information there in the Ministries were actually my juniors when I was in public service. They also forget that when we go to represent our country out there, we are not going out there as political parties. I was a bit saddened that I was dropped by my party, KANU when I joined the Government on the excuse that the Government could not have two representatives. In meetings out there, you even have Ministers attending meetings jointly with hon. Members. In one case, I recall one Caribbean country had a Vice-President.

Mr. Temporary Deputy Speaker, Sir, the issues that are discussed there are issues of international importance affecting nations' relationships and trade. Therefore, I would urge the Government departments, particularly, National Development and Planning or the Treasury, which houses the European Development Fund (EDF) desk--- There is a European Commission (EC) desk there - and, in fact, the Permanent Secretary is also the national authorising officer for the purposes of accounting for the monies that are released through the European Union (EU). It is important that the Government works very closely with the two hon. Members who form the delegation.

I would like to say here that it is not possible, in terms of logistics and sitting arrangements,

in this Parliament to provide for a leader of the delegation and one more seat for an alternate hon. Member. It is usually very crowded and difficult for members of staff; the Ambassador and the supporting staff to sit. I think this is also to do with the rules of this particular JPA. However, having said so, if information is shared--- We do this now through presentation of this highly summarised report which I think is not adequate. It would be good if there was an opportunity for joint briefing on issues to do with economic, partnership agreements, the World Trade Organisation (WTO) and even the EDF. If this information was shared with the public and Parliament, we would all stand to benefit.

Mr. Temporary Deputy Speaker, Sir, it is true that concern was shown that parliament involvement is minimal, not just the Kenyan Parliament, but of course the ACP parliaments. It is important that Parliament is properly briefed and the public informed on the impact of these negotiations. This will ensure that as we enter a new phase in January 2008, our farmers are able to know what goods they can sell in Europe. They should also know what sanitary regulations will prevent them from selling flowers or whatever crops they sell to other countries; or what products will attract tariffs. They will also know what labour can be exported. I am aware that, in fact, the Ministry of Trade and Industry under the leadership of the Minister has held various conferences. Studies have also been conducted on the impact of these Economic Partnership Agreements (EPAs). However, I think it is important that we have a wider audience in terms of our business people.

Mention was made on the fact that the national indicative programme, which is basically some kind of budget strategy paper between the EU and ourselves, that this information does not pass through Parliament. It is normally a deal between the Ministries and the EU. Now that we have the Budget, Fiscal Analysis and Appropriation Committee, I think it is important that these programmes are brought before the Parliamentary Committee and parliament in general so that we approve them together; not just as single-line item in the Budget. It should be a detailed programme where hon. Members can make a contribution.

Mr. Temporary Deputy Speaker, Sir, you heard of the sad situation mentioned in this Report on the visit to Mandera Hospital where the ACP-EU delegation noted with great concern the pathetic condition of the children there. If these budgetary allocations are brought before Parliament, we could influence the reallocation of funds to deal with some of the issues that have been raised in this Report.

Mr. Temporary Deputy Speaker, Sir, ACP-EU discussed something about tourism and its impact on the economic development of countries. It discussed the bad side effects of tourism such as sex tourism - this is something that is now coming to Kenya. These are issues of great concern and we need to know how they can be handled. Certain countries, for example, a small island like Barbados with a population of less than 300,000 people is capable of handling up to two million tourists per annum. This has increased the *per capita* income of the people there to US\$9,000. We know that in Kenya, with a revenue of about Kshs56 billion from the tourist sector; very little, if anything, trickles down to the groups that are host to wildlife and sceneries that the tourists visit. This is not fair at all. The European Development Fund contributes to some funds also for investment and development of infrastructure in this area. We hope that, through the Kenya Tourist Board (KTB), proper use of this resources will be made.

Mr. Temporary Deputy Speaker, Sir, something has been mentioned about fish and its impact on the economic development of our country. We rarely ever talk of fish in Lake Turkana. The beaches of Lake Turkana are shared by five constituencies one of them being my own. There are massive fish resources there and yet we know that Ethiopians on the other end of the lake fully utilise the ample fish resource of Lake Turkana. It has been said by some researchers that the quantities of fish available there annually could be worth Kshs3 billion. We hope that when

discussing about fisheries in these meetings, we could also include Lake Turkana, which hardly ever features when we talk about fish.

The issue of conflicts has also been discussed in this Report. It is unfortunate that when, in these sessions, discussions are brought forward on small arms, we, the victims - I say so because I come from northern Kenya and we are affected by the availability of small arms arising out of conflicts within the region - often the measures that are being encouraged to be put in place include disarmament, something which I have nothing against as long as it is not selectively done. We ignore the fact that those of us who are affected by small arms have never had the capacity to manufacture those arms. It is the Europeans and the Americans who have the capacity to manufacture arms.

Mr. Temporary Deputy Speaker, Sir, statistics from some of these Reports state that the G-8 countries, alone, are responsible for 85 per cent of global arms trade and 64 per cent of the arms deliveries end up in developing countries. I do not need to debate on the impact of trade in small arms in this country. We know that it is a US\$60 billion business in USA and the lobby groups there are so strong that they would not want to conform to the United Nations Firearm Protocols or laws that would reduce the manufacture of small arms. It is, therefore, important to know that while we debate these issues about the presence of arms in Kenya and conflicts, which is a very serious issue, manufacturers of those arms are not in Kenya. They need to be reminded of their responsibility, which is that they have to ensure that there is no escalation of this trade. That is why I personally would stand here to oppose any recommendations to bring capital punishment for possession of arms. I entirely disagree with the view that possession of arms means preparation to go and kill. Very often, the possession of firearms has meant secure borders for this country. What we need to do is to look for solutions to the development problems affecting the northern part of Kenya, particularly in the area of infrastructure, education and alternative livelihoods. I believe that we can talk to the Europeans and Americans. They are also human beings and when their conscience is pricked, they may release funds to support development so that the arms that are released through conflict in the region will have no use because everybody will be comfortable.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the adoption of this Report.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Wetangula, you are responding on behalf of the Government.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you very much, Mr. Temporary Deputy Speaker, Sir. The ACP-EU Joint Assembly is one of the organs of the ACP partnership with EU. We have the Committee of ambassadors, the Joint Assembly and other organs that deal with the relationship between the ACP countries and the EU.

I was privileged in the 7th Parliament to represent our Parliament in the Joint Assembly for five years. Looking at this Report, it is in conformity with the debate that goes on in the Joint Assembly that is alternatively held every year in EU headquarters either in Strasbourg, France or Brussels, Belgium. The following year, it is held in an ACP country. This could be in Africa, the Caribbean Islands or in the Pacific. Many issues are discussed in this Report. It covers the issues affecting the peace in the Horn of Africa, World Trade Organisation (WTO), Doha Round, Darfur problem and Millennium Development Goals (MDG) achievements or non-achievements depending on which country we are referring to. In this Report, the problems of HIV/AIDS pandemic was also discussed. Issues to do with fishing and fisheries, lawful and unlawful exploitation were all discussed. Sugar industry also takes a critical chapter in the discussion. They also discussed NEPAD which is an African initiative.

Mr. Temporary Deputy Speaker, Sir, all these things are discussed by the Joint Assembly in the debate in a non-conclusive manner. The real issues were dealt with by the Committee of

Ambassadors and it is this same committee that does the actual negotiations, identification of corporation programmes, project organs of our and also looks for funding. When parliamentarians come to meet, they simply debate for two or three days, gloss over what is there and move on.

Mr. Temporary Deputy Speaker, Sir, the Committee of Ambassadors is one of the critical organs of our co-operation with the European Union (EU), that we get programmes like the construction of the road from Westlands to Limuru that was done about ten years ago. There is also on-going construction of the road from Mai-Mahiu to Lanet and the construction of various sections of Mombasa-Malaba and Mombasa-Busia roads. This means that for us to have a beneficial relationship with the EU, we need to have a good linkage between Parliament and our representatives at the ACP-EU meetings and our missions in Brussels. They are the ones who sit on the actual table where issues are dealt with.

Mr. Temporary Deputy Speaker, Sir, secondly, it is important to know and note that most of the funds we get from the EU are grants, unlike the money we get from the World Bank and International Monetary Fund (IMF) that comes with unbearable and undesirable conditions. Most of these funds are grants.

Mr. Temporary Deputy Speaker, Sir, from 1997, it is important for us to note that the EU changed its format of engagement with ACP countries. They now emphasize on dealing with regional groupings as opposed to individual countries. Indeed, I was the president of the committee that chaired and dealt with issues that eventually affirmed that regional groupings will be the centre of attention through EU funding. This is why, right now, we have very active EU support for infrastructure within the network of the East African Community (EAC). There are plans in Arusha to construct roads from Moshi to Voi, Kitale to Mbale in Uganda and Tanga through Vanga to Malindi in Kenya. Now that Rwanda and Burundi are in the EAC, I am sure, there will be identical programmes.

Mr. Temporary Deputy Speaker, Sir, it also important to note that the EU is financing the Lake Victoria Basin Commission. They are undertaking programmes on the Nile Basin initiative. It is looking at all the catchment areas of Lake Victoria, running from Mt. Elgon, Cherenganyi, Nandi Hills and the Mau. There are funds from the EU, through the East African Community, to support these initiatives. The initiatives will include afforestation, environmental management, control of storm water and eventual siltation of the lake. Those of you who live around the lake, like my learned friend, Mr. Kajwang, may wish to know that the lake has considerably reduced in its depth because of siltation. One of the programmes is to control that.

Mr. Kajwang: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Yes, could I be informed?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, the gulf around Kisumu towards Mbita was, at one time, 25 metres deep. We used to use a 25-meter rope to anchor our nets, but now it is 15 meters. The situation is that bad.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you for the information, Mr. Kajwang. That is exactly the point I am making.

The importance of this Report and our commitment to our relationship with the EU, will, in part, help us in solving those kind of problems.

You may also wish to know that Lake Victoria, which is one of the points of focus in the EU, has in some areas receded by as much as 60 meters in the last two years because of the destruction of the environment in catchment areas. The EU, through this ACP-EU initiative, is supporting those kind of programmes.

Mr. Temporary Deputy Speaker, Sir, it is absolutely critical that this House gets acquainted and knowledgeable about the workings of the EU. As I said, most of the funds they give us are grants and not loans. There are many programmes that if we pay attention, they can solve a lot of

our problems. This is in terms of regional security, infrastructure and economic development.

Mr. Temporary Deputy Speaker, Sir, one of the key commissioners of the EU; Commissioner Loui Mitchell, has developed a blue print for peace and security in the Horn of Africa. This covers Kenya, Somalia, Ethiopia, Eritrea, Djibouti, Sudan and Uganda. I have seen a paragraph that talks about peace in this region.

Mr. Temporary Deputy Speaker, Sir, this blueprint emphasizes the point that our Nobel Laureate, Prof. Maathai has been singing over and over; on responsible, equitable and just management and access to resources, especially water resources. It is the lack of responsible management, exploitation and sharing of resources that has, in many ways, erupted into conflict. This blueprint lays clearly on the line, what we need to address to limit possible inter-State and intra-State conflicts emerging from resource-sharing or lack of sharing of resources. That is an issue that our representatives in the ACP-EU Assembly; Mr. Kamotho and Mr. Poghio, should spearhead with the support of the House to even call a workshop so that we all can be acquainted with all these issues.

Indeed, the issues contained in this Report, would be best disseminated to our colleagues through some workshop than a debate on the Floor of the House. I sat here and listened to one of our colleagues who obviously had not seen the report but went on and on. That does not help much when we are dealing with an organization whose relationship is so critical to us. I also want to urge Parliament to pay a little more attention than we actually are paying on the affairs of the East African Community (EAC). The affairs of this Community are not exclusively the affairs of the Executive. They are the affairs of the people of East Africa including all of us.

The Executive will lead and give direction but as representatives of the people, if we do not show sufficient interest in what is going on in an organization that is so critical to this region, you may very well find that our aggressive neighbours are taking full advantage of whatever is available and we are left behind given that this is going to be the anchor-point of resource direction from the ACP-EU co-operation.

Mr. Temporary Deputy Speaker, Sir, to this end, I would like to suggest that once we have sorted out our problems at EALA, we do have a regular consultative forum between our Members of the East African Community and Members of the National Assembly here, so that they could keep us abreast with issues that are going on in the East African Community. We have many issues, some of which I have already mentioned. Even when we go to negotiations, for example, in the World Trade Organization (WTO), it is these regional groupings that form the blocks of negotiation. It is through the East African Community that we broaden our interests into the Common Market for Eastern and South African (COMESA) countries and we are able to link up with the rest of the African Union, not only to negotiate for better deals for our farmers and our people, but also to take common positions on even human resource allocations within the international organization like the United Nations (UN), UNICEF, WTO, FAO, UNESCO and so on.

It can be a very critical tool that we, as Africans, in our engagements with the EU can be able to take common positions. If the EU takes a common position with you, then you know that you can surmount any opposition from whatever direction. It is also through this, that we would be able to arrest and fore-stall the intellectual property frauds that have been going on against some of our countries.

Mr. Temporary Deputy Speaker, Sir, you will be shocked to learn that India is now fighting tooth and nail to reclaim patent from an American company that has patented *Basmati* rice which the Indians have been growing for the last 5,000 years. A company, perhaps, that has never grown rice since its formation. We have, in the public domain, the issue of our *kikoi*, the Ethiopian coffee and so on. Soon or later, they might patent our tea or the Maasai Mara. We need to be extra alert. It

is through those linkages with ACP-EU that we can to protect our heritage, our discoveries and our properties. That is absolutely critical and as a Government, we want to work hand in hand with Parliament to make sure that whatever is Kenya's or East Africa's remains our own.

Mr. Temporary Deputy Speaker, Sir, I want to conclude by urging my colleagues that this is a Report worth reading. It is a Report which Mr. Kamotho wants passed but I still urge him to ask the Speaker's office to allow him to conduct a workshop so that all our colleagues can be properly informed and speak from a point of knowledge on issues of ACP-EU. It is only through those linkages that we are also able to correct our historical injustices and imbalances. You know the whole of Europe and the United States of America (USA) has developed on the sweat, blood and tears of Africa. It is through those linkages that we can redress the imbalances and have development that has been skewed against the South corrected, so that we can also have people enjoying the discoveries of science and development of technology.

With those few remarks, I want to voice the Government's support for this document.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity. First, I must congratulate my neighbour who has just been on the Floor for having eloquently supported the Report on behalf of the Government. I also want to add my voice on this Report. It is a Report worth reading and worth being emulated by the Government.

The speaker who has just been on the Floor has brought out very clear issues. First, is that the EU, unlike other organizations, gives us money in the form of grants with very few conditionalities. That is a plus for the EU. Secondly, he has just said that the EU does not work with individual countries but with regional groupings like the East African Community. But that is where the problem is. Kenya is a member of the East African Community, how did it mess up the appointment of Members of Parliament to the Assembly which has caused so many things to be held back? If we mess up the appointment of the Members of Parliament on the Floor of the House, so many things will come to a stand-still. But did this Government listen? Does this Government, therefore, take seriously this kind of Report, as the Assistant Minister has just said? To me, I would say that it does not.

This Report talks about Parliamentarians and Government taking very seriously the fight against corruption. But in East Africa, we are rated most highly in terms of corrupt practices. So, how do we expect these other countries to respect us in any way? In my view, in fact, it is the Government Ministers and a number of Government officers who are supposed to be taken for a workshop first before Members of Parliament.

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister also spoke on the issue of the Joint Committee of Ambassadors and High Commissioners meeting first and trying to iron out many issues to be funded by the European Union. I was just talking to one member of the delegation. It seems that when people leave this country, they do not even know what to go and talk about; they do not know what the Government has negotiated with this EU countries. So, the Joint Committee of Ambassadors and High Commissioners has, for the whole year, been--- They do not know what exactly they negotiated about. They just go to the plenary. It is my appeal that our delegation should make an effort to meet with the ambassadors. In fact, they should be informed prior to reaching there, so that they know what issues to highlight in the plenary, and to avoid their being ambushed.

Mr. Temporary Deputy Speaker, Sir, our delegates---

QUORUM

Mr. Ahenda: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for us to discuss such an important Motion when the whole Front Bench is empty? I do not think we have

a quorum.

The Temporary Deputy Speaker (Mr. Khamasi): All right; there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! We now have a quorum.

Proceed, Mr. Ojaamong!

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, the report also states that one of the key conditions is that the regional groupings, or individual countries, should create very conducive political and institutional environment, so that they can receive funds and achieve sustainable development. This is very important to our Government. The EU emphasises a very conducive political environment if any sustainable development is to be achieved. What we see in our own country, as has been alluded to by the previous speakers, is the Government poaching MPs from the Opposition, the Government appointing Ministers from the Opposition, the Government trying to kill political parties and so on. Is that the conducive political environment that the EU wants? The Assistant Minister has just said that we should be very keen on the EU because it is our very good friend, and gives us loans at very good rates and also grants. Is this an example that we want to show to the EU? I appeal to the Government to study this report keenly.

Mr. Temporary Deputy Speaker, Sir, when it comes to issues of peace and conflict, in fact, Kenya was thanked in the plenary for being a very good role model in the pursuit of peace around the region. On that, I say that, indeed, the Government has tried to pursue peace in the neighbouring countries, in Somalia and the rest. But at what and whose cost? The Somalis came to Kenya. Our own business people in Eldoret and Nairobi, and the Government itself, incurred a lot of expenses. We do not know whether this debt has been paid or not. Indeed, we have been trying to assist other countries at the expense of Kenyans. Our own people are starving as we sustain foreigners, who are causing chaos in their countries. We cannot even contain our own small clashes. The same Government, which is being praised for championing peace within this region, is creating districts without boundaries. I say this because we have a district boundary dispute with our neighbours, including the hon. Member who spoke immediately before me, which the Government has failed to address for no justifiable reason. One day, the people along this disputed area will say enough is enough; if you cannot give us a boundary, we shall create one for ourselves. That will translate into people fighting in order to establish a boundary, which the Government should give. Some of our people do not mind being in Bungoma and some of the people of Bungoma would not mind being in Teso. Why is the Government using this issue to cause animosity among its people?

So, as we try to address issues of peace within the region, we should also look at issues that can cause conflict and bloodbath in our country. So, if the Kibaki Government, with all this goodwill, will not be able to give the residents of various districts proper boundaries, for example the Tharaka who are now fighting the Meru over a boundary, what does it expect people to do? People will have to fight one another.

Mr. Temporary Deputy Speaker, Sir, people say the EU has very many programmes like the Lake Victoria Basin Programme. I happen to be a beneficiary of the Nile Basin Initiative. This is a very big project. It is crucial to the provision of clean water to my people. I went, with the Vice-President and Minister for Home Affairs, to launch that project in my constituency. Almost eight months have elapsed and we have not seen any water. The only thing that has happened is the ground breaking ceremony that we performed. Is that the way European Union (EU) projects are

executed? For example, they said that the afforestation project will start from Mt. Elgon District and extend to Bungoma District. To date, we have not seen any seedlings and no project has been initiated.

The EU has also talked about the construction of the Mombasa-Malaba Road and the Mombasa-Busia Road. Those roads were supposed to be started from two fronts. They were supposed to start from the other end and from Busia and Malaba. But, for reasons that we cannot understand, the road is being done from Mombasa going downwards. Nothing is being done from the other end. What I am trying to put across is that the EU has expressed concerns on how those funds are being utilised. They want transparency and accountability. But the way our Government treats issues is not pleasing to them. That is why they give so many conditions that our Government, at times, is unable to meet. Now that they are being handled at the regional level, it will even compound the issue. My appeal is that, if those EU projects have to come up--- Most of them should be decided on the Floor of the House here, so that we know which projects are being funded this year. We should not just be finding them in our budgetary estimates or hear about them in conferences and elsewhere.

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

Prof. Maathai: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I want to congratulate the delegates from our Parliament who represented us in that conference, for their excellent contribution and Report.

Mr. Temporary Deputy Speaker, Sir, I want to appeal for a sense of independence. We have been independent for more than 40 years but, for African, Caribbean and Pacific regions, we are still seen as junior and under-developed partners in many ways when we deal with the European Union (EU). Although the EU continues to be a very good friend in helping us to develop, we ought to set ourselves a time frame when we can say that we no longer need to be supported so seriously by our former colonial masters. We ought to develop and begin to be independent. It is very important for us to develop a culture of independence. I really think that for the African, Caribbean and the Pacific regions, we continue to lag behind the rest of the world. We have almost become completely used to being dependent.

Mr. Temporary Deputy Speaker, Sir, sometimes, when I look at the local level, and especially our rural communities and the constituencies that we represent--- Perhaps, due to the culture of Harambee that we introduced, we cultivated a culture of dependence instead of that of self-reliance. Members of Parliament experience a situation where people expect hand-outs all the time. That culture has made our people extremely dependent on hon. Members of Parliament so much so that, some of them will not even work when they can. Most of those people cannot support themselves because they expect hand-outs from hon. Members of Parliament. As a measure to fight that culture, we advocated that 2.5 per cent of our revenue be given to hon. Members through the Constituencies Development Fund (CDF). Although there has been a slight reduction, I personally still see too much of that culture of dependency. Hon. Members still serve as avenues of hand-outs. I, sometimes, wonder: When shall we break that culture, so that our people can become more independent? It is difficult to break that culture when, even at the national and international level, we have that culture of being too dependent on the developed world. There are many things that we can do for ourselves in an effort to cultivate that culture of self-reliance.

Mr. Temporary Deputy Speaker, Sir, the Report talked about the fishing industry. Some hon. Members have referred to that industry. We all know that Lake Victoria is one of the major sources of fish. As we all know, that lake has been under the threat of water hyacinth. There have been efforts, and even international support, to get rid of water hyacinth. But, to date, we have not succeeded. When this Government came into power, the Minister for Environment and Natural Resources spoke to various companies in different parts of the world to see how best we could deal

with the water hyacinth in Lake Victoria and right here at the dam next to Kibera slums. To date, nothing has happened.

Mr. Temporary Deputy Speaker, Sir, now, Lake Naivasha has water hyacinth. That water hyacinth is increasing every day. Nobody talks about it. We have raised that issue several times. We have even called upon the Ministry of Environment and Natural Resources to go there and even try to remove the hyacinth manually. But for some reason, which shows why we are so dependent, we continue to watch as the hyacinth propagates itself in Lake Naivasha. One day, maybe, ten years down the road, people will be discussing with the international community to help us get rid of the hyacinth in Lake Naivasha. Today, if the Ministry of Environment and Natural Resources focused on that weed--- If the Ministry of Agriculture also focused on it and ensured that there is so much agricultural activity around Lake Naivasha, we could remove that hyacinth manually. We just need to hire a few boats and have somebody remove that hyacinth manually. Unfortunately, we will wait until the lake is choked and then go to the European Union (EU) or other developed countries and persuade them to help us get rid of that menace. Why can we not do it? Why can we not learn to be self-reliant?

Mr. Temporary Deputy Speaker, Sir, I am challenging all of us that, it is not just enough to go to meetings and write beautiful records and reports which, when we discuss them here, they go into the archives. It is important for us, as a Government, to commit ourselves to action and do what we can for ourselves. We should not become people who can only move when we are moved by somebody from the international community.

Mr. Temporary Deputy Speaker, Sir, I am happy to hear that the rains are falling. I can hear thunderstorms. There, they go! I want to appeal to Kenyans to grow trees. It is a pity that only 1.7 per cent of land mass in this country is covered by forests. We can reach the 10 per cent that is recommended by the United Nations (UN) by planting trees. We do not need an international organisation or the European Union (EU) to help us plant trees in this country. If during this rainy season every Kenyan will plant a tree, we would quickly have at least 20 million trees in this country. As a matter of fact, I have said this before and I want to repeat it, every one of us needs to plant at least ten trees to take care of the carbon dioxide we individually breathe out. With the global warming which is also discussed in this Report, threatening our region and planet, there is no reason why every one of us should not plant at least ten trees to take care of the carbon dioxide we breathe out.

Mr. Temporary Deputy Speaker, Sir, the other thing that we would do, if we planted as many trees, is that we would stop soil erosion. We would stop our beautiful top soil disappearing into the lakes and oceans. Again, that is something that happens every time the rains come. One should be happy when the rains come but, personally, I am always sad when I hear thunderstorms because I know that water will run downstream and carry with it thousands of tonnes of our top soil. This is soil that we need in our fields to grow crops and feed ourselves, so that we do not go out into the world asking other governments to give us food.

Mr. Temporary Deputy Speaker, Sir, when we were in Bomas of Kenya, the Committee on Environment and Land discussed the need for this country to embrace a policy which requires that everybody who owns land to put at least 10 per cent of it under tree cover. We suggested that it does not have to be a wood or a forest, but that one would only need to plant at least 25 trees per acre. These can be fruit or shade trees.

Now, if every person in this country who owns land was required to put 10 per cent of their land under trees, we would, overnight, have a country that has met the minimum requirement of the United Nations Environment Programme (UNEP). Again, that is something that we can do on our own. We do not need the EU or anybody else. We should be self-reliant just by moving our people to action. I remember that one of the members of that committee was our hon. Minister, Amos

Kimunya. At that time, he was the Minister for Lands and he was very keen on that. So, I really do not know why our Government did not enforce this order. It would just take a statement from the Minister to say that everybody puts 10 per cent of their land under trees and at least 25 trees be planted per acre. I am sure that would immediately change the landscape of our country. It does not require any money or science to do so. It only requires will and in this case, political leadership where our Minister for Lands or the President, for example, can make that announcement.

Mr. Temporary Deputy Speaker, Sir, the other thing that we have been appealing for is that this country needs a national tree planting day. If we are going to take care of our environment, we must move from talking to action. We need a national tree planting day. That day should not be associated with the President. This is because His Excellency the President's calendar is not known to everybody. Usually, we are told the President will plant a tree two days before the actual planting day. That is the time when the Minister for Environment and Natural Resources announces that in two days time there will be a national tree planting day. However, there is nobody who is ready for it. We need a national tree planting day that is in the calendar that is known by every Kenyan be it a child or teacher, so that every year we prepare ourselves towards it. We must develop a culture of planting trees in order to reclaim much of our land that we are losing to deserts. Again, that does not require any science or much money. It is just declaring a national tree planting day.

In fact, I had hoped that the religious leaders would declare Easter Monday a national tree planting day in order that we may restore God's creation even as we restore ourselves spiritually. I just hope that the next time we say a national tree planting day is on such and such a day, we shall not be accused of having usurped power, but I just wish the Minister for Environment and Natural Resources, especially would identify a day and have the President announce it, so that even the President's calendar can be worked around that day. We do not have to wait until the President is ready to go and plant a tree. This is because, usually, it is only his tree that gets planted. The event hits the headline the following day and we say we have had a national tree planting day, but in reality, it is only the President who has planted a tree. So, I wish we would stop that and have a national tree planting day.

Mr. Temporary Deputy Speaker, Sir, as you can see, there are so many things we can do as individual Kenyans, hon. Members and citizens to take care of many issues which, when we do not take care of in good time, they go wrong and then we seek assistance from other governments. I can assure you that sometimes people do not know why we cannot do even the simple little things for ourselves, like stopping soil erosion. The Ministries of Environment and Natural Resources, Agriculture, Water and Irrigation and Energy should actually be seated somewhere at about this time when thunderstorms are threatening to strike to see how they will stop the running water. This is because water belongs to the Ministry of Water and Irrigation and it is desperate about it. It should make sure that rain water is harvested through an extensive extension service that works with farmers. Talking about it is one thing, but going and literally helping the farmers harvest that water on their land is another.

Mr. Temporary Deputy Speaker, Sir, secondly, there is no reason why, when these rains come, our roads are turned into rivers. This is because all the water runs along the roads and carries all the soil, including the gravel. So, after the rains, the roads look horrible. Why can the Ministry of Roads and Public Works not manage this running water by harvesting it? As for the Ministry of Agriculture, surely, how can it allow so much water to disappear into the streams, and yet we need it? How can the Ministry of Agriculture allow so much soil to disappear with the water when we need the soil on the farms? This also applies to the Ministry of Environment and Natural Resources because these are natural resources. If these four ministries cannot get together, all that soil will be deposited in the dams and the silt will stop the operation of turbines. The Ministry of Energy will be able to produce as much energy as it should, if it ensures that clean water flows into the dams

rather than water that is ridden with silt.

Mr. Temporary Deputy Speaker, Sir, so, as we congratulate ourselves, I just want to appeal to Kenyan citizens to learn to do things for ourselves, that are doable and be independent, as individual citizens. This is because, collectively, we shall become more independent, even at the national level.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): Could hon. Kamotho now reply?

Mr. Kamotho: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to thank all the hon. Members who made very useful contribution to this Report. In particular, I would like to mention those who spoke, starting with hon. Poghio who seconded the Motion. We also had hon. Capt. Nakitare, hon. Wambora, hon. Syongo, hon. Dr. Rutto, hon. Prof. Oniang'o, hon. Lesrima, hon. Wetangula, hon. Ojaamong and hon. Prof. Maathai.

Mr. Temporary Deputy Speaker, Sir, I would like to agree with all the hon. Members who made very constructive contribution to this Report. It is very unfortunate that none of the Ministries, which are primarily involved in the activities of the ACP-EU co-operation, that is, the Ministry of Trade and Industry, Ministry of Planning and National Development and the Ministry of Finance, were represented during the debate.

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that I was not here, when I am still here. Look at me, hon. Kamotho!

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister has just come in. He was not here during the debate. The only person who was here and made a very useful contribution, is the Assistant Minister for Foreign Affairs, hon. Wetangula. The Ministry of Trade and Industry is the one that is in charge of Economic Partnership Agreements (EPAs). It is also involved in negotiations. Therefore, I am right to say what I said.

Mr. Temporary Deputy Speaker, Sir, secondly, it is important that Parliament is involved in the EPAs negotiation. This is because EPAs negotiation, which will most likely replace the Cotonou Agreement, has very far-reaching effects on the economy of our own country. We know that while Europeans have been over-emphasizing the need to enhance trade with the aim of having free trade relations with Europe, we, on the ACP side, have been emphasizing that what we need is development. This is because it is dangerous to enter into a trade agreement between two unequal partners. Although we are partners with the European Union (EU), we are not equal economically. They are more advanced industrially and, therefore, they can end up turning ACP countries into a market for its goods.

Therefore, I wish to appeal to the Ministry which is in charge of EPAs negotiation, to bring here an update of the negotiations, so that this House can fully debate and make a contribution to the final arrangement between Kenya, as a member of the Eastern and Southern African (ESA) region, which has 18 countries. Within these 18 countries, it is only Kenya, Mauritius and Zimbabwe which are considered not to be among the least developed countries. Those least developed countries, including Uganda and Tanzania, enjoy duty-free entry into the European market, yet we do not. So, the agreement which will be finally reached between the ESA countries and the EU may have very far-reaching impact on the economy of this country. Therefore, there is need for all those in charge of EPAs negotiation to be more serious and involve Parliament, so that Kenyans can have some input into that final arrangement.

Mr. Temporary Deputy Speaker, Sir, in this Report, I also refer to the fact-finding mission which visited Kenya in 2005. The mission visited Kibera and Mandera. It also had an opportunity to meet His Excellency the President, who gave it a lot of time - almost two hours. It had an opportunity also to meet the Speaker of the National Assembly, the Vice-President and Minister for

Home Affairs, several Ministers and several senior Government officers. The aim of the mission was to find out about the state of the economy, particularly, after the prolonged drought and famine in the country. It was also to establish how the EU can provide more assistance for both food security and the fight against poverty.

We visited Kibera and spent a lot of time there. I think the delegation was shocked by the situation there; the living conditions, growth, health status and so forth. We then went to Mandera, particularly, Mandera District Hospital, where totally malnourished children were lying all over the floor of the hospital. Children who were 14 years old looked as if they were only two or three years old. The hospital had no water. We then had a meeting with all the leaders of Mandera, including the hon. Members of Parliament. Hon. Members of Parliament were asking why the EU could not assist the Mandera District Hospital, even to provide water. The members responded and asked whether they knew anything to do with National Indicative Programme. The National Indicative Programme which is done by the Ministry of Planning and National Development draws up a grocery of priority projects in all sectors of our economy, which can be financed through the EU.

Mr. Temporary Deputy Speaker, Sir, my colleagues, hon. Members of Parliament from Mandera were asked to raise that issue in this House so that the Minister for Finance could bring to this House the proposal for the National Indicative Programme, prior to the final approval, so that this Parliament, on behalf of Kenyans, could have an input. This Parliament does not know how some of the money that comes from the European Development Fund is utilized and how the priorities are set. Therefore, there is need for the Minister for Finance to ensure that he lays those proposals on the Table annually and in detail. He should not do it the way he does during the annual Budget where, I think, in the first few pages, you only see indications of funds coming from the donors, but we do not know the projects which that money is supposed to fund. It is important that the House is fully involved in the activities of international co-operation and agreements.

Mr. Temporary Deputy Speaker, Sir, looking at what many hon. Members talked about, let me restate that the ACP-EU Joint Parliamentary Assembly (JPA), which, as the Report says and I said at the beginning, is a partnership---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kamotho! I would like hon. Members in that corner to respect the hon. Member contributing. If you have to consult, do so quietly.

Proceed, Mr. Kamotho!

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, as I was saying, the ACP-EU Joint Parliamentary Assembly (JPA) is a partnership between two groups of countries. The ACP particularly, includes Africa, south of the Sahara, the Pacific and the Caribbean countries; they are all 77 countries. These countries send a maximum of two hon. Members from each Parliament: One from the Opposition and one from the Government side. The European Parliament also brings a similar number: 77 hon. Members. The JPA operates like our Parliament. We debate and also have committees. We have three standing committees, namely: Standing Committee on Economy, Trade and Finance, Standing Committee on Political Affairs and the Standing Committee on Environment and Social Affairs. These committees meet twice annually in Brussels to deliberate on issues which would then be tabled in the JPA. These committees address many issues, as hon. Members said here. They address issues like small arms and their problems, terrorism, poverty, diseases like influenza, cholera, HIV/AIDS and others; and regional integration and security. Issues of governance and human rights are also discussed. To enrich the debate, the JPA invites experts from various parts of the region to come and present papers during the JPA.

Those are experts in their own right. The JPA also invites commissioners of the EU, who are experts in their own areas, to come and make clarifications and present papers, including answering questions raised by hon. Members.

Mr. Temporary Deputy Speaker, Sir, if you go through all the Reports, one theme that always comes up is on the need to ensure that hon. Members participate in the work of the JPA and the debate in the House. Therefore, the Ministers in charge are expected to be coming to the JPA to present reports in their areas of operations.

As I said earlier, EPAs is the main one, because by the end of the year, it is likely that the sixth region in the ACP will be signing agreements with the EU. The question is: "What impact is that agreement likely to have on the economy?"

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kamotho! I do not intend to interrupt you, but I really feel that this is the time for the Mover to reply. So, you should really be focusing yourself on issues which have been raised as opposed to introducing new issues. So, I would prefer that you confine yourself to replying.

(Applause)

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, as I said earlier, the issues I am more or less repeating are the issues which hon. Members have raised here. Mr. Temporary Deputy Speaker, Sir, without going any further, to avoid repetition, I wish to move that the House adopts the Report.

(Question put and agreed to)

ADOPTION OF SIXTH ACP AND
12TH ACP-EU ASSEMBLY REPORTS

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, I have already said so much about the Joint Parliamentary Assembly (JPA) and without engaging in repetitions, I beg to move the following Motion:-

THAT, this House adopts the Report of the Sixth ACP Assembly and the 12th Joint Parliamentary Assembly, which were held in Bridgetown, Barbados, from 15th to 23rd November, 2006.

I would now like to focus on the ACP Assembly, and state that the assembly was formally created in April, 2005, in Bamako, Mali.

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Kamotho! I do not know whether we are reading from the same text. We are dealing with Order No.8 and you are reading a Motion which does not agree with what I have here. Is that the same thing that you are dealing with?

Let us get the procedure right. We are dealing with Order No.8. So, first of all, read out the terms of the Motion and then you can proceed.

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, I get the point. I beg to move the following Motion:-

THAT, this House adopts the Report of the Sixth Session of the ACP Parliamentary Assembly and the 12th ACP-EU Joint Parliamentary Assembly held from November 15th to 23rd, 2006, in Bridgetown, Barbados, laid on the Table of the House on 29th March, 2007.

Mr. Temporary Deputy Speaker, I, would, therefore, like to focus on the ACP Assembly

and state that the assembly was formally created in April, 2005, in Bamako, Mali, with the aim of providing an institutional framework for the work of the ACP Parliamentarians. The assembly is not a new structure, but rather a formalisation of the existing inter-parliamentary co-operation mechanism within the ACP group. It gives identity to the Parliamentary assembly and creates a forum through which ACP Parliamentarians are enabled to demonstrate their organisational, methodological and assertive skills. It also allows its Members to consult, exchange ideas, harmonise positions and hence better negotiate with their EU counterparts.

Mr. Temporary Deputy Speaker, Sir, the assembly has a Charter, of which I am glad to note that Kenya was among the first signatories. This commitment on our part, as a country, and, indeed, by many other ACP States that have signed the Charter, is a recognition of the work accomplished in creating the assembly and translates into Kenya's political wave to act as a true partner under the Cotonou Agreement.

Mr. Temporary Deputy Speaker, Sir, I would like to inform the House that one of the reasons why the ACP Members had to initiate creating a formal assembly was because the European representatives are members of the European Parliament. Therefore, they regularly meet and debate together, but the ACP representatives are Members of Parliament from all the ACP member countries.

Mr. Temporary Deputy Speaker, Sir, therefore, the only opportunity that Members of the ACP get is when they attend those meetings. Therefore, we discovered that we were a little disadvantaged.

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

*[The Temporary Deputy Speaker
(Capt. Nakitare) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the assembly normally meets prior to the commencement of each JPA to consider the issues to be discussed, both in plenary and committees and adopt common ACP positions ahead of the joint sessions. Unlike the JPA, the ACP Assembly meets four times a year, namely, twice during the JPA Plenary and twice during the JPA Committee sessions. After formalising the assembly, ACP can hold independent meetings before the JPA meeting. But because of the resources constraints, ACP is unable to do that.

Turning to the 12th JPA Session, I wish to state that the following important topics were discussed. First, the situation in East Africa, which is very well explained in the Report.

Mr. Temporary Deputy Speaker, Sir, the discussions in this regard focused on Sudan, Ethiopia, Eritrea, Somalia and Northern Uganda. Issues of concern centred around conflicts in these countries, but no resolution could be arrived at on the matter. So, the issue will continue to be discussed until, maybe, a resolution is reached.

Mr. Temporary Deputy Speaker, Sir, the second issue was the situation in the Democratic Republic of Congo (DRC). The assembly welcomed the first Presidential and legislative elections held in the country in over 40 years, albeit noting that the country remains volatile. It was agreed that a letter be written by the JPA President to the President elect, His Excellency Joseph Kabila and the outgoing Vice-President, Jean-Pierre Bemba, asking them to respect the election results.

In the third issue, the assembly examined reports of committees where topics on key issues affecting the member States were discussed, which included the report on the impact of tourism on ACP countries. With regard to development in the ACP countries, Members urged that principles of sustainable tourism and good governance be systematically and coherently taken into account

when drawing up the European Union's and ACP member States' development policy.

Another report was that on small arms, light weapons and sustainable development. In debating the report, the JPA urged the international community to negotiate an international arm trade treaty within the United Nations in order to establish a legally binding instrument to decrease the supply of small arms and light weapons by all producers. Members also discussed a report on water in developing countries, during which it was stressed that non-discriminatory access to water is a human rights issue and that the Millennium Development Goals on water should be a priority to the international community.

Mr. Temporary Deputy Speaker, Sir, the fourth issue was on the review of the Economic Partnership Agreements (EPAs) negotiations. The Assembly deliberated on the review of the economic partnership agreements but no compromise could be reached on the on-going negotiations. It was the view of the ACP states that the negotiations should have clear development aspects, and that focus should be on building market capacity before market access, as desired by the European Union (EU). Concern was raised by ACP states that if the EPAs are applied as they are, they will adversely affect some of the ACP countries.

*[The Temporary Deputy Speaker
(Capt. Nakitare) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Khamasi) resumed the Chair]*

The fifth issue was the reports of fact-finding missions. Various reports on missions undertaken ahead of the 12th Session were presented, including the Mission to Ethiopia, in which I personally participated, the election of the Observation Mission to the DRC and the Report on the Mission to Malta and Spain, which focused on migration.

In conclusion, I wish, on behalf of the Kenyan delegation, to thank all those who helped the Members of the delegation to participate and achieve what we achieved in the conference. I also wish to thank the Clerk of the National Assembly and the Kenyan Mission to the European Community in Brussels for availing the necessary logistic support to us during the 12th Session of the ACP-EU-JPA. I must also state that our embassies in Brussels, which are credited to the European Union, are full participants in our JPA sessions.

With those remarks, I beg to move and call upon Mr. Syongo, who had accepted to second this Motion on behalf of Mr. Poghisio.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Syongo!

Mr. Syongo: Thank you, Mr. Temporary Deputy Speaker, Sir. The important difference between those two Reports is that whereas the Report that we have just concluded debating deals with issues related to the relationship between the ACP countries and the EU, the Report that Mr. Kamotho has just presented focuses on key issues within the ACP countries themselves. It is important for us to understand the issues that affect countries which are within the same grouping with Kenya and which, in fact, form the basis of their negotiation with the EU and other trade partners, as well as inform policies as far as economic and social development is concerned. In that way, we are then able to gauge ourselves and, in a way, have a coherent development policy.

The issue of East Africa as contained in this Report is critical, particularly in relation to regional economic groups such as the East African Community and the COMESA. These are the building blocks for negotiating at both the World Trade Organisation (WTO) as well as with the European Union, and even in terms of a bilateral agreement with the United States of America in relation to AGOA.

However, we should be cognizant of the fact that, presently, there is some kind of an attempt by forces from the southern part of Africa to, deliberately, disintegrate COMESA and even undermine the integrity of the East African Community. In the last two weeks, you saw how Tanzania and the DR Congo were being deliberately drawn into the Southern African Development Community(SADC). That is not something which Kenyan Members of Parliament should take lightly, because in that move you can see a deliberate effort to essentially undermine the integral role that Kenya plays within this sub-region.

Mr. Temporary Deputy Speaker, Sir, in fact, if you look at the issues related to conflict in East Africa, and even at the issues of the small arms proliferation, as contained in this Report, you can clearly see that a number of members of the COMESA economic grouping, including Somalia, Ethiopia and others that are fairly stable such as Ethiopia, are being brought on board, but in a disparaging manner. Obviously, the aim is to dismantle the COMESA region as a viable and reliable trading block for purposes of negotiating as well as for developing internal trading mechanisms. A regional economic trading block like COMESA, which is the second most important source of our foreign exchange earnings after the EU, and which I think has, in fact, surpassed the EU now, is presently targeted for dismantling. So, it is important that we stay alert to the manoeuvres from the south.

Mr. Temporary Deputy Speaker, Sir, I will now speak on the issue of impact of tourism on ACP countries. Whereas tourism contributes significantly to creation of employment as well as foreign exchange earnings, which we need to industrialise and develop - we have had to rely on capital goods and technology from abroad to develop our economy and resource base - we need to be aware of the adverse impact of tourism on our societies. For example, tourism is, definitely, a challenge to us in terms of our cultures. The moment we commercialise our cultures, we lose their significance to us.

Mr. Temporary Deputy Speaker, Sir, our cultures are not just about the way we dress and eat. They have deeper implications for our societies in terms of how we relate to one another. In fact, they define the core issues that are related to our peace and co-existence with one another and even within the family.

It is not unusual to read in the newspapers about a father having raped his daughters, or a man having killed his wife and children. This is because of the things we watch on television, all of which are imported from outside. That is basically part of the culture change that has been brought about. There is complete erosion of respect between father and daughter, and between mother and son. These are serious issues. We have issues of disease control.

To a large control, tourism has contributed towards the escalation of HIV/AIDS and other communicable diseases in society. Therefore, one needs to factor in all these considerations. When looking at the benefits of tourism, we need to look at the adverse effects and ask for the main sources of our tourists. This knowledge will help us deal with the adverse effect resulting from our mingling with tourists, even though they give us some benefits. The same goes for sex tourism, *et cetera*.

Mr. Temporary Deputy Speaker, Sir, on the issue of water resources, we should be very firm. Even as we need access to the European markets for our various food items, including livestock products, we need to focus on the water component in our development. We need water for pastoralists in order to develop our livestock sector.

We need to have clean water in urban centres to control diseases and, of course, improve our health standards. We need abundant fresh water every year from rainfall in our lakes. This will control pollution levels in order for our lakes to remain major and healthy bases for the growth of our fisheries sector.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Mr. Syongo, when debate on this Motion resumes, you will speak for 25 minutes.

Hon. Members, it is now time to interrupt our business this afternoon. Therefore, the House stands adjourned until tomorrow, Wednesday, 11th April, 2007, at 9.00 a.m.

The House rose at 6.30 p.m.