

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 7th August, 2002

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Mr. Musila) in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.431*

NGOs WITH REGISTERED STREET  
CHILDREN PROGRAMMES

**The Temporary Deputy Speaker** (Mr. Musila): Is Mr. Khamasi not here? Next Question, Mrs. Seii!

*Question No.460*

CAUSE OF STUDENTS' STRIKES

**Mrs. Seii** asked the Minister for Education:-

(a) if he could explain why students of Kitany, St. Patrick's Iten, Mokwo Girls and Kipsanina secondary schools have gone on strike; and,

(b) if he could also explain why the police were called in to get students out of those schools.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): I beg to reply.

(a) The students went on strike after what we believe was an incitement by the local parish priest.

(b) The rowdy students had broken classroom window panes, and had threatened to wreck more havoc on the school property. Therefore, the police were called to the school to ensure security of the students who were not involved, and stop further damage to school property.

**Mrs. Seii.** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has completely misled this House. The students were protesting against continuous payment for school buses which they had never seen. When they questioned about these buses, the school administration invited the police into the school compound. I do not know if it was in order for the police to be called to suppress the students, while we know that the students were also protesting against the imposition of a headmaster, at Kitany Secondary School, who has been in that school for decades. These strikes were called---

**The Temporary Deputy Speaker** (Mr. Musila): Ask your question!

**Mrs. Seii:** Could the Assistant Minister tell us why the police were used to beat up students, the way they did? What is the connection between the police brutality within the school compound and the students? Could the Assistant Minister explain why this happened?

**The Temporary Deputy Speaker** (Mr. Musila): Those are too many questions. Could you respond, Mr. Assistant Minister?

**Mr. Awori:** Mr. Temporary Deputy Speaker, Sir, I think I will answer the hon. Member's question in two parts. In the first part, the hon. Member has mentioned the issue of school buses. The information I have is that the students were protesting because they had been told that their deputy headmistress would be moved from that school to be taken to another. In fact, that was misinformation.

With regard to the question of the police beating up the students, if I can have that information, and if it can be proved, then, definitely, the police who were involved should be charged. The police are there to protect the citizens, not to molest school children, and particularly school girls! Therefore, if this information can be availed to my Ministry, action will be taken against the police who were involved.

**Mr. Shitanda:** Mr. Temporary Deputy Speaker, Sir, this issue of buses is not only confined to these schools,

which the Questioner has mentioned. This is a countrywide problem. Is the Assistant Minister aware that very many schools in this country have been collecting money from parents, and in some incidents, for up to seven years, under the guise of buying school buses when no bus has ever been bought. Is the Assistant Minister aware about this? If he is aware, what is the Ministry doing about it?

**Mr. Awori:** Mr. Temporary Deputy Speaker, Sir, if any individual school or somebody interested in a particular school can give information that money has been collected over the last six or seven years, for the purchase of a bus, and that the bus has never been purchased, then definitely, action must be taken. This is because it means, therefore, that money has been collected under false pretences, and we must stop that!

**Mr. Ochilo-Ayacko:** Mr. Temporary Deputy Speaker, Sir, a strike in a school is evidence of a simmering dispute. Is the Assistant Minister satisfied that the administrators of the named schools are blameless, in terms of causing or aggravating the situation that precipitated the strikes?

**Mr. Awori:** Mr. Temporary Deputy Speaker, Sir, indeed, I have a feeling that the neighbouring school precipitated these strikes because they gave an indication that they were going to take away the deputy headmistress, who was a popular teacher at the school. So, it is as if they did that.

**Mrs. Seii:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell this House who is the chairman of the boards in all the named schools? I think the imposition of the headmasters---

**The Temporary Deputy Speaker (Mr. Musila):** Mrs. Seii, you have just asked a question, and now you want to answer it?

**Mr. Awori:** Mr. Temporary Deputy Speaker, Sir, I am sorry, I have no idea who the chairman of the boards of governors for the schools is.

**An hon. Member:** Mr. Biwott!

**The Temporary Deputy Speaker (Mr. Musila):** Order! Mrs. Seii, there was a last question. What was it?

**Mrs. Seii:** On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to know!

**The Temporary Deputy Speaker (Mr. Musila):** Order, Mrs. Seii! Mrs. Seii, you asked a question on who the chairman of those schools is, and the Assistant Minister said he did not know. Now, you are rising on a point of information. Who are you informing? If you knew the answer, then why are you asking the question? I am sure the Assistant Minister does not require to be informed.

**Mrs. Seii:** It was a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker (Mr. Musila):** Okay, what is your point of order?

**Mrs. Seii:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister ought to know that it is hon. Biwott who is the chairman of all these schools and---

**The Temporary Deputy Speaker (Mr. Musila):** Is that a point of order, Mrs. Seii?

**Mrs. Seii:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker (Mr. Musila):** No, it is not! What is your point of order?

**Mrs. Seii:** It is, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker (Mr. Musila):** Okay, let me listen.

**Mrs. Seii:** Is it in order for one person to be the chairman of the boards of governors in all these schools, and all of them go on strike without a reason?

**The Temporary Deputy Speaker (Mr. Musila):** Mrs. Seii, rather than raise a point of order, you have asked a question. However, I will ask the Assistant Minister to answer it.

**Mr. Awori:** Mr. Temporary Deputy Speaker, Sir, there are about 3,600 secondary schools in this country. I have no reason to know the chairperson of the board of governors (BOG) of each of these schools. If one points out a particular school, I will go back and find out who the chairperson of its BOG is.

**Mr. Ndicho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We really want to help our sister here. Is the Assistant Minister in order to refuse to agree that the problem in these schools arises because the BOG chairmen are hon. Members? The Education Act clearly provides that Members of Parliament should sit on BOGs only as *ex officio* members. In these two cases, the problem is that the BOG chairmen are Members of Parliament.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Ndicho, surely, you know that what you have raised is not a point of order. You have just advanced an argument.

Let us proceed to Mr. Mwalulu's Question.

*Question No.456*

MEASURES TO CONSERVE LAKE JIPE

**Mr. Mwalulu** asked the Minister for Environment what measures he is taking to stop Lake Jipe in Taveta from drying up due to massive silting of Rivers Lumi and Ruvu.

**The Temporary Deputy Speaker** (Mr. Musila): Is the Minister for Environment not here? We will come back to the Question.

Let us proceed to Mr. Kihara's Question.

*Question No.478*

REGENERATION OF FISH IN LAKE NAIVASHA

Mr. Kihara is not here. We will come back to the Question. Let us proceed to the next Question.

*Question No.483*

ILLEGAL ALLOCATION OF SCHOOL PLOT

**Mr. Muchiri** asked the Minister for Lands and Settlement:-

(a) under what circumstances plot L.R. No.11973 (Original Number Part 4894/77), which is part of Garden Estate Primary School, was allocated to a private developer for building of shops and flats;

(b) whether he is aware that the private developer has subdivided the said land into half-acre plots for sale; and,

(c) whether he could consider revoking the allocation of the said land.

**The Temporary Deputy Speaker** (Mr. Musila): Is the Minister for Lands and Settlement here? We will come back to this Question.

Mr. Khamasi's Question for the second time!

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, before I ask the Question, I would like to apologise for coming late.

*Question No.431*

NGOs WITH REGISTERED STREET  
CHILDREN PROGRAMMES

**Mr. Khamasi** asked the Vice-President and Minister for Home Affairs:-

(a) whether he could table the list of names of all non-governmental organisations (NGOs) in the country which have registered programmes dealing with street families;

(b) how much donor funding has been injected into these programmes and what tangible achievement have been realised by the funding; and,

(c) what measures he is taking against NGOs which have not performed the functions for which they have received the funds.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Osundwa): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Out of 2,225 registered NGOs in the country, 58 deal with street children.

(b) Kshs8,505,108,043 has been spent on development, especially in rehabilitation of street families through provision of food, shelter, clothing, water, homes, building of schools as well as availing medical facilities and civic education on HIV/AIDS, and drug addiction prevention. Attached to this reply is a list of expenditure since 1994 to date.

(c) The NGO Act of 1992 clearly stipulates that NGOs which do not send returns to the NGO Board should be struck off the register.

Mr. Temporary Deputy Speaker, Sir, I beg to table the list of the NGOs dealing with street families in the country.

*(Mr. Osundwa laid the list on the Table)*

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, you have heard that over Kshs8.5 billion has been spent by NGOs in assisting street families. Could the Assistant Minister tell us the NGOs that have particularly provided Nairobi street families with the facilities he has listed, and how much money they have used for the same?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, the list I have tabled contains NGOs operating in Nairobi as well. I suggest that the hon. Member goes through the list and extracts the information himself since he

requested for the tabling of the list.

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I would have liked to have more time to study the list that has been tabled, because the amount of money that is said to have been spent on street family programmes is enough to fund this country's elections. Despite the fact that money has been channelled into the country to provide for street families, street children continue to suffer. The money is not being used for the purpose it is intended. Could the Assistant Minister tell the House the measures he is going to take to ensure that this money is used to serve the people it is meant for rather than being used to line other people's pockets and purchase big vehicles for NGOs? Is there a way by which NGOs can be regulated?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, indeed, a lot of money has been brought into the country through NGOs. The persons behind the NGOs forward proposals to foreign donors, who then send the funds directly to them. My Ministry cannot control the activities of NGOs, or their expenditure, since we do not receive the donor funds directly. Normally, NGOs do not refer their activities to the Ministry. As a Ministry, all that we require from NGOs is returns of their expenditure.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Assistant Minister, the list you have tabled shows that, in the year 2001, for instance, Kshs1.2 billion was spent on street families. Even though you do not have control over the activities of NGOs, are you satisfied that, indeed, Kshs1.2 billion was spent on street children last year? You know, you must also be responsible for the answers you give to Questions in this House.

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, I am not satisfied. We have no way of controlling NGOs' expenditure. We only receive expenditure returns from them. If we had a way of scrutinising their expenditure we would, definitely, want to know how this money was spent.

**Mr. Omingo:** Mr. Temporary Deputy Speaker, Sir, this is a display of total irresponsibility on the part of the Government. First of all, the Government has failed to control the insurgence of street families. Secondly, it cannot even ensure that funds being channelled into the country to rehabilitate street families are being used for that purpose. Could the Assistant Minister confirm or deny that his Ministry is responsible for scrutinising NGOs expenditure returns and striking off the register the non-performing ones?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, if Parliament gave us the powers to scrutinise the expenditure of monies given to the National Convention Executive Council (NCEC) and other NGOs owned by our colleagues in the Opposition, we would gladly do so.

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, the genesis of the proliferation of NGOs to provide services to street families is found in the lack of confidence in the Government by donors, arising from the Government's inability to account for monies given to it by donors for specified programmes, and its failure to develop viable policies to address the plight of street children. What is the Assistant Minister doing to, first, clean up his own house instead of wanting to clean up the houses of NGOs as a way of attracting donor funding to Government institutions rather than to NGOs?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, I believe that the question should have been directed to the relevant Ministry. My Ministry does not control Government expenditure.

**Mr. Temporary Deputy Speaker (Mr. Musila):** Could you ask the last question, Mr. Khamasi?

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, the answer that has been provided to the Question is very unsatisfactory. The Ministry is responsible for ensuring that the welfare of street children is looked into, be it by NGOs or other institutions. There is a problem of street families in Nairobi. What is the Assistant Minister doing to ensure that the street families, which are harassing innocent people, are contained and provided for as per the Constitution?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, I would say that what is happening on the streets of Nairobi is the responsibility of the Ministry of Local Government.

**The Temporary Deputy Speaker (Mr. Musila):** Very well. Let us proceed to Mr. Mwalulu's Question.

*Question No.456*

MEASURES TO CONSERVE LAKE JIPE

**Mr. Mwalulu** asked the Minister for Environment what measures he is taking to stop Lake Jipe in Taveta from drying up due to massive silting of Rivers Lumi and Ruvu.

**The Temporary Deputy Speaker (Mr. Musila):** Has the Minister for Environment turned up?

**An hon. Member:** He is not here!

**The Temporary Deputy Speaker (Mr. Musila):** Hon. Members, the Chair has repeatedly appealed to

Ministers and hon. Members to ensure that they turn up when Questions that concern them are on the Order Paper. Now, what do we do in this case? I will defer the Question to tomorrow. Meanwhile, could a Minister take the responsibility of informing the Minister for Environment to come and answer this Question tomorrow?

**Mr. Mwalulu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question could also be answered by the Office of the President.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Mwalulu, that is not how it works. The Question is addressed to the Minister for Environment. It cannot be switched to the Minister of State, Office of the President.

**Mr. Mwalulu:** Mr. Temporary Deputy Speaker, Sir, but Lake Jipe is a Marine Park.

**The Temporary Deputy Speaker (Mr. Musila):** No! The Question is directed to the Minister for Environment. So, could we ask the Attorney-General to take the responsibility of informing the Minister for Environment that this Question has been deferred to tomorrow afternoon?

*(Question deferred)*

*Question No.478*

#### REGENERATION OF FISH IN LAKE NAIVASHA

**The Temporary Deputy Speaker (Mr. Musila):** Is Mr. Kihara not here?

**Mr. N. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. May I seek the indulgence of the Chair to defer this Question? Hon. Kihara has been sick in hospital. He must be at home recuperating because he has not reported back to work.

**The Temporary Deputy Speaker (Mr. Musila):** Very well, I have been informed that, that is, indeed, the case. The Question is deferred indefinitely until Mr. Kihara comes back.

*(Question deferred)*

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, I do not have a written answer to my Question.

*Question No.483*

#### ILLEGAL ALLOCATION OF SCHOOL PLOT

**Mr. Muchiri** asked the Minister for Lands and Settlement:-

- (a) under what circumstances plot L.R. No.11973 (Original Number Part 4894/77), which is part of Garden Estate Primary School was allocated to a private developer for building shops and flats;
- (b) whether he is aware that the private developer has subdivided the said land into half-acre plots for sale; and,
- (c) whether he could consider revoking the allocation of the said land.

**The Temporary Deputy Speaker (Mr. Musila):** I am informed that this Question was yesterday referred to the Ministry of Local Government. We cannot expect the Minister to have an answer to the Question since it was referred to the Ministry of Local Government only yesterday. Therefore, the Question is deferred.

**Mr. Muchiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Question be answered tomorrow? The private developer is now moving to the school and if he pulls down school buildings, this will be a civil case and the school does not have money to file a civil suit.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Muchiri, you know that there is nothing the Chair can do to stop the private developer from moving to the school. Mr. Kiangoi, what do you have to say about this?

**The Assistant Minister for Local Government (Mr. Kiangoi):** Mr. Temporary Deputy Speaker, Sir, you have ruled correctly that we are not aware that the Question is on the Order Paper because it was only referred to us yesterday. But we shall do all that it takes to see if we can give an answer tomorrow. If we do not manage to answer it tomorrow, then we shall answer the Question another time.

**Mr. Ndicho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am seeking your guidance to invoke the provisions of Standing Order No.1. As Mr. Muchiri has said, schools are closing tomorrow or on Friday. The private developer might come in during the holidays. So, if you invoke the provisions of Standing Order No.1, you can order the Minister to stop the private developer from interfering with the school's land.

**Mr. Temporary Deputy Speaker** (Mr. Musila): My discretion cannot come in there.

*(Question deferred)*

### QUESTIONS BY PRIVATE NOTICE

#### RECRUITMENT OF MILITARY OFFICERS FROM BURA

**(Mr. M.A. Galgalo)** to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that military recruitment officers did not recruit young men/women from Bura Constituency on 26th June, 2002?

(b) Is he further aware that for the last 10 years, no officers from the area have been recruited to the disciplined forces?

(c) What urgent measures is he taking to rectify this anomaly including revoking of the exercise of 26th June, 2002, and conducting fresh recruitment in Tana River District?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. M.A. Galgalo is not here! The Question is dropped.

*(Question dropped)*

#### CLEARANCE OF SECOND-HAND VEHICLES

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

(a) Is the Minister aware that over 100 motor vehicles which are more than eight years old cannot be cleared from the Port of Mombasa because the Kenya Bureau of Standards (KEBS) has refused to inspect them?

(b) Could he urgently address this problem?

**The Assistant Minister for Finance and Planning** (Mr. Marrirmoi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of the number of motor vehicles at the Port of Mombasa which are over eight years old, and which cannot be cleared because the KEBS has refused to inspect them.

However, I am aware that the Kenya Bureau of Standards, KS1515/2000, prohibits importation of motor vehicles which are over eight years old. I also wish to clarify that Section 2B of the Finance Act, 2000 only specifies the rates of surcharge applicable to motor vehicles of different ages, but does not allow or authorise the importation of the vehicles. Any imported motor vehicle must meet the standard set by the KEBS even if the rates of surcharge for such vehicles are specified.

**Eng. Toro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The answer the Assistant Minister is reading out is not consistent with the written answer that I have.

**The Temporary Deputy Speaker** (Mr. Musila): Why can you not let him finish and then you tell us what the inconsistency is?

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister first of all clarify whether there is another answer? The answer he is reading out is different from the written answer that I have.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Marrirmoi, when is your answer dated?

**The Assistant Minister for Finance and Planning** (Mr. Marrirmoi): Mr. Temporary Deputy Speaker, Sir, you will remember that last week you queried the accuracy of the answer that was given in response to this Question. This is a new answer.

**The Temporary Deputy Speaker** (Mr. Musila): Very well. Have you given the new answer to the hon. Questioner?

**The Assistant Minister for Finance and Planning** (Mr. Marrirmoi): Mr. Temporary Deputy Speaker, Sir, I think the new answer was dispatched to the hon. Questioner.

**The Temporary Deputy Speaker** (Mr. Musila): Well, Eng. Toro, you should ignore the answer you have and listen to the new one.

**The Assistant Minister for Finance and Planning** (Mr. Marrirmoi): Mr. Temporary Deputy Speaker, Sir, I beg to continue.

(b) All motor vehicles which have been processed by the KEBS for clearance, and have import declaration forms (IDFs), customs report of findings (CRFs), import entries and Mombasa Port release orders (MPROs) have been

released. For vehicles which did not have roadworthiness inspection certificates, the KEBS has organised for their local inspection. Today, the KEBS is dealing with only six vehicles at Kilindini Port, as importers are making arrangements to obtain the necessary documentation.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, as the Assistant Minister rightly said, the Question was deferred because an adequate answer was not given last time. But the issue here is the banning of importation of vehicles which are over eight years old by the KEBS. It has purported to have this as the standard age for second hand imported motor vehicles. That is in conflict with the Finance Act, 2001, which does not ban importation of vehicles of any age. Vehicles whose importation has been banned are contained in the Finance Act, 2000 and the Finance Act, 2001.

Could the Assistant Minister explain to the House why the KEBS has given itself the power to ban the importation of vehicles which are over eight years old, when this House has not banned their importation? It is only in the Finance Bill, 2002, where the Minister for Finance proposes to ban the importation of vehicles which are over ten years old.

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, let me clarify this point. There are two issues here. First, there is the Kenya Bureau of Standards Act. The KS1515/2000, prohibits the importation of motor vehicles which are over eight years old. This is an Act of Parliament which up to now still stands. Secondly, the Finance Act, 2000 only specifies the levies imposed on motor vehicles which are over eight years old. Clause 2B of the Finance Bill, 2002 goes further to specify some levies. So, these are two different provisions, which do not contradict one another.

**Mr. Shitanda:** Mr. Temporary Deputy Speaker, Sir, there is an apparent conflict between the Finance Bill, 2002 and the Kenya Bureau of Standards Act. Could the Assistant Minister tell us what he is doing to help the people who have imported vehicles, which cannot be cleared by the KEBS because of the provisions of the Kenya Bureau of Standards Act? The provisions of the Finance Act, 2000 allow people to import the vehicles and pay some levy.

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, let me clarify this issue because hon. Members should know about its importance. These are two issues. The Kenya Bureau of Standards (KEBS) Act is clear and the Finance Act is also clear in specifying only the levies which are supposed to guide, but it cannot actually stop the implementation of this other Act.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, all hon. Members were here when the then Minister for Finance tried to ban the importation of even the engine capacity of vehicles and this House rejected that. What the Minister did was to impose some levy on vehicles irrespective of age. Now, what the KEBS is doing is to impose on itself the powers of banning the importation of vehicles based on age which even now the current Minister is also trying to impose on the importation of ten-year-old vehicles. We are also going to reject that Bill in October. So, the issue here is that there are Kenyans who imported vehicles which are eight years old and, instead of them being charged that levy, they are being refused to import such vehicles into this country on the basis of age. This is what we are asking the Assistant Minister to tell KEBS---

**The Temporary Deputy Speaker** (Mr. Musila): What is the question?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that the KEBS is imposing on itself powers to refuse people permission to import vehicles into this country which are eight years old instead of charging them the levy to the tune of Kshs30,000, Kshs60,000 or whatever it is?

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, I am not aware that KEBS is banning the importation of motor vehicles which are less than eight years.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, it is very clear unless the roads in Kenya are being misinterpreted by the Assistant Minister. When a subsidiary registration contravenes an Act of Parliament, it becomes null and void. The KEBS Act exists as an Act. Whatever they do thereafter is subsidiary registration which is not supposed to amend any Act of Parliament. This is what the Assistant Minister should tell the House: What powers does KEBS have in the subsidiary registration to amend the Finance Act, 2000/2001?

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is confusing the two Acts. Get it right. What KEBS is doing is only enforcing the law regarding the standards of a certain category of vehicles under this code. Now the Finance Act just specifies the levies regarding all motor vehicles which are---

**Mr. Omingo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to just simply refuse to offer a simple clarification as to why these two Acts are in contradiction? Kenyans need to know the way forward. What are you doing to harmonise the Acts?

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, I do not see where they contradict each other. Here is an Act which only specifies the levies and here is another Act which prohibits importation of motor vehicles which are more than eight years old. Where do they contradict each other? I do not understand where the contradiction is.

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

**The Temporary Deputy Speaker** (Mr. Musila): We cannot go on and on. I think that Question has been sufficiently answered.

**Dr. Kituyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. If you listened to how the hon. Assistant Minister has been labouring to say some things, you will notice that either he does not understand the questions or he is deliberately pretending not to understand the questions. However, you cannot now say that he has answered---

**The Temporary Deputy Speaker** (Mr. Musila): Order! What is your point of order?

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, could you oblige the Assistant Minister to answer the questions put to him and not to imagine that he has answered them?

**The Temporary Deputy Speaker** (Mr. Musila): Next Question, Mr. Kaindi!

#### FRAUDULENT INSURANCE CLAIMS BY ADVOCATES

**Mr. Kaindi:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that over 30 advocates have colluded with doctors and insurance brokers and have filed cases in Machakos, Kajiado, Kikuyu and Milimani Commercial Courts, claiming for medical and workman's compensation of employees of various firms in Athi River Town?

(b) What legal measures has he taken to bring the culprits to book?

(c) What further action has he taken to have the companies compensated since they are facing imminent collapse due to colossal sums of money lost as a result of "a" above?

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I have just been talking to hon. Kaindi and he appears to have the relevant information that I need in order to be able to give a good and an appropriate reply to this Question. So, as soon as he gives it to me, I can assure him that I will carry out the necessary investigations and come with an appropriate answer. So, I plead that we defer the Question.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Kaindi, shall we defer it?

**Mr. Kaindi:** Mr. Temporary Deputy Speaker, Sir, my problem is with the time. We do not have a lot of time except tomorrow and I do agree with the Attorney-General that he can only answer the Question subject to me availing the

[**Mr. Kaindi**]

information. The answer he has given is not adequate.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Attorney-General, could we defer the Question until tomorrow?

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, the information that he appears to have concerns the more than 400 cases which have been filed in court and also appears to have the report made at various police stations. Now, I have to contact those police stations to find out the state of investigations to date. I have to check on all those files. It is quite a tall order so that I can have an appropriate answer. I do not want to just say: "I am not aware."

**The Temporary Deputy Speaker** (Mr. Musila): The Question is deferred.

*(Question deferred)*

**Dr. Kituyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been privy to some of the information where a company has 268 cases. Now, considering that the Attorney-General is likely to answer this Question in October, is it possible for you to oblige him to undertake that all litigation against the affected companies is frozen until he has done sufficient investigations? There are cases like that of a company called Devik which has 268 workman's compensation claims filed against it over a period of two years. Before you have dealt with the matter, could you freeze the litigation process filed against these companies by these fake doctors and lawyers?

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, it is difficult to freeze those cases following his request. These cases are already in court and they are civil cases. They are not criminal cases over which I have power. They are civil cases and I need to check on what is the status of all those cases. I am aware generally of the problem. It is not just this company in Athi River. I am quite sure there are companies particularly in the tea growing areas and so on which have launched some of these complaints. It is a problem that I want to go into in good detail to give not only an appropriate answer to this House, but also to see what can be done effectively to stop this type of behaviour. I do not know really when the House will go on recess. So, I would really plead that, as soon as the



House resumes after recess, it can be listened to on the first day. By that time I would have carried out the necessary investigation.

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

**The Temporary Deputy Speaker** (Mr. Musila): I really do not see the reasons for raising points of order because the Question has been deferred. So, could you wait until the time that the Question comes and that has been agreed and the Questioner is happy with that?

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When the Attorney-General will be answering the Question, will he also bring the full list of those advocates to this House so that we can have a look at them because there are many cases which we are also aware of?

**The Temporary Deputy Speaker** (Mr. Musila): Is that really a point of order?

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, could the Attorney-General in the meantime ensure that upon the completion of investigations he will prosecute the culprits?

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, if any offence has been committed, prosecution will ensue as a matter of course. In fact, according to the Questioner some people have already been prosecuted. That is why I really want to know the current status of all these things including the list of advocates and so on.

**Mr. Mwalulu:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Musila): No, Mr. Mwalulu! The Question has been deferred!

#### MINISTERIAL STATEMENT PURCHASE OF NEW MAYORAL CHAIN

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, on 31st July, 2002, the issue of purchase of a new mayoral chain for the Mayor of Nairobi---

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Kiangoi! What are you issuing? Could you state what you are issuing?

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, I am issuing a Ministerial Statement in response to a request made by Mr. Mwenje on 31st July, 2002, in this House. On that day, the issue of purchase of a new mayoral chain for the Mayor of Nairobi was raised in this House. Consequently, I undertook to make a Ministerial Statement on this matter.

On 13th June, 2001, the mayoral chain of the Mayor of Nairobi was alleged to have been stolen or lost. Following the confirmation of the loss of the Mayor's chain, the City Council of Nairobi sought a Ministerial approval to purchase a new chain. The approval was granted. However, because of the security nature of the item being purchased; the value of the chain and the likelihood of attracting undue attention; authority was sought from the Ministry of Finance and Planning to purchase the chain through selective tendering. This authority was granted by the Treasury. Five selective tenders were sent out on 11th February, 2002, to reputable international firms dealing with gold ceremonial chains. The quotations were received, evaluated and, in accordance with the procurement regulations, the tender was awarded to the lowest bidder. In July this year, the alleged stolen or lost mayoral chain was, again, recovered and handed over to the police. The theft case is still pending in court. I cannot comment on this matter as it would be *sub judice*. The allegedly recovered chain has not been surrendered to the City Council of Nairobi. Since the Mayor requires a chain to perform his functions, the purchase of the new chain is in the process.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has confirmed that the allegedly stolen or lost mayoral chain has been found and is with the police. Why is it not possible to get that chain so that the Mayor can be using it while it continues being an exhibit in the court? The current Mayor, and Councillor Muiruri, who are already in South Africa, have formed their own company. They have already sent Kshs10 million to their own company pretending that they are buying the mayoral chain. There is no chain worth Kshs20 million. This is a clear case of corruption and theft. Why does the Assistant Minister continue to allow the Council to remit funds to this company, which is owned by the Mayor himself, to purchase another mayoral chain when the old chain is with the police? Could it be investigated to establish who the owners of this company are?

*(Mr. Muchiri stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Musila): But Mr. Mwenje has raised a point of order! Why do you not let the Assistant Minister respond to that? I will give you time. Let the Assistant Minister respond. You cannot put two questions at the same time.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, with your indulgence, perhaps, they can raise all the points of order and then I can respond.

**Mr. Maitha:** Being the Shadow Minister for Local Government, I would like to state clearly that there have been attempts by Nairobi Mayors, who are KANU sympathizers, to tarnish the name of councils which are "owned" by Opposition parties, like Nairobi City Council. We are aware that the Ministry---

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Maitha! Did you say councils which are "owned" by Opposition parties?

**Mr. Maitha:** No, Mr. Temporary Deputy Speaker, Sir. I said councils which are "manned" by opposition parties. We are aware that the Minister for Local Government is helping the mayors to tarnish the name of the Opposition. In fact, the Assistant Minister, who is sitting here, is aware that he cannot authorise the purchase of a new mayoral chain if the old chain has already been found. He is doing bad by using money that belongs to the people of Nairobi to purchase a mayoral chain when the old one is there. Could he use his powers to see that money, which should be used to deliver services to the people of Nairobi, is not used to buy a new mayoral chain when the other one is already there?

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! I want to remind hon. Members that this a very important national issue and, therefore, the idea here is only to seek clarification and not to make speeches.

**Mr. Muchiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard Mr. Mwenje allege that a Councillor Muiruri and the Mayor of Nairobi are involved in that fraud. Councillor Muiruri comes from my constituency. Could he substantiate those allegations?

**Mr. Mwenje:** I am referring to Councillor Muiruri Kigwathi from Mihang'o!

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order, Mr. Mwenje! Let Mr. Muchiri finish, first.

**Mr. Mwenje:** He is out of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Mwenje!

**Mr. Muchiri:** Could Mr. Mwenje substantiate that Cllr. Muiruri, who comes from my constituency, is involved in that fraud as alleged?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, the councillor I am referring to is from Mihang'o in Embakasi. I have nothing to do with Kasarani Constituency.

**Mr. N. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I rise to seek clarification from the Assistant Minister on the following:- One, could he inform this House, and the country at large, as to what his Ministry has done to see whether this chain was actually found instead of telling us it was "allegedly found"? If, indeed, Interpol was used, the Kenya Police would know whether the chain was found or not. What does he know about it? We do not want to be told it was "allegedly found". He is in charge of the Ministry and we are not. Secondly, could the Assistant Minister tell us who the owners of this company are, not only in South Africa, but also in Britain? When the Mayor was there recently, he constantly harassed the Nairobi City Council to send an extra Kshs10 million. When was this company formed? Who are the directors of this company? Have they contacted the Kenya High Commission to give them these details?

Thirdly, why do they find it necessary that the Mayor must wear that chain when their council has no money and yet they want to spend Kshs20 million, when at the end of day, the chain has been found and will be given to the council?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, we should not use this House or the privileges of this House to tarnish other people's names who cannot come here to defend themselves. It is a very serious issue now that we are tackling the issue of corruption. The issue of Kshs10 million and Kshs20 million for the new mayoral chain was introduced here by Mr. Mwenje himself. Could the police in charge of corruption be involved to investigate whether truly the chain costs Kshs20 million or not? We do not want people's names to be tarnished by this House. Could the Assistant Minister clarify---

**Mr. Mwenje:** But the Assistant Minister has confirmed!

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Ndicho! Could you, please, seek clarification?

**Mr. Ndicho:** I am seeking clarification, Mr. Temporary Deputy Speaker, Sir. You have heard---

**Mr. Mwenje:** You are not!

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, protect me from Mr. Mwenje!

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Ndicho, could you ask for clarification from the Assistant Minister? That is why you stood up.

**Mr. Ndicho:** But before I do that, could you protect me from Mr. Mwenje, who is also invoking the name of Uhuru Kenyatta in this issue?

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Ndicho! I have not heard the name of Mr.

Uhuru Kenyatta mentioned by Mr. Mwenje this morning. Could you ask for clarification about the mayoral chain?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, could you protect me from these characters?

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Ndicho! Could you seek your clarification?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I am seeking your protection.

**The Temporary Deputy Speaker** (Mr. Musila): I am sorry, I will have to discontinue you!

**Mr. Ndicho:** If you discontinue me, that is fine, but I also need your protection!

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Ndicho! Could you seek your clarification?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, we are seeking clarification from Mr. Mwenje to substantiate and tell this House whether it is true that the Mayor of Nairobi has formed a company in South Africa. If he has done so, that is corruption. He should be investigated by the police and charged with corruption. We will not allow somebody to use the Floor of this House to tarnish other people's names.

**The Temporary Deputy Speaker** (Mr. Musila): I think you are trying to answer the hon. Assistant Minister's question. A clarification to that effect was sought from the Assistant Minister. Why do you not let the Assistant Minister tell us whether it is true or not? Why are you trying to say it is not true when the Assistant Minister has not responded?

Mr. Minister!

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, I want to begin with the point that has been touched on by Mr. Ndicho. The firms which tendered for the supply of this chain were all British firms. The one which was awarded the tender was KIC of Hardwick Road HA74HJ London. They were the lowest bidders. The other firms were Parton General Trading of PTY Limited, PO Box 1936, Rivonia, Gautenia SA, KIC Hardwick Road, London and SMA ASAM Consolidated of Goodburn Villas Morning Side, Christian NEL. All these were British firms. There was no South African firm. If there was any, then it must have been registered in London. The firm that was awarded this tender was a British firm that normally deals with mayoral gold chains.

I want to emphasise the point touched on by Mr. Ndicho. It would be unfair to drag the name of the Minister for Local Government into this affair. I believe that this House will not allow that to happen. When this issue arose, I was here and I undertook to look for this Statement. I have done that from the relevant authorities and the Minister should not be dragged into this matter. Other issues were raised by Mr. N. Nyagah, the Shadow Minister for Local Government and Mr. Mwenje. At the time the council took up the idea of purchasing the mayoral chain, the other one had not been reported as having been recovered. Therefore, it was necessary to purchase a mayoral chain. It is necessary to purchase the mayoral chain because it is a symbol of authority of the Mayor. It is like the robes and the wig that the Speaker of this House wears when he comes to chair proceedings in this House. So, it is very necessary. By the time the council went about purchasing the new chain, the old chain had not been reported as having been found.

I may say that the chain was "allegedly found" because, although it was recovered, it is in the possession of the police. It is still an exhibit. The law would not allow an exhibit to be given out while the case is pending and then returned later. Identification of this chain is important to the case, therefore, it has to be kept intact. We have said that it was allegedly found because it has not been given to the council and I have given the reasons for this. So, it is necessary for the council to purchase another mayoral chain. On the question of directors we---

**Mr. Maitha:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Musila): No! You are overruled! Let Mr. Kiangoi respond.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, these are foreign firms and we were not asked to find out who the directors were. We were addressing ourselves to the questions of the whereabouts of the old mayoral chain and the purchase of the new chain. I think I have touched on all the points that were raised.

Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Mr. N. Nyagah stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Musila): Mr. N. Nyagah, that matter has been given sufficient time.

**Mr. N. Nyagah:** Mr. Temporary Deputy Speaker, Sir, on Thursday at Zero-Hour, I did request for a Ministerial Statement from the Minister for Transport and Communications. Since he is here and we were expecting a

response this morning and he does not seem quite ready, I would like to know from him when he is likely to respond to it bearing in mind that tomorrow - like I did indicate on Thursday - is an Allotted Day and there will not be enough time to ventilate into that Statement that he will give. Could he give us an indication on when he is likely to do that?

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, it is true that I was supposed to give a Ministerial Statement this morning. I am not quite ready because I would still like to get additional information on the issues raised by Mr. N. Nyagah. I would request the House that I give the Statement tomorrow, Thursday, after Question time because this afternoon is an Allotted Day.

**The Temporary Deputy Speaker** (Mr. Musila): What do you say, Mr. N. Nyagah?

**Mr. N. Nyagah:** Most obliged.

**The Temporary Deputy Speaker** (Mr. Musila): So, the Ministerial Statement by the Minister for Transport and Communications is to be given tomorrow, Thursday.

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, on Thursday at Zero Hour, I sought a Ministerial Statement from the Minister in charge of internal security regarding the sudden upsurge of insecurity in my constituency. The Speaker ruled that I would get the response this morning.

**The Temporary Deputy Speaker** (Mr. Musila): Is there anyone from the Office of the President? None of them seems to be here.

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, could that Statement be given this afternoon?

**The Temporary Deputy Speaker** (Mr. Musila): Is this possible, Mr. Deputy Leader of Government Business?

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I think we have a similar problem because this afternoon is an Allotted Day. So, I would request that the Statement be given tomorrow, Thursday, after Question Time.

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, but we are going on recess tomorrow!

**The Temporary Deputy Speaker** (Mr. Musila): How do you know that, Mr. Muihia?

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, that is the procedure.

**The Temporary Deputy Speaker** (Mr. Musila): I think it is a fair request that the Statement be issued tomorrow.

## POINTS OF ORDER

### INSECURITY IN KIRUA LOCATION

**Mr. Mwiraria:** Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security regarding the security situation in Kirua Location of North Imenti.

Mr. Temporary Deputy Speaker, Sir, during the last month, several families belonging to well-to-do residents of Kirua Location were attacked week after week, and the attackers demanded money. They have not harmed the occupants of the home. As a result, many of the residents ran away. When they reported the matter to the police - for a third time - they were asked what they were doing at the home if they were being attacked constantly. It is becoming very worrying, and that is why I would like to hear from the Minister of State, Office of the President in charge of internal security what he is doing to provide security to this home.

**The Temporary Deputy Speaker** (Mr. Musila): Is there anyone from the Office of the President? Could the Deputy Leader of Government Business take brief on that?

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I will follow up with the hon. Member so that we get the Minister responsible to respond.

### ISSUANCE OF TITANIUM MINING LICENCE

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, three weeks ago, I stood before this House to ask for a Ministerial Statement from the Minister for Mineral Exploration on the matter of the titanium mining and the issuing of the environmental licence, and how it was done. It is now three weeks, and I have not got that Ministerial Statement on why that licence was given.

### PUBLICATION OF NJONJO LAND INQUIRY REPORT

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, last week, I stood before this House to seek a Ministerial Statement from the Minister for Lands and Settlement on when the Report of Njonjo Land Inquiry is going to be made available to the public as there are lots of expectations on the land issues and why Mr. Njonjo is taking too long to give that Report.

**The Minister for Environment (Mr. Kamotho):** Mr. Temporary Deputy Speaker, Sir, I was not aware that the hon. Member had asked for a Ministerial Statement on why and how the environmental impact assessment was done and why the licence was given for titanium mining. So, since I was not aware before, I now promise to give a Ministerial Statement, but I do not know when. I will try.

**The Temporary Deputy Speaker (Mr. Musila):** Very well. What about the other matter of a Ministerial Statement from the Ministry of Lands and Settlement?

**The Assistant Minister for Lands and Settlement (Mr. Sudi):** Mr. Temporary Deputy Speaker, Sir, I am sorry. I did not hear him.

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, last week, I stood before this House and asked the Minister for Lands and Settlement to give a Ministerial Statement on why the Report on Land Inquiry of Njonjo Commission is taking too long to be given out for the public so that they can know the verdict of that Inquiry because there are lots of expectations. When is that Report coming out?

**The Assistant Minister for Lands and Settlement (Mr. Sudi):** Mr. Temporary Deputy Speaker, Sir, I now understand the question. We are aware of that and my Minister is going to answer that issue, but, unfortunately, he is not around today. Maybe, we can give him up to Thursday.

**The Temporary Deputy Speaker (Mr. Musila):** Thursday is tomorrow.

#### CAUSE OF MIU SECONDARY SCHOOL RIOT

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, I rise to demand a Ministerial Statement from the Minister for Education regarding a school in my constituency - Miu Secondary School - whose students went on the rampage. They burnt their school alleging that the DO of Yathui, a Mr. Mutai, went to the neighbouring Kyeliva Secondary School and told the girls to be careful about boys from Miu Secondary School because they have HIV/AIDS; because they raped a woman who had HIV/AIDS. When these boys heard of that, they went on the rampage. They even attempted to rape girls of that school. I would want a Ministerial Statement on that matter because the school has now been burnt and students have gone home because of the carelessness of that DO.

**The Temporary Deputy Speaker (Mr. Musila):** Is there anyone from the Ministry of Education, Science and Technology? They are not there. The Deputy Leader of Government Business should take brief on that statement.

Next order.

#### MOTIONS

##### GAZETTEMET OF LAKE VICTORIA REGION AS ARID AND SEMI-ARID

THAT, in view of the fact that climatic conditions obtaining in the Lake Region covering the following districts: Busia, Siaya, Bondo, Kisumu, Nyando, Rachuonyo, Homa Bay, Suba and Migori, are in the Climate Zone IV to VI with rainfall levels below 600mm per annum, thus falling within the criteria for inclusion in Arid and Semi-Arid Lands (ASAL); this House urges the Government to gazette the said districts under the Arid and Semi-Arid Lands.

*(Dr. Oburu on 31.7.2002)*

*(Resumption of Debate interrupted on 31.7.2002)*

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Muite was on the Floor. He is not there! Any hon. Member wishing to contribute to the Motion by Dr. Oburu?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I wish to contribute to this Motion. I do not know where my friend, the Mover, is.

This is a very important Motion, and it is not only these areas that Dr. Oburu is talking about which should be considered to be included in the ASAL region. There are other areas which should be considered, like in my

constituency. The entire Gatunyaga Location, parts of Maragwa District and Kakuzi Division - in fact, where Mr. Kamotho has bought some land, and he bears me witness - qualifies to be included as ASAL region so that it can benefit from Government provisions.

The Government ought to conduct a survey in the entire country because there are such areas also in Central Province, Western Kenya, Rift Valley, Central and Coast Provinces which fall under the ASAL region. So, I am calling upon the Government to conduct a comprehensive survey in the whole of this country so that all those areas that are either arid or semi-arid are included in the bracket of ASAL so that they may receive considerable aid from the Government.

It is true that this country is agricultural-based, but more than three quarters of this nation receives less than 600 mm of rainfall, and this issue should not be left entirely to the Office of the President; there should be a consortium of Ministries which should be addressing this issue. I propose that the Ministry of Agriculture and Rural Development, the Ministry of Environment and Natural Resources and the Ministry of Local Government should form the consortium. The Ministry of Local Government should be taken on board because most of these areas fall under county councils and civic authorities. If these Ministries come together, they can conduct that comprehensive survey and come up with a report pointing out the most critical areas so that there is an enhanced development in so far as agriculture is concerned.

I imagine that the areas that this Motion is talking about are those areas where there is menace of tsetse flies. The Government should come up with a policy to also develop other areas and, not only those that are classified as arid. When they were doing the classification, they only concentrated on the North Eastern area and parts of the Coast Province, while leaving out such other important areas as can evidently be seen. The arid and semi-arid areas are evenly spread all over the country. The Government of Kenya should take a cue from the governments of Israel and Saudi Arabia. These are desert areas which are completely arid, but with enhanced technology in both agriculture and livestock development. A country like Israel is a leader in the production of fruits, vegetables and even livestock products. We can import that technology into this country so that it can be employed and implemented in this country.

Mr. Temporary Deputy Speaker, Sir, the Government of Japan has been in the forefront helping in the development of agriculture and livestock in this country, through its agency, JICA. They have been able to establish institutions all over the country to address these issues. For example, I remember JICA established the Jomo Kenyatta University of Agriculture and Technology in Juja, where I was privileged to be a teacher for sometime. You need to visit that institution in order to see the kind of crops they have introduced, and yet that part of Juja is almost semi-arid. They introduced hybrid bananas, a cross breed of livestock and plants that no one ever imagined could grow in Juja.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether it is in order for Mr. Ndicho who we know is now doing undergraduate work at the University of Nairobi on Module II Programme, to mislead the House that he was a teacher at the Jomo Kenyatta University of Agriculture and Technology? Is he not misleading this House that Jomo Kenyatta University of Agriculture and Technology employs people like him?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, those people who do not know the facts ought to ask what I am talking about. I used to teach at that institution when it was a college of agriculture and technology. By the time it became a university, I had stopped teaching there. So, it is a fact that I taught there. It is not that there were new buildings in place, but I used to teach there about the production of hybrid bananas and other crops.

Mr. Temporary Deputy Speaker, Sir, this is a very important Motion, and the Government should invite people who are advanced in technology so that they can teach Kenyans how they do it in their countries. I was referring to Israel where bananas, oranges and vegetables are grown even between rocks. In Israel, for example, they crush rocks and turn them into soil, where they grow vegetables and other types of crops which feed the whole nation of Israel and even export the surplus. Kenya is about four times to five times bigger than Israel, and I can imagine if the Government was serious it could convert the arid and semi-arid areas in this country to be high-producing areas in crops and livestock products.

Even the North Eastern and Coast Provinces areas which the Government has classified as ASAL areas, very little has so far been done, so that this country becomes self-reliant in both food and livestock products, in order for this country to export and earn foreign exchange. Instead of the Ministry doing that, it is the other way round. The production of both crops and livestock in this country is going down, such that we are even importing food and animal products into the country. This Motion could not have come at a suitable time like now. I hope that this House is going to pass this Motion to cover, not only these areas around the lake region, but cover a wider area. The Government could also source for consultancy services from the people who are in the know about these issues, so that they can give a comprehensive report and recommendation. If it is a case of looking for funds, we can source funds from the donor agencies for the development of these important areas.

I support the Motion that, not only the areas around the lake region should be gazetted as arid and semi-arid, but all the other areas in the country that are arid and semi-arid.

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, according to the timing, the Government Responder should rise up at 10.20 a.m. and so, there are only two minutes left. Do I have any Government Responder from the Office of the President? I think it is getting more serious, because even when we have a Motion like this one and there is nobody to respond, I think it is very bad. I believe the Chair has belaboured on this matter for a long time.

**Mr. Otula:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me time to speak on this important Motion. The gazetting of this particular lake region as sought in the Motion by Dr. Oburu, is long overdue. When you get to this particular region, you would find that the Government has not taken the activities of the people in this particular area seriously. If you consider the land use and valuations in this particular area, it is ridiculous to find that a river which crosses through a particular area to another side is valued higher on one side than the other side. For example, within the Nyakach and Kasipul-Kabondo areas, there is the Miriu River which passes through the two constituencies. The land valuation in Kasipul-Kabondo is higher than the land valuation in Nyakach area. But the texture of soil in this particular area is the same. The Government should be able to come up with a clear policy on this particular region and gazette this region as an ASAL area.

Mr. Temporary Deputy Speaker, Sir, in terms of employment, you will always find that teachers on one side of the river are given allowances meant for teachers in semi-arid areas, while teachers from the other side of the river are denied the right to get those allowances. If the Government can be able to gazette all these areas as ASAL areas, then the people within these particular regions would be treated in the same way rather than being discriminated against, whereas they suffer the same problems.

Mr. Temporary Deputy Speaker, Sir, the areas which have been mentioned require a lot of rainfall to produce more food. Therefore, if the Government is able to take action, irrigation should be practised in that particular region. In most cases, you find that there is only one season when crops are grown. During the second season, which comes towards the end of the year, the crops cannot do well, particularly in areas around Suba, Karachuonyo and Nyakach. Those areas do not get crops at the end of the year. If those areas could be declared arid areas, the Government should come up with a project to irrigate the land within those particular areas, so that the people can produce crops constantly.

Mr. Temporary Deputy Speaker, Sir, if you go to Suba area, particularly in Lambwe Valley, you will find that it has been affected by tsetse flies. Sometimes, farmers in that area cannot rear cattle. They die at a particular time in the year. So, it is important for the Government to declare that area an arid area, so that treatment of cattle can be taken seriously, so that our people can rear livestock continuously.

Mr. Temporary Deputy Speaker, Sir, roads within that particular region should be taken care of seriously, because even during the sunny season, the roads are bad. When the rains come, the roads are completely destroyed. Therefore, the Government should take serious measures to rescue the people of that particular region by making roads all-weather. It is because of such issues that I would like to support this Motion. It should be passed, so that the Government can take serious action to assist the people of those areas mentioned by the hon. Member for Bondo.

Mr. Temporary Deputy Speaker, Sir, lastly, distribution of food has not been even. For example, in the last few months when we had a lot of rain, we realised that some certain areas were given food while others were not and yet, they all lie in the same altitude. They suffered the same rainfall shortage and crops were destroyed and yet, some people were given food and others were not. So, if the Government can declare those areas arid areas, a comprehensive plan can be drawn in such a way that the Government can take care of the people around the lake region, so that they can get equal distribution of food when problems, like the ones which came a few months ago, arise in those particular areas. It is quite unfortunate for the Government to give people in a sub-location only one bag and expect those people to live on that particular one bag. There are certain sub-locations which were given only one bag of maize, each. I wonder how one bag of maize can take care of a whole sub-location. So, if something can be done and clear arrangements made, the people of those particular regions could be helped, particularly when there is rain shortage.

With those few remarks, I beg to support this particular Motion.

**Mr. Mwenje:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words about those zones. We should not talk only about those zones! I thought the author of this Motion should have included other areas like Kitui, Mwingi and some parts of Murang'a which do not get enough rainfall. If only the author was here, we could have moved an amendment to include other areas which are of the same category in terms of rainfall. It is a good request to make the Government to take care of its people. It should have seen that early enough and gazetted those areas. But gazetting those areas is not enough. What I think should have been done is asking for irrigation. We should be asking for irrigation because some of those areas are served by a lot of water reservoirs near them. For example, in Kisumu, you know that the biggest fresh water lake in Africa is just adjacent. Why have we waited for a long time without trying to irrigate those areas using the waters of Lake Victoria? Nyando River passes through Nyando area. Why have we never thought of irrigating those areas using its waters? I find it odd that we have

found it necessary to have an oil pipeline from Mombasa to Kisumu and Uganda and yet, we have not found it necessary to do the same with water! What is more important? We should have done that with water a long time ago. We should have irrigated our farms using that water.

Mr. Temporary Deputy Speaker, Sir, Egypt is benefitting from water which comes from East Africa and yet, we have never thought of using the natural resource given to us by God to benefit our people! What does that show? For the last many years that we have been independent, the Government has never thought of making use of that water to benefit our people. That is one of the biggest failures of this Government. We continue looking for food when there are no rains. We continue importing food! We continue being given food and yet, we call ourselves an agricultural country. We do not get enough rainfall but

God has given us water which is lying idle! All we should do is to gazette those areas, so that if there is any food to be given when there is famine, they are given. Why should we allow a famine to occur in this country, when we have all that water? The Government must admit its failure of not providing its own citizens with enough water. We were told that the whole country would be supplied with clean piped water by the year 2000.

We are now heading to the year 2003, and yet there is no water. This is the case, and yet the same Government which has failed to provide these services is about to go and tell its citizens to elect it again. The leaders of this Government have found it necessary to go round the country campaigning to be elected in the next general election, or looking for votes. They are doing this, and yet they do not think of what our people will eat tomorrow. This is a failure by this Government and that is the reason why I would like to appeal to Kenyans at large, through this House, to make sure that they do not elect the KANU Government again. Kenyans should never think of electing the KANU Government again because it has failed them. The KANU Government has failed to provide Kenyans with food and water. This Government has totally failed. It is for that reason that Kenyans have resolved to elect a government led by the National Alliance for Change (NAC) through the National Alliance Party of Kenya. The true position is that this is a government which will bring change and provide people with water because the current Government has failed to provide them with this commodity. The current Government has also made Kenyans go without food when there is a lot of water which flows in this country.

We have many dams in Ukambani. Those dams should have been used to irrigate Ukambani, most of which is semi-arid. This area has never been gazetted nor has it been provided with water. This is the case, and yet you will find this Government going there to tell the people who live there to vote for it. The areas which are affected should never elect anybody on a KANU ticket because the KANU Government has failed them, maybe, with the exception of the Temporary Deputy Speaker, who is in the Chair. We are saying that gazetting these districts is not just enough. We should have a government in place which will provide water to its people so that they can irrigate their farms. So, we should have had an amendment to this Motion, but, unfortunately, it has not been prepared.

We are in a better position to make use of irrigation compared to countries which are in the north of Sahara. We know that even countries like, Egypt do export food and fruits. It is a shame that a country like Kenya should continue to import food just because there is not enough rain. This is the case, and yet we have been given enough water by God and do not make use of it. Of course, this is a failure on the part of the Government. If you ask how much of the money we have borrowed has gone to irrigation, you will find that none has been used towards this end. This is because most of it is simply misappropriated. This money is continuously misappropriated.

The Chair will find it interesting if I say that, even in Nairobi, we have some "semi-arid" and "arid" areas. These are areas where people cannot even get water for their consumption leave alone for farming and other uses. We continue to experience acute shortage of water in Nairobi because, instead of the Nairobi City Council (NCC) providing the people of Nairobi with water--- The money which should have been put aside to improve water services in this City has been misappropriated.

Sometime back, the World Bank used to make sure that the money which was collected from the sale of water was not misused. But what is happening today? The money collected from the sale of water is now used to buy things like Mayor's chain. I would like to point out that Kshs20 million would have provided the whole of Dandora with water. But instead of using this money towards this end, it is simply used to buy the Mayor's chain so that people can get 20 per cent or 30 per cent *kitu kidogo* (KK). This situation has got to be checked.

I would like to request the Anti-Corruption Police Unit (ACPU) to make sure that they go to City Hall and bring to book all those people who have been misappropriating money from the sale of water. This situation is serious and ought to be checked. We cannot continue like this. The Government watches these things and does not take action.

It is unfortunate that the Mayor's chain was stolen during the tenure of a councillor from my area, who was a former Mayor for the City of Nairobi. Now, another chain is in the process of being bought when another councillor from my area is the Mayor of this City. It is unfortunate that, in Embakasi Constituency, we seem to have councillors who are elected mayors and misappropriate council funds for their interest. We will say this when the time comes.



But the truth of the matter is that we should use the money that is derived from the sale of water to supply more water to Nairobians. The water account should not be used for any other purpose apart from supplying more water to people in the Government, council and everywhere. It is unfortunate that we are now coming to the end of the year and people will go without water.

But as I have said, I would like to use this platform to remind Kenyans that the government of the NAC will provide them with water. Therefore, they should elect it when that time comes.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I support this Motion.

**The Temporary Deputy Speaker** (Mr. Musila): Very well! I now call upon the Mover to reply.

**Dr. Oburu:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to take this opportunity to thank the hon. Members who have contributed very positively to this very important Motion.

All the points which have been raised by the hon. Members are very pertinent to this Motion. Mr. Mwenje has raised the issue of inclusion of other districts in this particular Motion. I would like to inform him that the districts he has mentioned, and 29 more others, have already been gazetted as Arid and Semi-Arid Lands (ASAL) districts in the country. Some of these districts have already benefited massively from donor funding. I brought this Motion because there are districts which fall under ASAL but have not been gazetted.

Having said that, I would also like to say that the districts which have benefited have actually had donor-funding, in terms of infrastructure, agriculture, health development and so on. These districts are, Turkana, Keiyo, Marakwet, so on and so forth.

The essence of this Motion, as I explained at the introduction, is to take cognisance of the fact that our country has gone through some changes in weather conditions; through changes in the intervals between disasters like drought. I explained that intervals of drought have reduced from ten years, which used to be the case 100 years ago, to about two years in the last decade. This is where we have incidents or experience drought every two years. Because of these changes, some of the districts, which did not benefit from famine relief food, have already been included and are benefiting. One of these districts is Bondo. The districts which have never benefited from famine relief are now included. This is because we experience frequent droughts which have very disastrous effects on both our animal and food production. It is because of this that we appeal to the Government to gazette these districts under ASAL so that we do not become beneficiaries of food production in terms of famine relief. That area has very good soils and the reason why it is a food deficit area is because water resources have not been harnessed. Harnessing of water resources is a capital project which needs Government intervention. That should be done as soon as possible.

Mr. Temporary Deputy Speaker, Sir, we have a problem with the utilisation of the water of Lake Victoria because of a treaty which was signed between the colonial authorities and the Egyptian Government. That is a draconian treaty which has outlived its usefulness, and it must be abrogated. But we are not debating that because it will be discussed under another Motion which will be tabled soon in this House, so that riparian communities around the lake can utilise the water of Lake Victoria for purposes of irrigation.

Mr. Temporary Deputy Speaker, Sir, while moving the Motion, I did mention the fact that those areas have very poor infrastructure. Without good infrastructure, it is impossible to attract investment. By classifying those areas under the ASAL programme, more resources will be put into the development of infrastructure, which include road network, electricity and so on. Those areas have suffered from high incidences of diseases such as malaria, typhoid, diarrhoea and HIV/AIDS. The inclusion of those areas under the ASAL programme will solve some of those programmes. Because of inaction on the part of the Government, those areas are some of the poorest in this country. When we look at the incidences of poverty, like infant mortality rate, kwashiorkor and marasmus, the areas to the southern part of the country are reeking of poverty.

Mr. Temporary Deputy Speaker, Sir, in the light of climatic and all other variable changes that have occurred over the last 100 years, it is important for the Government to revise the criteria which is contained in a Paper which was written in 1992, so that more districts could be included under the ASAL programme. If we do that, those districts can benefit from early warning systems, so that they can predict in advance, impending disasters. In that regard, disaster preparedness mechanisms could be put in place, to take care of circumstances which are treated as emergency. Some disasters should not be treated as emergency because there are techniques which have been developed and can be used effectively, to give early warnings with regard to floods and other happenings. Therefore, plans to contain those floods could be put in place, so that properties are not destroyed and animals are not washed away by floods. At the same time, epidemics such as typhoid and cholera which are brought about by heavy floods will be contained.

Mr. Temporary Deputy Speaker, Sir, I do not want to bore you with a lot of statements. While moving the Motion, I explained the benefits and the reasons why this Motion should be passed by the House.

With those remarks, I beg to move.

*(Question put and agreed to)*

## SESSIONAL PAPER ON NON-PERFORMING LOANS

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, in view of the extensive debts and financial difficulties faced by all the coffee societies in Kenya, which have a large debt portfolio, this House urges the Government, as part of its poverty eradication programme, to introduce a Sessional Paper to provide for the writing off of Government non-performing loans so as to enhance coffee farmers' incomes and assist in the revival and growth of the coffee industry.

Mr. Temporary Deputy Speaker, Sir, coffee was once number one foreign exchange earner in this country. But today, coffee is listed as number four in the list of foreign exchange earners. This is something that has happened in the last 15 years. It is a fact that 80 per cent of Kenyans live on agriculture and it is very important that as we get involved in the affairs of state, predominantly in Nairobi, we do not forget the rural areas of this country.

## QUORUM

**Mr. Mutahi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Noting the importance of this Motion; aware that we need a positive reply from the other side, I have noticed that there are neither Ministers nor Assistant Ministers in the House who could be taking notes so that during the time of replying, we would have a proper reply.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order, Capt. Ntwiga! Mr. Mutahi is making a point.

Mr. Mutahi, what is your point? I did not get what you wanted to say. There is no Minister in the House, so what?

**Mr. Mutahi:** Mr. Temporary Deputy Speaker, Sir, I think the only way we can draw the attention of Ministers and Assistant Ministers concerned, would be to call for the Division Bell to be rung.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Mutahi, you can have a quorum and have no Minister in the House! So, the point which you are raising is that there is no quorum; is that right?

**Mr. Mutahi:** Could the Chair guide us on this matter, Mr. Temporary Deputy Speaker, Sir?

**The Temporary Deputy Speaker** (Mr. Musila): Yes, indeed, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

Order! Order, hon. Members! We now have a quorum in the House. Mr. Kihoro, you were on the Floor. You can proceed!

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, I was saying that coffee used to be number one foreign exchange earner and employer in this country. Indeed, coffee has now declined to number four position. I was also saying that, as we get pre-occupied with matters of the state, inheritance and succession in Nairobi--

**Mr. Michuki:** On a point order, Mr. Temporary Deputy Speaker, Sir. The business got interrupted because the Minister for Agriculture was not in the House. Could the hon. Member who proposed that a Minister be sought show us where the Minister is?

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Michuki, the business was interrupted because of lack of quorum, as far as the Chair is concerned. So, it was not because of the absence of the Minister in the House.

We now have a quorum. Proceed, Mr. Kihoro!

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, my time should be noted now. Maybe, I should get tired because there are so many interruptions.

**The Temporary Deputy Speaker** (Mr. Musila): But we know your time!

**Mr. Kihoro:** Thank you for allowing me to get started all over again.

**The Temporary Deputy Speaker** (Mr. Musila): No! The time that you spend is counted!

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, I will have to summarize my contribution in respect of this Motion because it is very important to the coffee farmers in this country; indeed, the Kenyan society that predominantly depends on coffee for their income.

Three months ago, I asked a Question in this House and the Ministry of Agriculture and Rural Development provided a list of coffee debts that are in the country. According to that list, we have got 540 coffee co-operative societies in the country, and all of them have huge debts. From the list, it is clear that nearly Kshs4 billion is owed to lending institutions. In that respect, I am talking about the World Bank and the funds provided by the Kenya Government, and also by farmers' unions, like Meru, Kisii and Machakos coffee unions. We are talking about debts

that are nearly Kshs4 billion, and it is important that as we talk about the revival of the coffee industry, we should, first, address the question of the enormous coffee debts, which we know that, even if the farmers wanted to repay them, they are not be able under the present state of the coffee industry.

Mr. Temporary Deputy Speaker, Sir, the problems of the coffee industry had been brought about, firstly, due to gross mismanagement in the industry. The defunct Ministry of Co-operative Development was very instrumental in ensuring that farmers incurred these very huge debts. The officials in the then Ministry of Co-operative Development did operate very closely with coffee management officials in the 540 co-operative societies, and the Ministry did supervise the irresponsibility of borrowing huge amounts of money that did not end up benefiting the farmer or their societies.

Mr. Temporary Deputy Speaker, Sir, ten years ago, coffee production in this country was nearly 130,000 metric tonnes, and today, this country can only manage to produce about 40,000 metric tonnes, which is a decline of nearly 60 per cent. Indeed, this being the case, it also shows that the farmers' production cannot at all, meet the Kshs4 billion that is being demanded from them today.

Another aspect that has played a huge part in the declining production levels of coffee is the vagaries of the weather and the market. Certain international institutions, the huge purchasers of coffee, have been able to undermine the international coffee market in such way that the price of coffee today is at historic low levels. The farmers, whether in Kenya or in other African countries like Ivory Coast, Tanzania, Uganda or Angola that depend on coffee, have found it impossible to meet their previous obligations.

Mr. Temporary Deputy Speaker, Sir, it is important that as we look at this Motion, we look at it nationally in respect of the debts that are there. The list that was provided by the Minister, and which has got more than 350 coffee co-operative societies, which he does accept are indebted--- Indeed, the 540 co-operative societies are all indebted. I have got a list of co-operative societies from Murang'a, Maragwa, Machakos, Makueni, Meru North, Meru Central, Embu, Mbeere, Kisii, Gucha, Nyamira, Migori, Kakamega, Bungoma, Trans Nzoia, Taita-Taveta, Kirinyaga, Nyeri, Thika and Kiambu. I have read a list of nearly 20 co-operative societies.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Kihoro, what is the first district that you did mention on your list?

**Mr. Kihoro:** I did mention Murang'a District and then Maragwa District. I am talking about 21 districts in the country, and all these districts had a convention in Nyeri on 31st of March, 2001, under the Federation of Coffee Co-operative Societies of Kenya (FCCSK), and all of them did come up with a very good record of what is happening in the coffee industry. I will table a report of the proceedings of the coffee farmers during that convention. Indeed, this Motion has arisen from the deliberations of the farmers during that time. We want to have a voice in the management of the coffee industry in this country. I do table this report, which is very informative, and I recommend that all hon. Members read it.ro

*(Mr. Kihoro laid the report on the Table)*

Mr. Temporary Deputy Speaker, Sir, I would now like to quickly talk about the issue of STABEX funds. Since 1990 to date, the European Union has channelled into this country more than Kshs15 billion in respect of the STABEX Fund partly to support the coffee sector. We do not mind some of these funds being used to support other sectors of the agricultural industry. However, the bulk of these funds are meant to support the coffee farmer. Some people have found a way of fleecing the coffee farmers. The money has been given out to everybody else except the coffee farmer. Currently, Kshs1.6 billion of this money is with the Co-operative Bank of Kenya, and farmers have been told that they cannot get a share of these funds if they borrowed their own money.

Some of the money that has been given out has gone to the Kenya Tourist Board (KTB), and some of it to the Kenya Wildlife Service (KWS). That money was given to these two bodies free of charge for them to spend instead of it being given to them in the form of loans. Today, the KTB and the KWS cannot explain how they spent the nearly Kshs2 billion that was given to them. How come that the farmer cannot access these funds, which came into the country between 1990 and 1993, to support the coffee industry? These funds have since earned interest.

There is a proposal for the Government to pay coffee debts owed to the Agricultural Finance Corporation (AFC). The Government is proposing to pay Kshs8.4 billion. In Sessional Paper No.2 of 2002, the Government is proposing to pay debts in respect of the Kenya Meat Commission (KMC) amounting to close to Kshs1 billion. Indeed, this country was developed using wealth generated by the coffee farmer. How come that the Government cannot agree to pay debts in respect of the coffee farmer? It is very important that this matter be looked into as a whole.

There should be no discrimination. If your neighbour is suffering, you should consider yourself suffering as well, just the way we look at the HIV/AIDS pandemic in this country. Nobody should be so conceited as to look at the question of HIV/AIDS in respect of himself only. We must look at the question of debts in this country as a one project

to be undertaken by the Government. Now that the Government has prepared Sessional Paper No.1 of 2002, and Sessional Paper No.2 of 2002, it is only important that it prepares a third Sessional Paper in respect of coffee farmers' debts.

We are not asking for the impossible. If you look at the way coffee has been dealt with by the European and American countries, as well as countries like Japan, you will find that there are a lot of subsidies which go to the coffee farmer. The Europeans would tell Kenya not to provide subsidies to the coffee farmer. However, more than half of the budgets of European countries go to agriculture. Dare you say that French farmers are not going to be subsidised, they will come out into the streets the following day with their bullocks, tractors, farm implements and cow dung manure, and dump them on the streets. That is what they do.

Indeed, 80 per cent of Kenyans depend on agriculture. Shortly, farmers will come onto the streets of this country and say that nobody can do any other business until we address their plight. We are talking about this first step; it is very important for the Government to deal with the question of poverty eradication in this country. The Government appears to be committed to eradicating poverty. It has come up with so many policy papers on poverty eradication, but how can you eradicate poverty when a very important sector of your economy is indebted in the tune of Kshs4 billion?

Mr. Temporary Deputy Speaker, Sir, I would like this Motion to be seen as an effort towards the revival of the coffee industry, which is very important in this country. As far as agriculture is concerned, Kenya is developed largely using proceeds from coffee, tea, maize and other cash crops, which have now been neglected. So, let us take this Motion as the first step towards the revival of this sector. As we deal with the AFC and the KMC loans, let us also deal with the debts in the coffee sector and also those owed by other farmers, so that we can talk sincerely about the revival of agriculture in this country. We should talk about it in a meaningful way, so that when farmers invest again in coffee, they do not lose out.

I do not have much to say for now. I was put off balance and disrupted. I can see that I still have some more time. When the time comes for me to reply to this Motion, I will say whatever I have not said now. I would like my very good friend, Capt. Ntwiga, to second this Motion.

With those remarks, I beg to move.

**Capt. Ntwiga:** Mr. Temporary Deputy Speaker, Sir, first of all, I want to congratulate Mr. Kihoro for bringing this very important Motion to the House. The fact that I am supporting this Motion means that the Government side is not at all opposed to it. So, I appeal to hon. Members to support the Motion comfortably. I am also on record as having appealed to hon. Members from coffee growing areas not to support the two Sessional Papers by which the Government seeks to write off the AFC and KMC loans, if the Minister for Agriculture continues to act discriminatively by not bringing a similar Sessional Paper to write off loans owed by coffee farmers. Last month, I talked to the Minister about this issue, and he told me: "Captain Ntwiga, since you are not opposed totally to the writing off of the AFC and KMC loans; you are just talking about the coffee loans, if any one of you, hon. Members, brings a proposal on the way forward, I will take the appropriate action."

Now here we are. That is why I have taken this opportunity to say thanks a lot to Mr. Kihoro for coming up with this initiative; it is what I was advised by the Minister to do. I am, therefore, in agreement with this Motion, knowing very well that the Minister for Agriculture and, to an extent, the Cabinet, will support this noble cause to revive this very important sector of the agricultural industry.

Mr. Temporary Deputy Speaker, Sir, when I was contributing to the Sessional Paper on the Kenya Meat Commission (KMC), I asked the Minister why he was acting discriminatively. I almost told him that he was acting as if he was a Minister for pastoralists because he was very happy when he heard that loans owed to the KMC were to be written off. I thought the Minister would take all players under the Ministry of Agriculture and Rural Development as his own children, instead of discriminating against one sub-sector that falls under his Ministry.

Just as the Mover of this Motion has said, coffee used to be a number one foreign exchange earner in this country. I totally agree with him because most of our people, especially in the Mount Kenya region, where you also come from, rely on coffee proceeds. Coffee has been our economic mainstay. You know that the coffee industry has gone to the dogs. The only way in which we can revive the coffee industry is for the Government to come in and write off owed loans by coffee farmers, so that they can go back to coffee farming. You are aware that coffee farmers have abandoned coffee farming simply because, even after putting in a lot of effort, they get minimum output. If the Government undertakes to write off these loans, farmers will not sell their coffee berries to the private coffee pulping stations. You are aware that farmers have opted to sell their coffee berries to private pulping stations because this way, they get money fast, however little it is, rather than sell their coffee through the co-operative societies. They fear that once they sell their coffee through the coffee co-operative societies, the proceeds will go to loan repayment and at the end of the day, they will get nothing.

So, the only way in which we can revive the coffee industry is by writing off these loans in order to

encourage farmers to go back to coffee farming. If we revive the coffee industry, the Government will also earn some revenue through taxes, and employment opportunities will be created. We are only asking the Government to write off loans amounting to Kshs4 billion, unlike the Kshs8 billion owed to the Agricultural Finance Corporation (AFC) and Kshs8 billion owed by the KMC. This is a very small amount of money and the Minister should treat it with seriousness. If these loans were written off, this would encourage our farmers go back to coffee farming.

We have talked about poverty eradication in this country. We have formulated a Poverty Eradication Strategy Paper, but the Paper is not being implemented. We do not want to have policies in cabinets instead of being implemented. The surest way to achieve sustainable rural development is by empowering the farmers. We should look at the agricultural sector as a whole.

Just last week, I asked a Question here about Chuka Farmers Co-operative Society. The Question was about the debts the society owes its creditors. I was told that the society owes Kshs137 million to its creditors. That is only one society in my constituency, and I have so many others. If a society is expected to pay Kshs137 million when it is not producing, where do you expect the farmers to get the money from? The Government, because it consented to the co-operative societies acquiring these loans, should come in and rehabilitate the coffee industry by writing off debts owed by coffee farmers.

Mr. Temporary Deputy Speaker, Sir, the STABEX funds were given to this country to cushion the coffee farmer against bad weather and market forces. But where has that money gone to? It has been misused. It has not been of any help at all to our farmers. This money should have been used to revive the coffee industry. Those are the points I wanted to raise. I want to give other hon. Members a chance to contribute to this Motion. I am a man of few words; I have said my bit and hon. Members have heard it.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Michuki:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to debate on this very important Motion.

If you look at the millions of people in Kenya who depend on coffee, you will then know the importance of this Motion. In Central and Eastern Provinces, western Kenya, parts of the Rift Valley Province, Taita Hills and Ukambani, very many people depend on coffee for their livelihood. It is very difficult to understand how a Government punishes its own citizens by refusing to listen to their demands. The coffee industry has been crying for all these years. Indeed, if you look back over the last 12 years, during which the STABEX funds have been withheld from the coffee farmer, you will realise that the coffee industry deteriorated over this same period. Today, as we speak here, about 32,500 hectares of large scale---

*(There was power failure)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Muturi): Hon. Members, there is no power in the House, and so we will interrupt our business until this afternoon at 2.30 p.m.

The House rose at 11.20 p.m.