

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th May, 2004

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

Mr. Deputy Speaker: Mr. Sambu's Question! Hon. Members, I do not see Mr. Sambu here. This Question has been appearing on the Order Paper for quite some time now. Does the Minister of State, Office of the President, have anything to say about it?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I have been frustrated by the hon. Questioner, because he has permanently refused to turn up to ask the Question. So, I propose that you drop it.

(Laughter)

Mr. Deputy Speaker: Is this not the same Question we had last week?

Hon. Members: Yes!

Mr. Deputy Speaker: It is the same Question on which Mr. Sambu had undertaken to go and obtain an affidavit from the complainant and bring it to the House. I will give him until tomorrow. If he does not come up with the required information, we will assume that he was unable to get it and we will drop the Question. So, we defer it until tomorrow afternoon.

HARASSMENT OF MOSOP RESIDENTS BY POLICE

(Mr. Sambu) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that armed police officers from Kabiyet Police Post travel daily through Mosop Constituency harassing and arresting innocent people?
- (b) Is he further aware that the arrested people are only released after payment of bribes?
- (c) If the answer to (a) and (b) are in the affirmative, what action is the Minister taking against the officers involved?

(Question deferred)

RESETTLEMENT OF MOLO TRIBAL CLASH VICTIMS

(Mr. Mukiri) to ask the Minister of State, Office of the President:-

How much money does the Government intend to set aside to resettle tribal clash victims in Molo in the year beginning 1st July, 2004, and ending 30th June, 2005?

Mr. Deputy Speaker: Hon. Members, Mr. Mukiri is out of the country. So, I will defer the Question.

(Question deferred)
MEDICAL SUPPLIES TO LODWAR
DISTRICT HOSPITAL

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

(a) Is the Minister aware that maternity charges at Lodwar District Hospital are too high?

(b) Could the Minister consider posting surgeons, waiving of maternity fee, and providing adequate medical supplies to the district hospital as a matter of priority?

Mr. Deputy Speaker: Is the Minister for Health not here? Since the Minister is not here, I will defer the Question to tomorrow. Meanwhile, I would like a Minister to undertake to inform the Minister for Health that this House requires her presence tomorrow, to answer this Question.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. This Question was on the Order Paper yesterday morning. It was deferred to this afternoon. The Minister, herself, approached me yesterday evening---

An hon. Member: She approached you last night!

Mr. Ethuro: No, not last night!

(Laughter)

Mr. Deputy Speaker, Sir, the Minister approached me yesterday before 6.30 p.m. She was very apologetic and said that she will answer this Question this afternoon. I have also received the written reply to the Question. If an hon. Member does not turn up to ask a Question, you drop it. What do you do when a Minister does not turn up to answer a Question? Our women cannot go to the maternity. They cannot give birth there!

Mr. Deputy Speaker: Order! Order! Mr. Ethuro, let us give it some time. The Minister could be on her way to the House, given that she undertook to answer it today. If she does not turn up, the Question will remain deferred until tomorrow. I will ask Dr. Kulundu to ensure that this information reaches the Minister.

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: I will not allow any point of order on this Question.

X-RAY MACHINE FOR KENYATTA HOSPITAL

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

(a) Is the Minister aware that only one out of four X-ray machines at Kenyatta Hospital is in working condition?

(b) Is she further aware that the working machine was rated to handle 34 to 40 patients daily, yet it is now serving in excess of 120 patients per day?

(c) When will the unserviceable X-ray machines be replaced?

Mr. Deputy Speaker: Hon. Members, we seem to be facing the same problem. The Minister for Health is not here. As we did with Mr. Ethuro's Question, let us give this Question some time. I will be prepared to revisit it, although it is not normal to go back to Questions by Private Notice. If the Minister does not turn up, this Question, too, will be deferred until tomorrow. So, Dr. Kulundu should take the same brief for the Minister.

ORAL ANSWERS TO QUESTIONS

*Question No.235*COMPENSATION FOR
MR. NJOROGÉ NJAUINI

Mr. M. Kariuki asked the Minister of State, Office of the President:-

(a) whether he is aware that Mr. Peter Njoroge Njauini was assaulted by a platoon of General Service Unit (GSU) officers at Kabarak Farm on 29th, December, 1991, for flashing a two-finger salute, and that the matter was reported to Menengai Police Station; and,

(b) what arrangements are in place to compensate Mr. Njoroge for the severe injuries he sustained, given that he is today physically incapacitated.

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

(a) I am not aware.

(b) There are no arrangements to compensate Mr. Njoroge since the matter was not reported at Menengai Police Station or any other police station as alleged.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister is not aware of that case. That incident was reported on 29th, December, 1991. Mr. Njoroge is a former KANU District Organising Secretary, who had just left the party during the multi-party era. Mr. Njoroge got paralysed because of the severe injuries he received. Both his legs and hands were broken. He also lost a whole set of teeth. What is the Assistant Minister doing to ensure that victims of injustice of the previous regime are taken care of?

Mr. Tarus: Mr. Deputy Speaker, Sir, if one is assaulted, he should report to the police. The police are supposed to take over the matter, conduct the necessary investigations and charge the culprits if there is any evidence.

Mr. Munya: Mr. Deputy Speaker, Sir, the Assistant Minister is not taking this House seriously. The hon. Member has said that the matter was reported to the police, and even given a date. The Assistant Minister is feigning ignorance. Is this the way we are going to run this House? That is a person who was crippled by the police because he decided to change his political affiliation! What is the Assistant Minister doing to right the wrongs that were committed by the previous regime?

Mr. Tarus: Mr. Deputy Speaker, Sir, it is important for every person to follow the laid-down procedures. We make the laws here and they are enforced by the appropriate agencies. While I understand and feel for him - because he is impaired as a result of the beating - that does not mean that he cannot report to the police or sue the same people.

Mr. Deputy Speaker: But, Mr. Assistant Minister, did I not hear Mr. M. Kariuki say that the matter was reported to a police station? I think that is what you are saying; that the matter must be reported to the police station. Did Mr. M. Kariuki not say that it was reported? Are you saying it was not?

Mr. Tarus: Mr. Deputy Speaker, Sir, Mr. M. Kariuki indicated that the matter was reported to the police station on 29th December, 1991, but we have no records related to that particular case at that police station.

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

Mr. Deputy Speaker: Mr. Wanjala, do you want to ask a question?

Mr. Wanjala: Mr. Deputy Speaker, Sir, I want to stand on a point of order.

Mr. Deputy Speaker: All right! Let us hear it!

Mr. Wanjala: Mr. Deputy Speaker, Sir, it seems there is an argument between the hon. Member and the Assistant Minister. I would like to ask the Chair to direct the Assistant Minister to bring the Occurrence Book (OB) here, so that we can check whether that matter was reported on the respective date! You cannot erase an entry in the OB! Would I be in order to ask the Chair to rule that the Assistant Minister should bring the OB before this House?

Mr. Deputy Speaker: You are completely out of order, Mr. Wanjala. I do not think there is any need for an OB from a police station to be brought to this House. It is very clear that Mr. M. Kariuki can have access to that OB, if he so wishes. So, I do not think it is necessary to bring the OB before the House!

(Laughter)

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Given that the Assistant Minister was in KANU at that time, is it really in order for the Chair to allow him to answer this Question? He is taking sides!

(Applause)

Mr. Deputy Speaker: No! No!

Mr. Tarus: Mr. Deputy Speaker, Sir, it looks like the hon. Member is trying to trace my history. I do not want to deny that, but, by then, even the hon. Member was in KANU!

(Applause)

Mr. Omingo: Mr. Deputy Speaker, Sir, last week, I raised some issues regarding the seriousness under which the Government is treating offences committed against its citizens by police officers. I am not too sure whether the Assistant Minister has forgotten that, what he is trying to protect Kenyans from is what is being inflicted on Kenyans today! Could he tell the House that what used to happen is now being legitimised by breaking Harambees? That is exactly what is happening!

Mr. Tarus: Mr. Deputy Speaker, Sir, unless the hon. Member has a specific case which he is making reference to---

Hon. Members: Eldoret! Eldoret!

Mr. Tarus: Mr. Deputy Speaker, Sir, no rallies or Harambees are being broken. I hope hon. Members are not citing the experiences in Eldoret and Iten. We hold our officers accountable for their actions. We have said that officers will be responsible for their actions. We do not want to hear stories like in the past where people used to say: "Orders from above"!

Mr. Deputy Speaker: I would ordinarily go to the last question on this matter now, but Mr. Ethuro has been very persistent. Mr. Ethuro, please, proceed!

Mr. Ethuro: Mr. Deputy Speaker, Sir, this is an extremely important Question! My experience in December, 2002, is very similar to that scenario in 1991 where, somebody was shot and a NARC agent murdered and, up to now, the Assistant Minister has not taken action. He is telling us what he told the officers. What regulations, fora, circular or Force Standing Orders have been changed to express, in no uncertain terms, that police officers who fight political opponents

will be dismissed?

(Laughter)

Mr. Tarus: Mr. Deputy Speaker, Sir, this country has a lot of history and, indeed, I regret that, that actually happened! I want to say that criminal cases have to be investigated and, sometimes, it is not easy to determine the length of time such investigations will take. However, as soon as adequate information has been gathered, the police will go ahead and arrest the culprits.

Secondly, we have pursued a reforms agenda within the police force. Issuing circulars to police stations is not enough! We have to retrain and facilitate them. That is exactly what we are doing.

Mr. Deputy Speaker: Last question! Mr. M. Kariuki!

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the Assistant Minister is not clear as to whether the records cannot be found for 29th December, 1991 or whether, indeed, the record is there, but the report cannot be found. However, that aside, there are many Kenyans who are victims of these kind of injustices for merely expressing their political views and they have fallen victim to the kind of dictatorial rule we have had in the past. Since there was a recommendation for a Truth and Reconciliation Commission, could the Assistant Minister tell us whether the Government is ready to form this Commission, so that these injustices of the past can be addressed?

Mr. Tarus: Mr. Deputy Speaker, Sir, the issue of a Truth and Reconciliation Commission does not fall under my Ministry. So, the hon. Member can put that question to the relevant Ministry.

Mr. Deputy Speaker: Next Question by Mr. Wario!

Mr. Oloo-Arango: On a point of order, Mr. Deputy Speaker, Sir. If the Truth and Reconciliation Commission does not fall under the Office of the President, could the Assistant Minister explain what he means by that?

Mr. Deputy Speaker: No! I have already called for the next Question.

Question No.292

PAYMENT OF AGE ASSESSMENT CHARGE

Mr. Wario asked the Minister of State, Office of the President:-

- (a) if he could explain why *wananchi* are charged Kshs150 for age assessment before they can register for issuance of identify cards; and,
- (b) why the department does not issue a receipt for the said charge.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The National Registration Bureau, which issues national identity cards, does not conduct age assessment for the purpose of registration. An applicant is required to prove his or her age by showing either a birth certificate, school leaving certificate, baptismal card or an age assessment notification. Age assessment is conducted by the Ministry of Health and not my Ministry.

(b) Arising from my reply in "a" above, I am not in a position to explain why the Ministry of Health does not issue receipts for fees, if any, charged for that purpose.

Mr. Wario: Mr. Deputy Speaker, Sir, I hope it is now time for the Assistant Minister to learn his responsibilities and not to run away from them when he is cornered. My question is: The responsibility of issuance of identity cards entirely lies with the Office of the President. It has nothing to do with the Ministry of Health. It is the Office of the President who call in the clinical

officers for age assessment. Could he now tell us why Kenyans are forced to pay very big amounts of money which are unreceipted, and which can be compared to the amount people are paying for ID cards?

Prof. Kibwana: Mr. Deputy Speaker, Sir, as I have indicated, we require, for example, a school leaving certificate and we are not responsible for processing the same. We also require a baptismal card and we are not responsible for processing it, just like the age assessment notifications. I think it is very important for Kenyans to know the charges that we levy at the National Registration Bureau. We levy Kshs50, Ksh100 and Kshs300 for initial registration, replacement of an ID and alternation of particulars, respectively. If the National Registration Bureau or any officer asks for any other charges, those are illegal charges.

Prof. Olweny: Mr. Deputy Speaker, Sir, I have heard about the documents that the Ministry needs in order to give someone an ID. Now, in a number of places, if one goes to register, one is required to bring one's father's and mother's IDs and even sister's ID. Could the Assistant Minister tell this House that the clerks are going to be instructed to request for either a baptismal card or school leaving certificate, apart from these other documents?

Prof. Kibwana: Mr. Deputy Speaker, Sir, on the relevant forms of application, there is information which is required regarding the identity numbers of a parent, and it is in that context that, that information, including photocopies of the IDs of the parents, are required.

However, for purposes of the person who is seeking registration, those items that I have mentioned are the ones that are required.

Dr. Ali: Mr. Deputy Speaker, Sir, I wish to ask the Assistant Minister that in border areas, people experience a lot of problems with ID cards. After assessment is done in those areas and ID forms are filled, it takes another one year before people get ID cards. Which is this other security check which is done at NSSF building, and why does it take that long for people to get IDs?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I do not know whether the hon. Member talked about NSSF.

Mr. Deputy Speaker: He said the NSSF building.

Prof. Kibwana: Okay. Mr. Deputy Speaker, Sir, I thought it was the NSSF itself. One must concede that particularly during the previous regime, it took a long time for Kenyans who were of, for example, Somali origin and so on, to get their identity cards. We have stated that, that is discrimination and, therefore, we are putting in place, measures to ensure that all Kenyans are given registration cards expeditiously.

Dr. Kibunguchy: Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister one question: When you look at the average Kenyan, he seems to have very many cards. He has an ID card, passport, voter's card, driving licence card, and hospital card. When is the Government going to put in place, mechanisms where we can just have one card that will cover all the others?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I think that question is a very important and relevant one. In terms of the policy shift, we are considering the possibility of ensuring that even at birth, each Kenyan is registered and that registration is used for most of the things that affect him or her. However, for that to occur, a policy shift is necessary and we are working on that.

Mr. Wario: Mr. Deputy Speaker, Sir, it is a pity that some of these Ministers do not know where some of their departments are based in Nairobi. However, my question is: Now, that the Assistant Minister has confirmed to the House that this charge is illegal, when is he going to give orders to the people on the ground to scrap it off?

Prof. Kibwana: Mr. Deputy Speaker, Sir, the hon. Member is hitting below the belt. The earlier questioner talked about the NSSF institution and not the building. Secondly, I have said that if there is anything that is done by the Ministry of Health regarding age assessment, then my

Ministry is not in a position to really determine exactly how that process goes. I think it will be important for the Ministry of Health to clarify this issue.

Mr. Deputy Speaker: Next Question by Mr. Munya!

Question No.226

REPAIR OF KAGAENE-KIGUCHWA-
ATHI ROAD

Mr. Munya asked the Minister for Roads, Public Works and Housing:-

- (a) whether he is aware that construction work on Kagaene-Kiguchwa-Athi Road in Tigania East Constituency has stopped;
- (b) which company/companies were awarded the tender to repair this road and at what cost; and,
- (c) when work will resume.

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

(a) The work on Kagaene-Kiguchwa-Athi Road in Tigania East Constituency has not stopped, although there was slow progress sometime back, caused by delay in payments. When the problem was rectified, the progress picked up and we expect the works to be completed soon.

(b) The work on the road was awarded to two contactors as follows: Access Construction Company Limited to work on 12- kilometre section from Kagaene to Kiguchwa at a tender sum of Kshs29,993,439. Two, Trans-National Construction Company Limited to work on a 12-kilometre section from Kiguchwa to Athi at a tender sum of Kshs20,940,180.

(c) The work on this road is progressing at a steady pace and we expect it to be completed soon.

Mr. Munya: Mr. Deputy Speaker, Sir, Access Construction Company does not have equipment to build the road and that is why the work on the road has not been able to continue. The construction company had a grader which used to collapse every now and then. It could only move in areas that have no stones. How was a company which has no equipment awarded the tender to construct the road?

Eng. Toro: Mr. Deputy Speaker, Sir, the initial problem, when the tenders were awarded was that by the year 2002, there was delay of counter-signing by the Treasury and the European Union. These counter-signatures were obtained in June, 2003, thus causing a nine-months' delay. There were some further payments occasioned by delay in honouring the certificates that were given by the two contractors.

Mr. Deputy Speaker, Sir, the reason why Access Construction removed their graders from site was because of the delay in payment. However, by now, I am sure they are back on site working.

Mr. Maore: Mr. Deputy Speaker, Sir, the Assistant Minister has said that they have already paid the construction companies to resume work. In the arrangements, what is the time schedule? When will the two companies finish the work?

Eng. Toro: Mr. Deputy Speaker, Sir, Access Construction Company will finish the work in June, 2004; that is, next month and Transnational Construction Company will finish in August, 2004.

Mr. Munya: Mr. Deputy Speaker, Sir, I am surprised when the Minister says that Access Construction Company will finish work, which they have hardly started in June, 2004, when Transnational Construction Company, which has made some progress, will finish later. That shows

that the Assistant Minister is not aware of what he is talking about. Access Construction Company constructed some culverts that were not properly done because they were not reinforced.

Mr. Deputy Speaker, Sir, in the Constituency Roads Committee meeting, I raised the matter and the Roads Engineer said that the culverts would not be used because they were not properly done. Unfortunately, those are the same culverts that are being used. Does that not show that the Ministry is still involved in corruption, even after the NARC Government took over?

(Applause)

Eng. Toro: Mr. Deputy Speaker, Sir, if my Ministry is involved in corruption, then it will be some officers on the site and I would like them to be exposed because there is no room for corruption. It is still our hope that the two contractors will finish work as they had promised. However, if they do not finish the work as per the agreement, we will have no alternative, but to terminate the contracts.

Mr. Munya: Mr. Deputy Speaker, Sir, what about the culverts? The wrong culverts are being used, and yet they are not properly done.

Mr. Deputy Speaker: Order, Mr. Munya! What you are saying may be good, but you are saying it without the permission of the Chair. Therefore, we will ignore it.

Question No.212

ILLEGAL ALLOCATION OF ELDORET MUNICIPALITY PLOT

Mr. Kipchumba asked the Minister for Education, Science and Technology:-

(a) what action he has taken to stop the illegal allocation of title No.ELD/MUN/BLOCK/10/327/(242); and,

(b) what urgent measures he is taking to repossess the property to facilitate the construction of the GK Magereza Secondary School.

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

(a) Investigations done by the Ministry have revealed that Eldoret Municipal Council gave land Ref. No.ELD/MUN/BLOCK/10/327/(242) to GK Magereza Secondary School, which is associated with the Prisons Department. However, upon a search being done at the District Land Registry and Physical Planning Office Registry, it has been discovered that the land measuring 2.8 acres had been illegally allocated to private developers. Consequently, the issue has since been reported to the Presidential Commission on Public Lands through the District Development Committee (DDC).

(b) Pursuant to the above findings, my Ministry now undertakes to take up the matter with the Ministry of Lands and Settlement through the normal official channels, with a view to have the already awarded titles revoked.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, while appreciating that answer, I would like the Assistant Minister to give us an assurance that his Ministry will assist many other schools to get title deeds so that similar cases do not occur in the future. Otherwise, this will bring a lot of problems.

Dr. Mwiria: Mr. Speaker, Sir, I can assure hon. Kipchumba that we are going to do exactly that. In fact, even before the Presidential Commission on Public Lands was formed, we had already formed our own in the Ministry to investigate school property that has been grabbed, and we certainly shall recover all of it.

Mr. Keter: Mr. Deputy Speaker, Sir, could the Assistant Minister name the private developer who was allocated this particular land?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I am always willing to *toboa*. In fact, I was waiting for this question.

(Applause)

The two major plots were allocated to a Mr. Francis William Lekolol and Mr. Josiah Magut, the former Mayor for Eldoret.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I want to request the Assistant Minister to expedite the return of the plot so that we can start construction of this secondary school, probably by the end of the year.

Dr. Mwiria: Mr. Deputy Speaker, Sir, it is in our interest to expedite the exercise of recovering the piece of land. So, I agree with hon. Kipchumba.

Question No.358

SPLITTING OF KERINGET
EDUCATIONAL ZONE

Mr. Deputy Speaker: Mr. Cheboi! I thought I saw Mr. Cheboi here. Is he not in? The Question is dropped.

(Question dropped)
Question No.420

AMBULANCE FOR KENYENYA
HEALTH CENTRE

Mr. Onyancha asked the Minister for Health:-

- (a) what action she is taking to elevate Kenyenia Health Centre into a sub-district hospital; and,
- (b) whether she could consider providing the Health Centre with an ambulance to ease transport problems for patients who have to be transferred to Kisii General Hospital.

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

(a) We do not have immediate plans to upgrade Kenyenia Health Centre to a sub-district hospital. However, the facility will be improved so that it can provide a full range of services. This will include: Curative out-patient services; maternal-child health and family planning; environmental health and immunisation services; nutrition demonstration; maternity services; mobile oral health services; minor surgeries; and, in-patient services on observation basis of a minimum of 24 hours before referral.

(b) Kenyenia Health Centre will be considered together with other health facilities on the basis of budgetary provision allocating ambulances in the next financial year of 2004/2005. Meanwhile, the ambulance at Gucha District Hospital will continue supporting the centre.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! I do not know what is going on there between

Eng. Toro, hon. Munyes and hon. Ligale. Discuss in low tones, please.

Proceed, Mr. Onyancha!

Mr. Onyancha: Mr. Deputy Speaker, Sir, you can see the level of unpreparedness on the part of the Minister in answering my Question. However, she has said in her written answer that this facility will be improved to be able to provide, (1) Curative out-patient services. This is a functional health centre which is giving curative out-patient services. I do not know what other improvement she is going to give so that she can upgrade this sub-district hospital. When is she prepared to improve this facility?

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. I have already said that this will be in the budgetary provision for 2004/2005.

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir. During this financial year, this Ministry purchased more than 100 ambulances. Why could she not allocate one of these ambulances to this hospital?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, first of all, this is not a district hospital, it is a health centre. I would like to inform the hon. Member that during this financial year, we have not supplied any ambulances. Mr. Deputy Speaker, Sir, as I said earlier in this House, we have provided some vehicles to some health centres. These vehicles were only 43 in number; they were not 100. I would like to correct that. We will continue to do so in the following financial year.

Mr. Deputy Speaker: Last question by Mr. Onyancha.

Mr. Onyancha: Mr. Deputy Speaker, Sir, what is the Ministry's policy on upgrading health centres to sub-district hospitals?

Mrs. Ngilu: First of all, this needs to go through the District Development Committee (DDC). Once that has gone through the DDC, we put it in the Budget for allocation so that it can actually meet the standards of a sub-district hospital. That includes ensuring that it has the right equipment, health workers and facilities. Those are the---

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

Mr. Deputy Speaker: Order, Mr. Onyancha! Give the Minister a chance to answer your question. If she says something that you do not like, it is not necessarily out of order. Now let me hear your point of order!

Mr. Onyancha: Thank you, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House that this health centre has not gone through the DDC? It has gone through all those processes and the facilities are available. All she needs to do is to upgrade it to a sub-district hospital.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the hon. Member asked for the policy, and I was answering him by giving him the policy! **Mr. Deputy Speaker:** Indeed, the Minister did not say that the health centre had not gone through the DDC. That is why I always encourage hon. Members to listen to the answers before raising points of order.

Next Question by Mr. Ojaamong!

Question No.337

RESUMPTION OF MABALA
PASSENGER TRAIN SERVICES

Mr. Ojaamong asked the Minister for Transport and Communications when the passenger train services to Malaba will resume.

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

The passenger train service to Malaba is expected to resume in two year's time.

(Laughter)

Hon. Members: Are you being honest?

The Assistant Minister for Transport and Communication (Mr. Ligale): Yes, I am being honest.

Meanwhile, funds are being sought to overhaul and procure additional locomotives and coaches to be used to provide passenger services countrywide, including Malaba. The overhauling of locomotives and coach refurbishment programmes are planned to commence in the 2005/2006 financial year. To improve on rail services, this House may wish to note that the Government intends to concession Kenya Railways Corporation (KRC) by the year 2005, and the concessioner is expected to provide those additional services.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House the cost of overhauling and procuring additional locomotives and coaches?

Mr. Ligale: Mr. Deputy Speaker, Sir, I do not have the exact figure of how much it costs, but I do know that, currently, the KRC is not in a position to undertake those services.

Mr. Wakoli: Mr. Deputy Speaker, Sir, you realize that with the introduction of safety belts and speed governors in *matatus* and buses, many people have kept their vehicles at home. This is the only service that can be given to the poor Kenyans who go to Malaba.

Mr. Deputy Speaker, Sir, is this Government not thinking about the people of Malaba? When are we going to be considered? The two years that the Minister is talking about is too far. Could he reduce the period?

Mr. Ligale: Mr. Deputy Speaker, Sir, I am being honest. It is not possible to reduce that period. We will have to wait until we are able to get a concessioner who is likely to have additional funding to enable us to purchase and refurbish any existing locomotives to be able to go to Malaba.

Mr. Deputy Speaker: Yes, Mr. Wanjala! This time it should be a question and not a point of order.

Mr. Wanjala: Mr. Deputy Speaker, Sir, like other Kenyans, the people of Malaba would like to travel. You have heard the Assistant Minister giving them two years for them to start travelling.

Mr. Deputy Speaker, Sir, what other means of transport has the Assistant Minister put in place to enable the people of Malaba to continue visiting other parts of this country?

Hon. Members: *Boda-boda!*

Mr. Ligale: Mr. Deputy Speaker, Sir, the people of Malaba can go by bus, by *matatu*; they can go on foot and also by *Boda-boda*.

(Applause)

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

Mr. Ojaamong: Mr. Deputy Speaker, Sir, considering that the KRC is nearly collapsing, could the Assistant Minister assure the House that the former employees of KRC have been paid their dues?

Mr. Deputy Speaker: That is a completely different Question, but answer it, Mr. Ligale.

Mr. Ligale: I do not know why hon. Members are asking about the former KRC employees. Any employees that are retrenched are paid to the full.

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

SURRENDER OF IRREGULARLY
ALLOCATED LAND

Mr. Shitanda, on behalf of **Mr. Wamunyinyi**, asked the Minister for Local Government how many plots have been surrendered countrywide from the time the Government granted amnesty to owners of irregularly allocated land.

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

One thousand, seven hundred-and-forty plots have been surrendered countrywide from the time the Government granted amnesty to owners of irregularly allocated land.

Mr. Shitanda: Mr. Deputy Speaker, Sir, could the Minister tell us in which locations these plots are? What action is he going to take against the people who had acquired these plots illegally?

Mr. K. Maitha: Mr. Deputy Speaker, Sir, when we were compiling the list, we categorised the plots in provinces. Coast Province had 78 plots; Nairobi Province - 179 plots, and four plots were voluntarily surrendered. Western Province had 87, and one plot was voluntarily surrendered. Eastern Province had 735 and the Rift Valley Province had 549. This includes seven plots which were voluntarily surrendered. Nyanza Province had 124 plots.

As we answer this Question, we are still compiling the lists of the Central and North Eastern provinces.

Dr. Khalwale: Mr. Deputy Speaker, Sir, development of football in this country relies purely on the availability of space for the development of stadia. That list is very long. Could the Minister confirm whether a plot that was meant for a stadium in Malindi is included in that list?

(Applause)

Mr. K. Maitha: Mr. Deputy Speaker, Sir, that plot was voluntarily surrendered, and it is in this list.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, could the Minister tell Kenyans how many of those surrendered plots have already been allocated? There is information that in Karen, the Government has already allocated almost all those plots.

Mr. K. Maitha: Mr. Deputy Speaker, Sir, the reason for the Government's initiative to repossess these plots is that local authorities are supposed to plan their urban areas. In fact, it was found that all these plots were allocated despite the existence of development plans. So, they are utility plots which are supposed to be surrendered for the same use as intended before.

Mr. Shitanda: Mr. Deputy Speaker, Sir, the Minister has told us the plot in Malindi was voluntarily surrendered. Could he tell us the name of the person who surrendered the plot?

Mr. K. Maitha: Mr. Deputy Speaker, Sir, that is a different Question.

Question No.263

ATTORNEY-GENERAL'S FAILURE
TO HONOUR COURT AWARD

Mr. Maore, on behalf of **Mr. Muiruri**, asked the Attorney-General why he has not honoured a court order emanating from HCC 4682/1989 Nairobi, in which he was on 4.12.1998 ordered to pay a sum of Kshs310,000 plus interest to a widow, Mrs. Teresia Wambui Ndung'u.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

The Attorney-General received a certified copy of the original decree from the advocates of the widow, Mrs. Teresia Wambui Ndung'u, vide letter dated 7th May, 2004. By letter dated 10th May, 2004, the Attorney-General wrote to the Permanent Secretary responsible for the Department of Defence to pay the decretal amount. The cheque is being processed.

Mr. Maore: Mr. Deputy Speaker, Sir, the case was filed in 1989, and the ruling was given nine years later. Six years later, no action has been taken.

Could the Attorney-General favour the House with a specific time frame when we can expect the cheque to be paid?

Mr. Deputy Speaker: Yes, "Mr. Minister!" The Attorney-General! You are a Minister, anyway!

Mr. Wako: Mr. Deputy Speaker, Sir, for the avoidance of doubt, the Attorney-General is a Cabinet Minister.

(Laughter)

The delay is not in the Attorney-General's office. The delay in obtaining the decree, which would have enabled the Government to pay, lay with the advocate of the claimant. I have been promised by the Department of Defence that the cheque will be written soon after the Budget.

Mr. Midiwo: Mr. Deputy Speaker, Sir, very often, people come to us complaining about their dues pertaining to judgements in courts being held by lawyers or by the Government. Is there a general policy on this? Last year, the Minister for Justice and Constitutional Affairs promised that the Government will not tolerate lawyers who hold money belonging to their clients. Has that policy been implemented? If not, when will it be implemented?

Mr. Wako: Mr. Deputy Speaker, Sir, it has always been the Government policy that lawyers should not defraud their clients. I can assure you that in conjunction with the Complaints Commission and the Disciplinary Committee, a number of lawyers are being prosecuted, and others will be prosecuted for theft of clients' money. This has produced some results in that as soon as the investigations start, they pay their clients.

Mr. Deputy Speaker: For the Second Time, Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

MEDICAL SUPPLIES FOR LODWAR DISTRICT HOSPITAL

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

(a) Is the Minister aware that maternity charges at Lodwar District Hospital are too high?

(b) Could the Minister consider posting surgeons, waiving of maternity fee, and provision of adequate medical supplies to the district hospital as a matter of priority?

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, first of all, I wish to apologise for being late and for not answering this Question yesterday.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) The hospital charges at Lodwar District Hospital and all other Government health facilities are set by the respective hospital management boards, whose members are drawn from

each health facility's local community to represent the community's interests. They set a rate on the basis of what they consider affordable by the local community. If, therefore, the charge of Kshs100 is too high, and I believe it is, considering the poverty levels, it should be revised. I intend to review maternity charges in our hospitals, given the problems experienced by many expectant mothers who go to the hospitals for medical services.

(b) Given the comparatively low surgical workload at the Lodwar District Hospital, it is not possible at the moment to post a surgeon on full-time basis at the hospital, given the shortage of surgeons countrywide. However, the Medical Officer of Health and other qualified medical personnel at the hospital render surgical services there. However, a surgeon will be availed depending on the need in the event of complicated cases.

Regarding maternity fee, there is also a waiver system in place that caters for those who are classified as totally unable to pay the required fee. The hospital is adequately supplied with drugs and we shall ensure that this is maintained, like in all other hospitals and health centres.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I want to thank the Minister for that reply, but really, Kshs100 for the local woman is too high and that is why they are not going to the maternity wards. They are giving birth back at home. This Question is related to the issue of the medical training centre. If you recall last week, the Nursing Council was threatening to close the medical training centre because the hospital did not have a surgeon. And the Minister, on 19th last week, promised us that she was going to send a surgeon. The workload here cannot be low. This is a district of an area of 78,000 square kilometres, with 500,000 people, and where you have about 77 medical personnel as opposed to the requirement of 155.

Mr. Deputy Speaker: What is your question?

Mr. Ethuro: Mr. Deputy Speaker, Sir, when is the Minister, going to send a surgeon to the area? I need to be told the frequency. Even if it is not on a full-time basis, she should be able to tell us whether it is every week that the doctor will be visiting. That will help us have the medical training centre which she promised to open by December.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, we have a method of getting our district hospitals get in touch with the facilities where we have surgeons, so that we do not have a surgeon posted in a hospital and taking only one case in a week. However, I want to assure the hon. Member that the medical officers in every district hospital are fully trained and qualified to handle surgery cases. I want to admit here that truly the Ministry of Health has a shortage of health workers and we are addressing this issue.

Ms. Mwau: Mr. Deputy Speaker, Sir, given the poverty level of Kenyan women, could the Minister consider giving free maternity services to all women in Kenya?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, this has already been considered and I want to remind the House that they passed the Sessional Paper on National Health Insurance Scheme last week, and this is part of it. Those very poor will be able to access maternity health care services for free and the Government is going to pay for them.

Mr. Ethuro: Mr. Deputy Speaker, Sir, given the assurance we had at the Ministry headquarters, and knowing that the closest health facility to Turkana District is in Kitale, which is about 400 kilometres from Lodwar, can she as a matter of priority--- The Nursing Council has stated very well that the MOH and the two doctors who are practising cannot offer the surgical experience needed by the nurses under training attached to the hospital. Could she consider posting a surgeon to that area? Even if it is not on a permanent basis, it should be every fortnight.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, this is possible.

Mr. Deputy Speaker: For the second time, next Question by Private Notice!

X-RAY MACHINES FOR KENYATTA HOSPITAL

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

(a) Is the Minister aware that only one out of four X-ray machines in Kenyatta National Hospital is in working condition?

(b) Is she further aware that the working machine was rated to handle 35 to 40 patients daily, yet it is now serving in excess of 120 patients per day?

(c) When will the unserviceable X-ray machines be replaced?

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

(a) I am aware that the X-ray machines at the Kenyatta National Hospital have gone beyond their economic life, frequently break down and, therefore, need replacement. The hospital does not have four X-ray machines, as the hon. Member has said. We actually have 14 X-ray machines of different types, and they are all in working condition. Four of the X-ray machines we have are general-duty X-ray unit, one Fluoroscopy unit, a mobile X-ray unit, a CT scan, Mammography unit, a Tomography, Ultra sound machines and three mobile image intensifiers.

(b) On average, Kenyatta National Hospital handles over 950 X-ray patients in a week, which, therefore, translates to 129 patients daily.

(c) The process of replacement of obsolete and unserviceable X-ray machines at the hospital will start during the 2004/2005 financial year.

Mr. Mwancha: Mr. Deputy Speaker, Sir, the Minister has said that the hospital has X-ray machines that have gone beyond their economic life and frequently break down. X-ray machines emit very dangerous rays to the human body. When they are not in serviceable condition, they can cause very serious effects, especially to the expectant mothers. In view of the fact that the X-ray services are very expensive in private hospitals, when are those machines which have gone beyond their economic life going to be repaired?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, they can only be replaced and not repaired. I have already said that this will be done in the next financial year. We already have those funds.

Mr. Owino: Mr. Deputy Speaker, Sir, now that the machines are probably completely out of order and not working satisfactorily, is the Minister satisfied that they still give the desired results required of them?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I have already said that I am very dissatisfied because they break down every so often and we spend a lot of resources repairing them. Therefore, the most economical thing is for the Ministry to buy new up-to-date equipment.

Mr. Mwancha: Mr. Deputy Speaker, Sir, the congestion at the Kenyatta National Hospital for X-ray services is largely due to the fact that most district hospitals do not have X-ray machines for X-ray services. What steps is the Minister going to take to ensure that the X-ray services are offered in all district hospitals?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, this House will remember that, last week, they passed a Sessional Paper that will allow me or the Ministry of Health to use resources available to us to equip health facilities countrywide, in district hospitals, health centres and dispensaries. This is how I intend to deal with this problem. I hope this will end the problem once and for all.

Mr. Deputy Speaker: Hon. Members, that is the end of Question Time!

POINTS OF ORDER

DUMPING OF FOETUSES ON MOMBASA ROAD

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. I stand on a point of order to seek a Ministerial Statement from the Minister for Health regarding an incident that is likely to become a health hazard, as much as it is immoral. A minimum of 15 fetuses were dumped on a section of Mombasa Road last night. They were later collected by the police. Documents that accompanied the purported "trash" were from a medical clinic located at KENCOM House. We need a Ministerial Statement from the Minister to establish whether the clinic is authorised to operate.

Mr. Deputy Speaker, Sir, secondly, we want to know whether the proprietors of the clinic have been arrested, and thirdly, we want a preliminary report on the investigations undertaken and the action taken.

The Minister For Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I would like Mr. Maore to tell me the name of the clinic.

Mr. Maore: Mr. Deputy Speaker, Sir, the "trash" was from Reproductive Health Services located at KENCOM House. The proprietor was featured in one of our local television channels today over lunch hour, denying the information. The Minister for Gender, Sports, Culture and Social Services, Mr. Balala, witnessed what I am talking about in the morning.

Mr. Deputy Speaker: The Minister will look into that issue and prepare an appropriate Ministerial Statement regarding it.

REVIVAL OF KMC

Mr. Wario: Jambo la nidhamu, Bw. Naibu Spika. Juma lililopita nilisimama kwa jambo la nidhamu kudai taarifa ya Serikali kutoka kwa Waziri wa Ustawi wa Mifugo na Samaki kuhusu kufufuliwa kwa Kenya Meat Commission (KMC). Nitapata taarifa hii lini?

Mr. Deputy Speaker: Mr. Wario is raising a very important issue. Last week, the Minister for Livestock and Fisheries Development was asked to give information in relation to Mr. Wario's Question regarding employment or appointments at the KMC. The Minister submitted some information. However, additional information was required. He was then asked by the Chair to submit the information.

Mr. Deputy Speaker, Sir, could one Minister ask him to come tomorrow with that information?

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I shall do that.

FAMINE IN TURKANA DISTRICT

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, I sought a Ministerial Statement from the Minister, Office of the President, on the issue of death from starvation in Turkana District. The Chair ordered the Minister to bring the Statement this afternoon.

Mr. Deputy Speaker: Mr. Assistant Minister, do you have the Ministerial Statement?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, yes, I do.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. It is normal and professional that hon. Prof. Kibwana apologises to this House. He has been withholding a Ministerial Statement from the House. This is a very serious matter. Etiquette demands that he apologises.

The Assistant Minister Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, you had already asked that we move to the next order. I, therefore, thought that because of time

constraint, you did not want the Statement issued. I could not impose myself on this House.

Mr. Deputy Speaker: Order, Mr. Assistant Minister. I said that we should move on to the next Order because there was no one standing. If you had a Ministerial Statement, the procedure is for you to stand up for the Chair to know that you have something to say. That escaped your mind. It should not have happened. You can now proceed to read your Ministerial Statement and also apologise to the House.

The Assistant Minister Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I will read the Ministerial Statement on drought, famine and resultant deaths in Turkana District.

Hon. Members: Apologise! apologise! **The Assistant Minister, Office of the President** (Prof. Kibwana): Mr. Deputy Speaker, Sir, you said that I should read the Statement first, then I apologise. I am following that order.

Mr. Deputy Speaker: Professor, please, let us respect this House!

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I apologise.

MINISTERIAL STATEMENTS

FAMINE IN TURKANA DISTRICT

Mr. Deputy Speaker, Sir, on 25th May, 2004, hon. Ethuro requested a Ministerial Statement on the state of drought, famine and resultant deaths in Turkana District due to starvation, to which I wish to respond as follows.

It is true that Turkana District is currently facing severe drought. The District has failed to get adequate rainfall in the last few rainy seasons. Animals have perished due to lack of water and pasture. The Government, through the Office of the President, has been closely monitoring the drought situation in the district since the beginning of this financial year. The Government has dispatched to the district 70,900 bags of maize, out of which 33,672 bags were dispatched this week. In addition, 10,429 bags of beans and 14,450 cartons of vegetable oil have also been distributed. The value of the relief food distributed in the district so far amounts to Kshs150 million, including transport and logistics costs.

The Government, in collaboration with its partners Emergency Relief Services, Oxfam, World Vision, and Christian Children Fund (CCF), who are distributing relief food items, have stepped up efforts in monitoring the situation in response to claims in the Press. The District Steering Group is also discussing the issue with other partners to ensure adequate food supply in the District. In addition, need assessments are going on in all arid and semi-arid areas in the country to quantify the effect of the drought.

Mr. Deputy Speaker, Sir, finally, we have requested the relevant District Steering Group to seek information on possible fatalities as a consequence of famine, as opposed to ordinary disease. As I have stated, our interventions have started to arrest the deleterious effects of farming in the District.

(Mr. Deputy Speaker left the Chair)

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

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am happy that the Assistant Minister

has responded. He is talking about distributing 33,000 bags of maize this week. The Ministry is fully aware that Turkana District, and many other ASAL regions, are prone to drought. It is a periodic cycle. Every five to ten years, we experience drought. The Assistant Minister needs to inform this House whether he had taken measures to prepare for the drought. He has talked of money that has been spent on transportation of the relief food. Sometimes the Ministry spends more money on transportation than on the food.

Could he tell us how much money is being spent on transportation costs? Sometimes the same food is used by the Provincial Administration to pay the transporters.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, I do not have the specific figures for transportation cost. My understanding is that we have made adequate provision for transportation of the food. If the food does not arrive in good time, it is not because of lack of transportation money.

Mr. Temporary Deputy Speaker, Sir, secondly, the Ministry has started to work towards being able to predict drought and respond appropriately. This is being worked on by the District Steering Committees as well as the national committees. That is important, so that we are not ambushed, as it were, by natural disasters.

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, listening to the Ministerial Statement and the figures of maize and beans supplied to Turkana, the price would have been in the region of more than Kshs2,500,000 per 90-kilogramme bag.

Mr. Deputy Speaker, Sir, could the Assistant Minister give us a proper breakdown? He is telling us that he has spent Kshs150 million for 33,000 bags of maize and 10,000 bags of beans.

The Temporary Deputy Speaker (Mr. Khamasi): Your point has been made.

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, I am a businessman and I understand the price of produce. Therefore, what he is telling us here is not correct. We need a proper breakdown.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, 33,672 bags of maize is what was recently dispatched. I talked about 70,900 bags of maize, 10,429 bags of beans, 14,450 cartons of vegetable oil and transport and logistics. I will be very happy to table the breakdown of those figures.

The Temporary Deputy Speaker (Mr. Khamasi): Now I think there is interest from the House to know the details. When are you tabling this Mr. Assistant Minister?

The Assistant Minister, Office of the President (Mr. Kibwana): We would like to table the figures tomorrow afternoon.

The Temporary Deputy Speaker (Mr. Khamasi): That is granted. So, we will wait until the figures are tabled. If hon. Members want to seek more clarifications, then they will do so. Are there any further Ministerial Statements?

KILLING OF TWO NGOMONGO ESTATE RESIDENTS

Mr. Omondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I sought a Ministerial Statement from the Minister in charge of internal security to explain the frequent invasion of tenants at Ngomongo Estate in Nairobi and to date, I have not received that Ministerial Statement. Could the Minister explain the reason for that?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, we were waiting for the other Ministerial Statement to be completed and then we give

another one.

The Temporary Deputy Speaker (Mr. Khamasi): When?

The Assistant Minister, Office of the President (Mr. Tarus): We can read it even now.

The Temporary Deputy Speaker (Mr. Khamasi): I think I do not want to go back to what the Chair ruled. We have got to be serious. When Ministers come here with Ministerial Statements, it is their responsibility to stand up and catch the Speaker's eye to issue them. You cannot go on sitting down with the Ministerial Statements, and expect that the Chair will know that you have got them. So, please go ahead and read it.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, I have been coming to the House with this Ministerial Statement for the last one week and the hon. Member has occasionally been skipping sittings of the House.

The Temporary Deputy Speaker (Mr. Khamasi): Order! That is water under the bridge. I am saying that when you have got a Ministerial Statement here, it is your responsibility to catch the Speaker's eye. Will you please go ahead and read it?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, on 28th April, 2004, Mr. Omondi rose on a point of order to request a Ministerial Statement on the killing of two people on 17th April, 2004 between 8.00 p.m. and 9.00 p.m. at Ngomongo Estate in Nairobi. Consequently, I wish to respond as follows.

On 17th April, 2004 at about 8.30 p.m. the landlord of plot No.280 at Ngomongo Estate, the late Mr. Samuel Mwaura Muturi, aged 45 years, was accompanied by his three sons, aged between 12 and 17 years, and his brother. They are Simon Mwangi, Daniel Matimu, Kennedy Muchiri and Daniel Mwangi respectively. The landlord had received information that some of the tenants were shifting from his plot and were vandalising the doors. On arrival, they found the occupant of Room No.39 removing the door. He restrained him and locked him inside, intending to call the police. When locked inside, the occupant of this room raised an alarm that he was being attacked by thieves. Occupants of the adjacent Rooms Nos.35, 36, 37 and 38 joined in raising the alarm. All the tenants from that plot and other surrounding plots responded to the alarm, armed with weapons such as *pangas* and stones. The people who had responded to the alarm, without any inquiry, descended on the landlord with *pangas* stones and other crude weapons killing him instantly. Tenants who knew the landlord turned against the group that killed him and a fierce fight started. One of the deceased's sons who had run to report the incident at Korogocho Administration Police Camp came with some police officers and found a very serious fight going on between the two groups. They were reinforced by regular police officers and managed to disperse the two fighting groups. After dispersing the fighting groups, they discovered the second dead body of Wycliffe Omondi.

When police went to Plot No.280, where the fight started and spread in the entire estate, they met two people coming out of the plot carrying some household goods. They discovered that these were occupants of Room No.37, where police discovered bloodstained clothes, a knife with blood stains and saw ADF 7YU709 and a pool of blood on the floor. The two peasants, namely Joseph Obuor Ochieng and Charles Obonyo Ogutu, were arrested and escorted to Muthaiga Police Station. The exhibits were later taken to the Government chemist for analysis and a report is yet to be received.

Muthaiga murder case file No.121/287/04 was opened and the suspects will be taken to court as soon as the advice and direction are received from the State Counsel.

Mr. Omondi: Mr. Temporary Deputy Speaker, Sir, the Ministerial Statement that has just been given by the Assistant Minister is loaded with a lot of falsehoods, because there is a lot of information given here which is intended to cover up what actually happened. It is only last year

when a landlord from Kiambu came to Mathare North with very many hirelings and attacked the tenants in their sleep. A fight ensued where 14 people died. This time round, another landlord carried some hirelings---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Omondi. We are not debating this matter.

Mr. Omondi: I wanted to explain something. This is an important matter.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Omondi! The Assistant Minister has read the Ministerial Statement. You need to seek clarifications on the Ministerial Statement. We will not debate the matter here. So, stand up and seek clarification.

Mr. Omondi: The clarification that I would like to seek is as follows. The tenant-landlord relationship is purely contractual. There are laws and regulations that govern this. The hon. Assistant Minister has failed totally to show us in this particular incident who contravened what section of the law and who interfered with the rights of who. I want the Assistant Minister to clarify this, so that we can put a stop incidents.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, since the people who were involved have been arrested and they will be prosecuted, is it not in order for the hon. Member to let the matter rest there as the courts determine the case?

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I want some clarification from the Assistant Minister. While knowing that this is a potent issue regarding politics of Kibera area and Kasarani Constituency, I would like to know whether the Government is taking an inventory to forestall this potentially explosive situation. We know some people are inciting tenants not to pay rent. The landlords, on the other hand, want their rights to be honoured by their tenants by paying rent.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, there are regulations in existence which manage the tenant-landlord relationship. Hence, those are the machineries that will always come into play whenever there are problems of this nature. Mr. Temporary Deputy Speaker, Sir, however, it should be noted that anybody inciting people is, indeed, committing a criminal offence and will be liable for arrest and prosecution.

POINT OF ORDER

SHORTAGE OF WATER IN LAMU EAST CONSTITUENCY

Mr. Twaha: Mr. Temporary Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Minister for Water Resources Management and Development with regard to the acute shortage of water in Faza, Kizingitini and Kiunga divisions of Lamu East Constituency.

The Chair will recall that last year on 16th July, 2004, and 19th November, 2004, I raised a Question here regarding this issue. This Ministry promised that it would do the rehabilitation of Jadia V Water Project. Unfortunately, nothing has been done to date. The Minister, in her response, said:-

"In the budget of Kshs7 million for the rehabilitation of the Lamu District Water Supply Project during the financial year ending, the Ministry will undertake an intensive study to identify alternative sources of water, carry out the design and prepare cost estimates to enable the project to be included in the forward planning budget for this year."

Mr. Temporary Deputy Speaker, Sir, you will also recall that I tabled a feasibility study carried out by Andrew Bernard and Associates Consulting Engineers to help the Minister find a lasting solution to this problem. Until now, the Ministry has done nothing. However, I would like to take this opportunity to congratulate the navy which has brought---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Twaha! Please, request for what you want the Minister to clarify on that matter. Do not begin congratulating her when you have not seen what her Ministry has done!

Mr. Twaha: Mr. Temporary Deputy Speaker, Sir, I have to congratulate the Minister because her Ministry has saved the situation there. Recently, they sent a lorry full of water to distribute to some people in those divisions.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Twaha, then you do not require the--

Mr. Twaha: Mr. Temporary Deputy Speaker, Sir, this was done two months ago. However, the water shortage has now been more acute than ever.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Munyes, do you undertake to bring this Ministerial Statement?

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, I think the hon. Member has already congratulated the Ministry for the work well done!

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Munyes, will you respond to this issue or not? Let us not go into stories!

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, we will give a comprehensive reply next week.

The Temporary Deputy Speaker (Mr. Khamasi): Very well!
Next Order!

BILL

Second Reading

THE FORESTS BILL

*(The Minister for Environment,
Natural Resources and Wildlife
on 25.5.2004)*

*(Resumption of Debate interrupted
on 25.5.2004)*

The Temporary Deputy Speaker (Mr. Khamasi): Who was on the Floor? Dr. Rutto, you still have 15 minutes.

Dr. Rutto: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. Before we adjourned yesterday, I had said that there is need for the Government and the public to feel they own forests together. Any law that seeks to be successful in the conservation of forests must explicitly apportion the responsibility to both the Government and the public. The public that lives around the forest area should feel obliged to protect and conserve those forests.

Mr. Temporary Deputy Speaker, Sir, if at any given time they feel they are excluded, criminalised or they are not part of that responsibility, there is a chance that, that forest will be destroyed. Any law that seeks to conserve forests successfully must encourage policies that motivate both the Government and the public to conserve trees. In other words, that responsibility must explicitly be shared and a good legislation must encourage that kind of sharing.

Secondly, I would like to say that any conservation effort must encourage shared benefits. Forests are part of our natural resources. These resources must explicitly be shared as part of a scheme to ensure that the public share in the responsibility of conserving. Such a law also must be one that encourages accountability, particularly on the part of Government officials; those who are charged with the responsibility of protecting these forests. It must encourage transparency in licensing and excision of land that is designed to be forested. It must encourage true care and appropriate exploitation of forest resources. The people who use those resources must feel and be seen to exhibit proper attitudes of caring for the trees. The trees in this country have not been taken care of explicitly and seriously.

Mr. Temporary Deputy Speaker, Sir, any law that seeks to conserve forests must encourage responsible exploitation of these forests. We have witnessed, and I did refer to this fact yesterday that the enemies of forests in this country have not been the public. The enemy of the forests cover has been the Government and I have various reasons to justify my explanation. Any law that seeks to conserve forests must encourage mobilisation of resources; human, financial and physical resources for conservation of trees. That law must also respect the feelings and the wishes of the people living around forests. Yesterday I referred to the fact that the previous relationship between the Government and the public has not been very nice; it has been polarised and dichotomised.

Mr. Temporary Deputy Speaker, Sir, previous legislations have viewed communities as demons. Before I ended my speech yesterday, I said that the demons, in this relationship, has been the Government. The Government should stop seeing communities as enemies. The question of ownership, which I have dealt with at length in this Bill, has remained unchanged. That is what this Bill declares. It has, in fact strengthened the arrogant position of the Government. Why? There is a strong presence of what this Bill calls disciplined workers or *askaris*. In fact, the structure of forest guards has been explicitly laid out and strengthened. In my view, forest guards should be gotten rid of. They serve no purpose. Previously, they have been extorting money from members of the public and sexual favours from women who collect firewood. In other words, they have been immoral. There is no need of retaining such a group in the Bill, if we have to move forward and develop a positive relationship between the Government and the public. The presence of *askaris* still elevates and demonstrates the arrogant position of the Government.

Secondly, to demonstrate that position of the Government, the committees that are proposed in the Bill are elitist. I will justify that. Farmers who live around those forests are not included in the forest conservation committees. Secondly, those committees marginalise farmers. The rates of alienating land for forests still remains the sole responsibility of the Government, even in this Bill. In fact, in this Bill, the Government has a privilege of unilaterally varying boundaries. You do not vary boundaries - that is in Section 27 - without consulting those communities around those forests. That, to me, is still a retention of the spirit of the 1942 Act. It has not changed. In the Bill, the Minister could declare private property to be state property in the name of provisional forests. That is provided for in Section 32. The Kenya Forest Service (KFS) is accountable to the State and not to the communities who live around the forests. That, to me, strengthens the same position that was maintained by the 1942 Act. That does not help us much. We need to change.

For instance, Mr. ole Ntimama would tell this House that forests in Enoosupukia belong to the Maasai. He has always argued that, when forests are depleted in those areas, the Maais are

affected. He has always spoken for the Maasai community. There is increased consciousness that communities must be encouraged to feel that they own these forests, so that they could help in their conservation.

Mr. Temporary Deputy Speaker, Sir, another issue that usually arises in the conservation of forests is conservation itself, in addition to the issue of ownership. In Kenya, if we asked the question: Who has really destroyed the forests? Communities have, often, been alleged to have destroyed forests. They burn charcoal, cut down trees for firewood, timber, herbs and so on. To me, communities have not destroyed trees. The pressure that has been mounting on forest resources has been brought about by increasing population and the need for settlement and exploitation of forest resources. The State has destroyed forests through bad licensing procedures, indiscriminate licensing of charcoal burning and felling of trees. In fact, foresters became rich by cutting down trees. Uncontrolled mining has also been licensed by the same officers in the Government. Secondly, there is laxity in the implementation of relevant laws. That has been done previously by Government officials. Today, there is no guarantee that, if we implement this law, Government officials will be serious. That needs to be taken up by the Minister as a challenge. Even as we debate on this Bill with a view of enacting it into a law, we should think seriously of how we are going to motivate Government officers to implement the law.

Lastly, one of the things that I believe may help us to conserve forests, and effectively carry the message of conservation among the public, is to have an effective environmental education. When we set out to enact a Bill of this kind, there should be a provision for an effective environmental education. Some of the documents that have been written by the United Nations concerning the environment says: "War begins in the minds of the people!" I also observe and assert that conservation begins in the minds of the people. It must begin there. If we want to undertake a mission of that kind, there must be an elaborate environmental education through various fora. The Government could do that.

Mr. Temporary Deputy Speaker, Sir, to reduce pressure on forest trees, there is need to encourage agro-forestry among the communities that live around forests. They could plant their own trees. It is a positive step to encourage people to plant their own trees. That is a positive element of this Bill. There is need to establish tree nurseries. We used to have tree nurseries at the offices of the chiefs. We need to go back to that. We should encourage chiefs, women and youth organisations to have tree nurseries, so that we can build the forest cover together. There is need to reduce pressure on forest land for settlement, by putting in place an effective and good land policy. I am not going to deal with that here, because the land policy is a different matter. But it is related. In other words, there should be some inter-ministerial consultation with regard to the enactment of this Bill. We must have land policies that will encourage us to conserve our trees.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to make the following observations. First, in order to succeed, there is need to have a shared ownership of the nation. How can we do that? The Bill must, in some important respect, involve people in decision making. I find that there is an effort to do so in this Bill, but it has not gone far enough.

With those few remarks, I wish to support the Bill.

Mr. ole Ntimama: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First, I want to thank the Minister for Environment and Natural Resources for having presented this Forests Bill very ably and eloquently. The Minister mentioned one issue that is very important to the Members of this House, that our forest cover is completely depleted. It is so completely depleted that we are far below the international average. This is a very serious matter for all of us who are supposed to be leaders of this country. It is a very serious matter because to get back the forest cover might require not only decades, but it might even require centuries.

Mr. Temporary Deputy Speaker, Sir, I support the Minister's action to sack all the forest officers a few months ago. I also support my friend, hon. Dr. Rutto, who has just spoken, that it is the Government system that has been destroying the forests and other environmental resources, including game, all along. People who have been given the responsibility by this nation to protect and preserve the forests have turned out to be the destroyer of that national heritage. This is a very serious matter.

Through the Bill that the Minister has presented to the House, I hope that we will all think about ways that can reverse the degradation of forests. Once again, I want to agree with hon. Dr. Rutto, that it is only through the partnership of the communities, the Government and the civil society and everybody in this country that we can reverse this degradation. If we can all pool our resources and commitments together with the aim of preserving and conserving the forests, we can succeed.

Mr. Temporary Deputy Speaker, Sir, in this case, the people of this country and the Government have a daunting task of making sure that we have brought back the forest cover, no matter how long it takes.

The major sources of our rivers, apart from small other areas, are our large mountain areas. Mount Kenya is one of the water sources of this country, particularly for most of the rivers that drain into the Indian Ocean. Let us take, for example, the Tana River which comes from the slopes of Mt. Kenya. This is a very big river, and its tributaries. This river provides a lifeline for the people downstream. It provides a lifeline to the Somali, Pokomo, Orma and other communities, for their agriculture and fishing purposes. I know River Tana is now having a lot of problems. The forests on the slopes of Mt. Kenya have been destroyed. Indeed, I wish to tell the Minister and the Government in general, to choose between the bang growers who have invaded the slopes of Mt. Kenya and destroyed most of the forest cover there and the people of Tana River, the Orma, Somali, Pokomo and others. It is a choice that must be made immediately because these people have continued to grow bang all these years. At least, for the 25 years of the last regime, they have been growing bang and it is grown by very important people in this country.

Mr. Temporary Deputy Speaker, Sir, another area that is endangered is the Aberdares, which is a source of many rivers and tributaries which go to support the economy and the lives of people in this country through agriculture, fishing and many other areas. I am very happy that a noble act has been going on in the Aberdares. The Nation Media Group, especially its Chief Executive, Mr. Kiboro, and many others have been at the forefront of sponsoring and supporting the process of raising money to build a fence which has gone a long way not only to protect the animals in the Aberdares but also to make sure that the forest is protected. I think this is a noble gesture. If some other NGOs could come in and try and do such noble acts like building fences in other areas of our forests, it would be indeed great.

Mr. Temporary Deputy Speaker, Sir, the other most important source of water and rivers in this country is the Mau Complex, which is a huge chunk of forest, actually the biggest indigenous forest in East and Central Africa. If you look at East Mau, the rivers that drain into Lake Nakuru, I can tell you the names because they are mostly Maasai names; Enterit and Makalia, are the biggest rivers draining into Lake Nakuru from Mau East. Those rivers are almost drying. A lot of silt is getting into the lake especially because there is no forest cover. When the heavy rain comes, it washes away all the soil into the lake and the lake is silting. As a result of this, the flamingoes, the pride of our tourist industry in that area are running away. Do you know where they are going to? They are going to Lake Natron across the border in Tanzania. It is a very serious matter. I know that some people who had some political support were settled mostly around East Mau and they totally destroyed that area of the forest. That area has been having a lot of trouble because a lot of illegal

squatters were allowed to settle inside the forest. The culprits are quite a number of people; the Narok County Council is one group which has allowed people to settle illegally in South Mau Forest.

If you remember during the fiefdoms in England, we had noble barons who allowed citizens to live in their forest, work and hunt by paying some royalty. We have very important people around South Mau Forest who are sponsoring squatters to settle there so that they can be paid royalty. I will ask the Minister to carry out investigations to establish who these barons are who are taking money. This is because the money that is being paid by those poor settlers, neither goes to the Council nor the Government but to pockets of the people. Most of these people are stinking rich and they have bought wonderful cars; those on "top of the range" in every make. There are people who are conned to pay money to these barons. I want to involve the Anti-Corruption Authority and the Ministry to go down and find out how these people have gained entry into that forest.

It is also very unfortunate that some senior officers in the Forest Department and the Provincial Administration, for that matter, have been colluding with all these grabbers and barons. The other day during Question Time I said that there was one District Commissioner who actually opened a flood gate of all the illegal squatters. He ordered that they all be given fake title deeds. I hear he is now in Meru South; somebody called Mr. Kimenyi and other people. I can substantiate this because I know his plot and the fake title deed that he owns. I am not mentioning his name just because I want to do so. Some of these things in this Mau Forest area must be looked into very carefully.

We have a lot of logging and charcoal burning in that area. Indeed, the whole of that Mau Forest, if we do not take action, will be destroyed. I am again saying that the Government has to make a choice between the illegal squatters who have acquired fake title deeds and the Mara Game Reserve. The Reserve cannot be separated from the forest. It is the forest that provides water to the Mara River which flows along the Mara Game Reserve and across the border into Tanzania; the Serengeti which is the "big brother" of the Mara Game Reserve. We have to choose between letting those squatters destroy the forest or saving it because of the Mara Game Reserve. Right now, the water level of the Mara River is very low. I tell you the other day I went there, the hippos could not even cover their ankles leave alone their backs. The crocodiles cannot cover their backs and they all lie out there and the only way they can find some cool environment is by leaving the River and finding some shade around the banks of the River. That is dangerous because they become dangerous to the human beings who could actually be walking or working around those areas.

I want to say that the grapevine news from across the border in Tanzania is that they are really very frustrated. This is because they do not seem to be assured that the Government is going to stop the destruction of the forest to give a free and wide flow of the River into the Serengeti. They are very worried! I will not be surprised if one day they send a protest note to this country to say that they are very unhappy, if this destruction of the forest is not stopped.

Mr. Temporary Deputy Speaker, Sir, I will repeat that resettlement has been done either through sponsorship by politically correct individuals or by sheer graft. I know and I am not surprised. I wish the Minister was here today to listen. I am not surprised that the other day the Minister made a threat to say that he could take over the management of the Mara Game Reserve because the Narok County Council has really mismanaged it. It is true that, that Game Reserve has been carved out through bogus resolutions by the County Council. Here, I thank the Minister for Local Government because he has never allowed those resolutions of carving out parts of the Mara Game Reserve.

In several gates of the Mara Game Reserve today, revenue is still being collected by outsiders who have nothing to do with the County Council or the Kenya Wildlife Service. They go

to the gate and stop people and collect revenue from them. Nobody questions them and nothing happens. The other day, they passed a resolution that they were going to settle a landless councillor in the deep forest. I do not know the landless councillor; he should never have gone to be a representative of other people there. At least he should have some iota of land somewhere. There could be very few Maasais involved. We will present their names to the Minister for Lands and Settlement one day, especially concerning areas under BBOs(?).

So, my view is that the county council must reverse all the sins and ills it has committed against the people of Narok District and Kenyans in general by mismanaging Maasai Mara Game Reserve and forests. The council should justify why the Minister should not take over its management. He is not taking over Maasai Mara Game Reserve, but he is taking over its management. No Government worth its name will sit down and just watch some natural resources like Maasai Mara Game Reserve and forests being destroyed by a few greedy and ignorant people in the name of passing resolutions. As far as I know, and I could stand alone on this one, Narok County Council must reverse all the ills and wrongs that they have committed against us.

Mr. Temporary Deputy Speaker, Sir, I do not want to blow my own trumpet, but when I was in that council, we used to pay bursaries for our students studying overseas. The cheques were sent even before the students reported to their institutions. Now, there are no bursaries because everything goes into peoples' pockets. This corruption, both nationally and locally, destroys society. Narok County Council used to be the richest council in the Republic. It is a pity that it is now one of the poorest councils in the country because its officers have gone out into a looting spree. We cannot allow them to go on looting. The Government must act. I know some people will say, "Maasai Mara Game Reserve *ni yetu. Mimi mwenyewe ndiye nilizua* Maasai Mara Game Reserve *isikuchuliwe wakati* Amboseli National Park *iliponyakuliwa*."

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. ole Ntimama!

Mr. ole Ntimama: I am Sorry, Mr. Temporary Deputy Speaker, Sir. Amboseli National Park was taken over by the Government because it was badly mismanaged. I made representation to the then President Jomo Kenyatta. I told him we were managing the park and we had even made a deposit of Kshs20 million. President Jomo Kenyatta gave us the go- ahead, but unfortunately, Amboseli National Park was taken over later. I do not know whether we will ever get it back unless assurances are made really that we will protect and preserve the park.

So, I am requesting the Minister to act. I know, recently, his officers went to Maasai Mara Game Reserve. They found game meat because there is a lot of poaching there. He should, therefore, act against this because he has got the capacity, manpower and finances to stop this encroachment into Maasai Mara Game Reserve. In addition, he has got the power to stop people from collecting revenue at the gates. He should also ensure that these illegal squatters do not continue to destroy forests with impunity. It is better to make a decision and act on it, even if it is wrong, than just to keep quiet. Non-activity will be worse than acting. I know very well that in the hearts of many of our hon. Members, we want to preserve the forests and game parks. We want to get revenue for this country and ensure that the economy grows. We do not want the economy to dwindle and start going down, as is, probably the case now.

Mr. Temporary Deputy Speaker, Sir, recently we advised Narok County Council to tender for Keekorok Lodge. We sat down with my colleagues and agreed that Keekorok Lodge should be tendered, not only locally, but internationally as well. But what happened? Again, single sourcing took place. The councillors went and agreed that they will not listen to the Members of Parliament. They went for single sourcing and leased to somebody the whole of Keekorok Lodge for 30 years; something that has never been heard before! Thirty years is such a long time. Mr. ole Metito was only 29 years old when he was elected to Parliament recently. This, therefore, means that, that

company which took over Keekorok Lodge will run it for a period equivalent to the time a child is born, goes to school, joins university and gets elected to Parliament like Mr. ole Metito. It is a disgrace that they could do that. Some of these things must be reversed.

Mr. Temporary Deputy Speaker, Sir, I support the Ogiek community. Even my friend, Mr. Cheboi, knows I support them. I know they have been suffering. The two successive African regimes in Kenya persecuted the Ogieks living around Elburgon Town. They destroyed their schools and settlement schemes. I am very happy that President Kibaki visited them recently and decided to give them title deeds. However, there are other Ndorobos who live in the fringes of the Mau Forest. They are bogus Ndorobos who actually go and sell Government forest land to unsuspecting people claiming it is their land. After selling this land, they go right into the forest again. These fellows are bogus and they have commercialised everything. These are not Ogieks of any sort. They are Ndorobos who are really commercial.

Mr. Temporary Deputy Speaker, Sir, I wish to make it very clear that some of us have been in the forefront in actually preserving and conserving the environment. The Maasai community as a group of indigenous people of the world, have preserved and conserved the forests and game reserves for the benefit of our local people and the international community. As the previous speaker said, it is not normally the communities living near the forests that destroy them. It is people from across the district borders who actually come and destroy our forests through logging after bribing Government officials. I wish it to be known that we still preserve these forests and the game reserves for the benefit of the people of this country. If the forest cover has been depleted so much, then we are in trouble of really making this country a desert. I do not know whether people realise that by messing up with our forests, we are messing up with our posterity. This is actually the fallacy about the whole thing. It is important for an African to try and remember not only his past, but his future as well. We do not seem to care about our future; our children. It is very important that we care for our posterity, through preserving our forests and game reserves. Let the rivers run and flow down to the lakes and oceans. Let us also be good neighbours with Tanzania by protecting the Mau Forest, so that the Mara River can flow to the Serengeti and help those people down there.

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

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to say at the outset, that I oppose this Bill because we cannot even implement the current Law, Cap.385. I have even notified the Minister that the North Nandi Forest which was set aside by the Nandi people during the colonial days is now--- It has remained a forest since 1937 but it is now openly being depleted by people who are under the protection of the DO, Kabyet and two Assistant Chiefs whose names I have given the Minister. Law is made to be enforced. Forest boundaries cannot be altered as of now, unless the laid down procedure is followed under Cap.385, Section Four. In that particular forest, the land around it was adjudicated in order for people to be issued with title deeds. That is the area around Kamung'ei/Kamwega.

People led by a former DC took it upon themselves to shift the forest boundary and in some places, by 500 metres, while in others by one kilometre for a length of over ten kilometres. They took over 1,000 hectares. Those people now have title deeds and I wonder whether they are genuine. This is because the land which I am talking about is North Nandi Forest. This is the case and yet the land was not degazetted. There was no gazette notice or legal notice.

(A mobile phone rang)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Sambu! Whose cellular

phone is on in the Chamber?

Hon. Members: It is in a lady's bag!

The Temporary Deputy Speaker (Mr. Khamasi): Whose bag is that?

Hon. Members: There are no ladies in the House!

The Temporary Deputy Speaker (Mr. Khamasi): Order! Could the orderlies carry that bag and store it away?

Proceed, Mr. Sambu!

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir. That was done without any due process or regard to the law, as it is now---

Mr. Omingo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek clarification from the Chair. Parliament did spend a lot of money to disable mobile phones from ringing in the House. It is in that light that some hon. Members thought that these gadgets are working. Is it not in order to ask whether Parliament actually did get value for its money?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Omingo, what is the relevance of what you have raised here? Let us concentrate on the Bill before the House. I think it is more important.

Proceed, Mr. Sambu!

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting my time. People have altered that forest boundary with impunity, and they now purport to have title deeds. One title deed which people informed me about this morning is Nandi/Kamwega/1630. Another one is Nandi/Kamwega/1631, which belongs to an advocate whom I shall not name in this House because he is not here to defend himself but the facts can be verified. I have given the land registration numbers. Those were portions of the forest because they have got trees. There are trees on them to prove that they are part of the existing forest.

I am told that there is a ban on logging. We thought that the ban only applies to other people except, of course, Pan Paper and Rai Plywoods Companies and Comply in Nakuru. However, the two

Assistant Chiefs and a gentleman called Francis Kibet Murgor are cutting those logs. I have informed the area DC about this because I do not want to accuse the Provincial Administration without giving them a chance. I have informed the DC about this but he has done nothing. When I called him today, he told me to do what I want. Is he a servant of the people or he is a master? Myself, I am a servant of the people. I was elected to serve my people. But the Provincial Administration are given powers under the current Constitution to dictate to us, who are elected and treat us as trash. A day shall come when the citizens of this country shall prevail upon the powers in the new Constitution.

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is sad that you just move in and cut Government forest. The Land Adjudication Officer and the DC surveyed and sold out the land. I appealed to the then KANU Government I was in, and I used to sit at that extreme corner. I told the then Chief Forest Conservator, Mr. Mutie to accompany me to that area, and the local people showed him where the beacons were because they had been uprooted. The then Chief Forest Conservator did very well. He sent the Forest Department surveyors but the then DC refused to give them protection.

When those surveyors went there, they were thrown away by force by those who grabbed the land. My people who want to protect the forest nearly declared war. They had to be convinced a lot not to start the war. Mr. Temporary Deputy Speaker, Sir, I want to say that if the Government is tired of

protecting North Nandi Forest, so be it. I will tell my people that the Government does not want that forest which we gave it, let us move in, subdivide it and cut down the trees and subdivide the land. If the Government cannot protect it, why bother about it? Why should a few people benefit from a resource which many sacrificed to give? The Nandi people went as far as Tanganyika and Congo looking for grazing land because they sacrificed the land to be a forest. But what is happening to it now?

Secondly, I hope that the Minister spoke to the Deputy PC, Rift Valley this morning. I hope that the people whose names I have given out are not above the law. If the trees have to be cut down, let them be cut down, and let everybody cut them down. If this Government will be given the respect it deserves, then its word must be as good as its action. Why is it that when we come from Eldoret, we pass by not only lorries, but trailers full of cyprus and pine timber? Where is it coming from? Why are you applying double standards? Which is this law which has got double edge? My people and the people in Uasin Gishu are asking the Minister, through the Chair, which is this law which has got double application? What is so special about Pan Paper Company? It just makes papers. I want to tell the Minister that paper from Egypt is cheaper than the one from Pan Paper Company. This company is discriminating against Africans. An African electrician with Higher National Diploma earns Kshs10,000 per month, while an Indian in Pan Paper Company earns Kshs50,000 and another Kshs50,000 is relayed to build a company in India; the so-called mother company. Why is this the case?

The Moi Government did that because its officials were friends with those Indians. I thought that the NARC Government was committed to zero-tolerance on corruption.

Mr. Temporary Deputy Speaker, Sir, in Eldoret, Indians brag that they carry briefcases. However, we do not know where they carry them to. The NARC Government should do soul-searching and adhere to the truth, and the truth will set them free. If they continue to receive briefcases from Indians in Eldoret, they should remember that there are only three years remaining to the general election.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard Mr. Sambu say that these forests were given out during the Moi era. At that time, he was part of that Government. Is he in order insinuate that the NARC Government is guilty of offences committed by the previous Government?

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, the hon. Member is raising extraneous matters, because of matters which I refused to approve in the Commission. He should not drag in matters of the Commission to the House. I was sacked from former President Moi's Government in 1996.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! We are not going to entertain this kind of exchange. The business before us is the Forests Bill. We shall debate it without allowing trivialities. So, please, hold your horses and debate the Bill.

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

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Sungu, I hope that you are not revisiting the issue which I have just ruled on. If you intend to do so, hold your horses!

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I would like one thing to come out clearly. I did not have any ill motive against the hon. Member. I just wanted to put something in order. I was totally surprised that an hon. Member, who is also a Commissioner, can make such an allegation on the Floor of the House. It proves that there is more to it than just what I have known. That is unfair.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! As I said, we will not allow any matter originating from elsewhere to be introduced here. Please, debate the Bill.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I am debating the Forests Bill. As Mr. Sungu said, I was a Minister in the Moi Government, but he does not know that I was sacked from the Cabinet in early 1996 for refusing to endorse matters pertaining to forests.

Mr. Temporary Deputy Speaker, Sir, I said that M/s Pan African Paper Mills is cutting down forests in the entire North Rift region. Normally, nobody is allowed to operate on Sundays and at night. The Forests Act, Cap.385, forbids operations on Sundays, national holidays and at night. Why do lorries ferry logs at night? I speak with a lot of bitterness about the activities going on in the North Rift, because I come from there, just like the way Mr. ole Ntimama speaks about the Mara wildlife sanctuary. We are cutting down forests in the North Rift region at an alarming rate, and that will affect the whole country. On a single working day, they cut down 10 to 20 hectares of forest. If you stand on the roadside in Eldoret from morning to afternoon, you can count more than 100 lorries belonging to M/s Pan Paper Mills ferrying logs. We are talking about wood, which is derived from forests.

We are not going to have forests in the whole of the North Rift simply because of the two companies. An ordinary saw miller will clear 10 or 15 hectares of forest in a year. Sadly, the M/s Pan African Paper Mills is Government-guaranteed. The International Finance Corporation (IFC) financed M/s Pan African Paper Mills on a Government guarantee. M/s Pan African Paper Mills is declaring losses of Kshs300 million per year. So, we are suffering both a financial loss and the loss of our forests. I will talk about forests in the North Rift and the area Member of Parliament should talk about the plight of the workers. That is why something must be done.

Mr. Temporary Deputy Speaker, Sir, M/s Pan African Paper Mills has misled the Minister and the Chief Conservator that they are re-planting trees. They are not re-planting at all. They have only one nursery at Kaptagat. How can one nursery supply tree seedlings to the whole of the North Rift region, from Marakwet District down to the southern part of Nandi District? There is one plantation in Nandi called Serengoni, which is 17,000 hectares and the forester there has ten or less officers. With such a skeleton staff, will he be able to plant the seedlings that M/s Pan African Paper Mills dumps there? They will all dry up. M/s Pan African Paper Mills is being given special treatment, because the Indians who own it are very influential. Because of that, our forests must go to waste. One day, this Government will be answerable to the people of the North Rift region. M/s Raiply has acquired M/s Timsales in Nakuru. I was saddened the other day, when names of Africans were tabled here as the owners of Timsales. Those are not the owners of M/s Timsales. The owners of M/s Timsales are the same owners of M/s Raiply. They are all Indians. Why are we being racists on our own resources?

Mr. Temporary Deputy Speaker, Sir, if we have failed to implement the current Act, why should we deceive ourselves by proposing provisions that are even worse? What is wrong with the current law? The trees that are now being cut down whether by M/s Raiply, M/s Pan African Paper Mills, or any other user, were planted through the shamba system. I stand by the shamba system. The people must be allowed to cultivate crops in forests. All the trees that are now maturing were planted by people through the shamba system and they were not supervised by the National Youth Service (NYS), but by the law. They planted their crops and trees. The trees that are there now were planted through the shamba system. If the Minister insists that the shamba system cannot work, he will be proved wrong in future. Unfortunately, that will only be realised after a disaster has happened.

The people living around the forests must be made to feel part of those forests. I am talking about plantation forests and not indigenous forests. They can only feel part of the plantation forests if they are supervised to plant their crops and trees. In the third year, when the trees have grown to 10 feet tall, they can move out to another area. If we do not do that, we will be wasting our time.

There will be no indigenous trees. We should not comfort ourselves that we can import timber. Can we really build with steel? Are the Korogochos of this world and all the rural villages going to be build with steel or imported timber?

In many countries, timber is more valuable and expensive than steel. Where will we import building timber from? I am not talking about mahogany and ebony wood, which is used to make furniture. I am talking about pine and cyprus, which is used for making roofs. We have allowed M/s Pan African Paper Mills and M/s Raiply to have those types of wood, because paper is crucial. M/s Raiply uses wood to produce block boards. The timber lining on the walls of this Chamber is made of three-ply block boards. Is that not the same thing? Is that not the same thing? How can we have plywood if we do not have any timber? Why? Listen to the stakeholders! We should follow our Standing Orders. The relevant one says that, after the first reading, the Minister should refer the Bill to the relevant Departmental Committee. This Bill was never taken to that Committee! I have been told that it was brought here before the House received a report! That is because you want to cover up something or, maybe, that Committee is inactive. That is the Committee on Agriculture, Lands and Natural Resources. When I was the Chairman of that Committee, it was very active. It is only in the Departmental Committees that the stakeholders can air their views. They cannot come here and talk to us! But they can go to the Departmental Committees. Members of the Departmental Committees can also go to them. But, with regard to this Bill, we have avoided taking it to the Departmental Committee. Why have we done so and it is a requirement in the Standing Orders?

I am, therefore, saying that unless we listen to the stakeholders--- If we only listen to Raiply and Panpaper Mills, they will tell us that paper is cheap. But in the end, we will not benefit. The flooding that we are experiencing down there is because all the hills of the North Rift, from Cherengany down to Tinderet, are all bare! There are foresters here! I believe the Chief Conservator of Forests is here---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Sambu! I do not think that it is right for us to leave with the impression that this Bill is wrongly before the House. I think it is rightly before the House and, perhaps, the matter which should be addressed is what you said later. That is the responsible House Committee, maybe, has not done its work to bring a report to this House. It is, therefore, for this House to censor that particular House Committee. But, as it is now, this Bill is rightfully before the House and that must be made clear!

(Applause)

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, with all due respect, I offer my apologies. But, I thought those were my views.

Mr. Temporary Deputy Speaker, Sir, the wisdom of those who--- I do not want to debate it. But, in the constitutional making process at the Bomas of Kenya, natural resources, which include forests--- Before I come to that, forests emanate from trust lands. Sections 114 to 117 of the Constitution are very important. But, for me, Sections 114(2) and 115 are the most important. In fact, Section 115(1) states:-

"All trust land shall vest in the country council within whose area of jurisdiction it is situated."

All forests, particularly what they used to call the reserves, are trust land forests. How come we are tampering with them without amending the current Constitution? I am asking that before I talk about the upcoming Constitution. In fact, Sections 114, 115, 116 up to 120 deal with trust lands. I think it is time somebody contested some of those matters in a Constitutional Court, so that we can determine the rights of the communities. Suffice it to say that we are contravening the current

Constitution, leave alone the upcoming Constitution. I wish to conclude by saying that I oppose this Bill because it seeks to under-cut the process of Bomas. The final Bomas Draft has clearly stated what will happen to the forests. So, why are we rushing this Bill now? If we are seeking consensus and I even went to Mombasa-- I even see party leaders are now accepting this thing called consensus although I do not know what it means. We said in Bomas that the forests, as a natural resource, are covered in the provisions of the upcoming Constitution. So, why are we under-cutting the coming Constitution? If we wish to seek consensus, then let us seek consensus on all issues and this Bill should be withdrawn.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth):

Thank you very much, Mr. Temporary Deputy Speaker, Sir. I stand here to support this particular Bill. I think the issue of forests cannot be under-estimated. We cannot create sideshows, as that will not be able to help us increase the forest cover we have. Indeed, I think the previous speaker would have enriched this debate, having been a previous Minister for Environment and Natural Resources by telling us some of the frustrations he went through as the chief officer of that particular Ministry.

Indeed, I believe that certain laws that are in place already for forests have not been implemented and hon. Sambu should have been in a better position to tell us why they were not implemented.

Mr. Temporary Deputy Speaker, Sir, if you look at our forest cover, we have often been reminded that our total forest cover is only 2 per cent of the total land mass, as opposed to the recommended forest cover of 10 per cent. It should be interesting to know why we have never had an elaborate system of trying to build on that two per cent and as to why the 2 per cent should continue to shrink. If you look at the major forests and especially the indigenous ones like Mt. Kenya, Aberdares, Mau, Kakamega and Kinale, you will notice that they are shrinking. I think any forest cover in this country is a natural resource to all Kenyans of all kinds. It is not only for those communities who live around those particular forests. The people of Nairobi derive water from one of the forests. KenGen and Kenya Power and Lighting Company rely on the forest in order to carry out their daily activities. The communities that depend on fresh water fish depend on water from the forests. Communities that rely on irrigation depend on water that comes from the forests. Therefore, it must be considered and taken seriously that whatever forest cover we have, it is meant for the entire population of this country.

Mr. Temporary Deputy Speaker, Sir, if you look at some of the projects that have been undertaken, and some of them are very costly, like the Sasumua Dam and the Ndakaini Dam, all of them rely on water from the forest. If you look at such expensive projects, and you look at the degradation of the Aberdare forest, it does not require a scientist to tell you that some of these dams might actually have no catchment areas in the next few years, if we do not protect the forests. I want to applaud the people who have actually started fencing some of these indigenous forests not only just to withhold the animals from within but also to protect the forests from destruction by outsiders.

Mr. Temporary Deputy Speaker, Sir, I have heard very good arguments about the communities who live around forests but I want to submit that while some communities have been very good to the forests, and in particular the Ogieks who have been used to the forest, some communities which live around the forests have caused destruction to the forests and it is very clear. If you look at the Mt. Kenya Forest, it has been destroyed by the communities around it. If you look at the people who have settled in the Aberdare Forest, it is them who have destroyed it. Since I know that the Ministry has a slogan on elephants that says:- "Only elephants should wear ivory", I also hope the Ministry will have a slogan that says:- "Only trees should grow in forests", and ensure that only trees are grown in the forests.

Mr. Temporary Deputy Speaker, Sir, we can create very good laws and that is what this Bill would like to do but it would be important that we are able to enforce these laws. We have had laws that have existed and I think it is important that the Ministry is not only good at establishing these laws but also implementing them. The breaking of the laws has actually been traced up to the foresters who work in those forests. On occasions when I have had to speak and write to the Minister, it is on the subject when I have caught people working for his Ministry breaking the law. In particular, time and again, I have found trucks carrying logs from the Aberdares and they pass through the gates of Aberdares which are manned by officials from the Ministry of Environment, Natural Resources and Wildlife and it beats logic as to why we should have the law and not practise it.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about timber. I know that the Government, in its wisdom, two to three years ago, passed a law that timber could be imported duty-free and that was to try and reduce the pressure of logging of the Kenyan timber. Although the previous speaker disputed, the availability of timber, I know that across in Uganda and the Congo, there is a lot of timber and I know northern Tanzania has been importing from those areas. I also want to appeal to the businessmen involved in the timber trade to try and reduce the pressure by taking advantage of the duty-free facility on timber that was enacted two to three years ago.

Mr. Temporary Deputy Speaker, Sir, in my contribution at Bomas on the Environment Chapter, I did say that it was important for the Ministry to, first of all, take stock of what forests were at Independence. We would have been well informed of what was the total acreage so that we are well aware in the 41 years of existence since Independence, what the destruction has been and probably, come up with a policy on how to get back some of that land. It is important for us to create or to recreate what was actually part of the forests.

Mr. Temporary Deputy Speaker, Sir, in saying so and in going through this Bill, I support the Bill that we need actually to make stricter laws that we can actually follow. In certain areas of this Bill, the Minister, in trying to incorporate everybody, in my opinion, has been soft. If you look at the clause in the Bill that talks about officers of the service, the Bill says:-

"The Director with the approval of the Board shall have authority to appoint an honorary forester".

Having seen what has been going on, I am a bit cautious because we have not been given the criteria of what an "honorary forester" is and looking at a proper mandated forester, what he has been to the forest in the last 40 years, I am inclined to ask the Minister to look again at this particular clause and ensure only men of credibility are appointed as honorary foresters. We might be appointing honorary foresters who might actually destroy the forests because probably they have some knowledge about the forests.

Mr. Temporary Deputy Sir, with regard to Clause 13, which is about Forests Conservation Areas Committees, I notice that the Minister would want to give the Forest Board the authority to review licences and renewals. I was hoping that this would only apply to plantations and not to indigenous forests. It would not be a good idea to issue any licences and renewals on indigenous forests. The same Clause 13 proposes that one member is to be nominated jointly by members of the timber industry. I think members of the timber industry have been very destructive to our forests and they need not be included in the Forests Board.

(Applause)

Mr. Temporary Deputy Speaker, Sir, concerning the creation and management of forests, I know that the Ministry has tried and I support whatever they have initiated. This Bill states that all forests, other than private forests, are vested in the State. I want to believe that the Ministry will take full stock and assume the control and management of the forests. As I said earlier, forests are very important catchment areas which belong to the entire nation. Therefore, I appeal to the Ministry that if, indeed, the forests are vested in the State, it is important that it be so. I notice that in certain areas, it is being proposed that this vesting should lie with the local authorities. Earlier on, in this House, we had a problem with several other things that are vested in the Ministry of Local Government. When this Bill asks the Ministry of Local Government to ensure that in all construction and planning there is a certain area left for forestation, this has not happened before and my fears are that it will not happen in the future. Therefore, the Ministry of Environment, Natural Resources and Wildlife must undertake to ensure that it is done. The authority of overseeing creation of forests must be left to the Ministry. It must not be vested in any other authority. Let the Ministry be accountable to Kenyans. As I said before, this natural resource is not only for people living around it. It is a natural resource for everybody.

Further on, in Clause 26, the Ministry proposes that a provisional forest shall revert to the owner where the Board is satisfied. I am opposed to that authority being left to the Board. If, indeed, a provisional forest has become a forest, let it remain as forest under the Ministry of Environment, Natural Resources and Wildlife. Also, let it be a gazetted forest so that in the future nobody comes to tamper with it.

Mr. Temporary Deputy Speaker, Sir, Clause 28 empowers the Board to exchange private land with forest. I think it is not a good idea for the Ministry to abdicate its duties by actually allocating some forests to some individuals in exchange of some private land elsewhere. We have seen some of the conflicts that have developed, for example, where individuals have tried to trade-in forests. In fact, in Iten, Eldoret we have seen conflict erupt where an individual exchanged private land with a forest. This is because, if you have to exchange private land with a forest and the forest belongs to the entire stakeholders of this country, what right could we have to abdicate that duty and to exchange some part of a forest with private land?

Clause 29 revolves around vesting powers in the local authorities for purposes of housing estates, creating recreational parks and developing mini-forests. From what we have experienced with the local authorities, they have not only given away recreational areas, but also utilities. What guarantee will we have that if we give these particular rights to them they will not only be able to maintain what we want, but also not dish away those areas meant for recreation? Therefore, I want to inform the Minister, before this particular Bill makes it to the Committee Stage, that some of those areas will be looked into.

Mr. Temporary Deputy Speaker, Sir, I want to applaud the Minister for bringing a clause under Section 30 which says that those who own a private forest may apply to the relevant authorities for exemption from payment of land rates. I think this will encourage people who have large tracts of land to actually go into afforestation. It is a good incentive because if you go into afforestation in your piece of land, you do not have to pay rates. Again, I want to appeal to the Minister to be on the forefront in ensuring that his Ministry is, first and foremost, the authority that awards that particular grant of not paying rates.

Mr. Temporary Deputy Speaker, Sir, I am moving on to Section 31 regarding land which has been bequeathed. I think this is something which should go to trust land. If somebody has actually died and given part of his forest, the Ministry should be on the forefront in declaring that as trust land under that particular Ministry. Again going to Section 35, which is on the management of forests, as I have said before, I am very sceptical about leaving it to the local authorities to be

responsible for management plans to each forest within its jurisdiction.

Mr. Temporary Deputy Speaker, Sir, we must be able to evaluate what plantation forests are and what indigenous forests are. We must go out of our way to have a very clear demarcation between the two. I want to appeal to the Minister that, on issues regarding indigenous forests, it must be a no-go area for anybody to cut any tree. Whereas we are talking about plantations in Section 37, we must ensure that anybody who is actually dealing with wood or timber does have some area for plantation forest. Some of the people who have destroyed our indigenous forests are some of the largest tea factories that we have in this country because they need wood fuel to run their factories. I want to appeal to the Minister to make it a rule that those people who actually use wood fuel, or who use wood for other purposes, must ensure that they have an area for plantation forest. They must ensure that they plant trees in that area. There should be some pure and deliberate afforestation as and to when they fell the trees. For every tree cut down, there must be a law that five trees are planted, even if it is in a plantation forest.

There is a very large area in my constituency where recently, Kakuzi Ltd have gone into plantation forest, and it looks very nice. We must encourage such action, because if you are going to supply poles to Telkom Kenya or to Kenya Power and Lighting Company, then you must ensure that you do not go and buy these poles from individuals, but that you are doing it from a plantation forest.

Mr. Temporary Deputy Speaker, Sir, Section 38 Sub-section 2 says that the provision contained in this Act regarding the management of indigenous forests shall apply to the management of indigenous forests situated within the jurisdiction of a local authority. I want to appeal to the Minister that any indigenous forest should fall under his own authority. Let us not give authority of indigenous forests to local authorities. The Ministry must ensure that for us to have the proper forest cover that we want, they should take that particular responsibility of ensuring that forest cover is attained. I do not think it will help if we do not actually vest that particular authority with the Ministry, because what we will have will be buck-passing. We are going to have a Question asked in this House about a forest and the Ministry will have no way to judge because it will say that that particular issue lies within a local authority. The powers we propose to give to local authorities should be reviewed. This will curb the rampant destruction of forest cover in this country.

Mr. Temporary Deputy Speaker, Sir, Clause 53(1) provides that except under a licence or permit or a management agreement issued or entered into under this Act, the local authority could give licence to erect a building or livestock enclosure except where the same is allowed for a prescribed fee. I would like to discourage activities that take place in forests. They look like good activities, but going by the past experience, they have destroyed some of these forests. I am aware that, in a forest, like the Aberdare Forest, which I consider a very big water catchment area for this country, a lot of grazing has been allowed inside the forest. I am also aware that a lot of firewood is fetched from this particular forest. Further, I am aware that the easiest way to fetch firewood is to allow a few individuals to go to the forest, fell the trees and allow it to dry and then go back to the forest after to weeks to collect it purporting that it was dry wood. My own experience is that when we do not control the livestock that goes into the forests, the cattle eat the grass that is the cover for the indigenous forests. So, while the idea to allow the local communities to take the cows inside the forests might be brilliant, the damage that is done by the grazing is that the top cover is left bare. When the rains come, those particular indigenous trees fall on their own. I am saying this because I have taken it upon myself to go inside the Aberdare Forest and I have witnessed the actual destruction caused by grazing. So, I can talk with authority about that particular forest.

Mr. Temporary Deputy Speaker, Sir, the idea might be noble, but it might not work in

certain areas. As I wind up, we must think very seriously how we intend to cover the shortfall of what is the basic minimum forest cover of this country. We must think about the future. We must look at our own population increases and start thinking whether what can sustain this country in the future. I do not think we can. The Ministry should assume a very deliberate role in looking at the population of this country and decide what it should do to ensure that we have the necessary forest cover.

I want to appeal to both sides of the House to support this Bill. We need to support the Minister. He needs to tell us how we should help him. We need to go out there and do something. Mr. Samoei said that we need to do environmental education. We need to get involved in afforestation. This is a crisis in the making. We need to cut off the crisis now and think of how we can sustain this country in years to come.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members who were here might have realised that Mr. Sambu raised a very important issue with regard to the relevant Departmental Committee with the responsibility of oversight on this Ministry. It is true that this Committee has not submitted its report to the House and hon. Members are advised that we, normally, amend a Bill through the relevant Departmental Committee spearheading it.

Mr. Temporary Deputy Speaker, Sir, in view of the fact that the relevant Committee has not, and we will go to the Committee Stage, hon. Members, particularly the new ones, who may not know, you are advised that you can prepare amendments and forward them to the Clerk of the National Assembly to be introduced at the Committee Stage. That is the advice from the Chair.

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to the Forests Bill. The speaker who has just been on the Floor has mentioned that the forest cover in this country is about 2 per cent. It is 1.7 per cent!

It is important to look at what inheritance we are leaving to our children. Most of what has happened in the previous few years is actually dilapidation of our own natural resources to an extent that we are seeing areas where there were forests all covered in concrete. This is because of greed. The previous Governments have had a very peculiar disease of land *grabiosis*. They could not see any open space and just sit without excising it to either build an estate or give it away to politically-correct people. It is for this reason that I feel that this Bill is appropriate at this time.

Mr. Temporary Deputy Speaker, Sir, having said that, there are several issues that hon. Members must look at and undo before this Bill is made law. In order to encourage the people who are living around the forests to plant and conserve trees, it is critical that a certain portion of the revenue generated from those forests is retained in the areas where the communities have participated in conserving those forests. If the previous regime, under the former President Daniel arap Moi, did what they did continually for five or six years, I am sure Kenya will not be suffering from lack of forest cover.

When we were growing up, the former President was very active in afforestation as opposed to deforestation. We used to have a slogan: "Cut one tree and plant two trees". That slogan died off after people realised that they could make billions of shillings from forests. It is in this light that even the current Government came to power with specific objectives. I believe the former President Daniel arap Moi came to power to look after the environment and nurture the generations to come in terms of the forest cover, but after some time, this faded away. This is the same thing we are witnessing today. The NARC Government took office with a promise of giving Kenyans great things, including protecting the forests and making sure that the communities around the forests, and any other areas, are economically empowered. Unfortunately, this tempo has died out and we are seeing them engaging in afforestation much more than it was done during the previous regime.

One speaker said that when he flew over Mt. Kenya, he saw that it looks almost like a playground, when we have hon. Prof. Maathai who is the Green Belt Movement expert, and who comes from the area where forests are being raped. We must enact some legislation that protects the forests and the people who live around the forests.

Mr. Temporary Deputy Speaker, Sir, let me go to the specific issues in the Bill. If you look at the administration of this Bill, it states:-

"There is hereby established a service to be known as the Kenyan Forest Service".

Mr. Temporary Deputy Speaker, Sir, basically what we are doing is creating another parastatal which we will privatise after a while because the funds which will have been put in this parastatal will have been washed away through a leaking pipe to some pocket. In this case, the Board has the discretion to even receive gifts from well-wishers. The Bill does not even quantify how much. We also know some people who were in the Kenya Wildlife Service who were receiving gifts directly to a point of being untouchables. You could not even remove the composition because if you did the direct type of funding would be stopped. Some of these issues must be addressed. We are creating the Forest Service which is another parastatal, and if you look at the membership, the first eight are civil servants. The other eight could be actually politically-correct people or people who are close to the Minister in charge of the Ministry. What are we saying? A Board of 15 people is actually a guzzler of resources. We should try and get funds to preserve our forests in terms of enabling them to run. We would be draining the whole lot of it by remunerating 15 directors. There is the PS, Treasury, the PS, Ministry of Environment and Natural Resources, KEFRI Director, *et cetera*. That is an overloaded Board. Even when you make serious decisions, you may not necessarily get consensus from 15 people. The fewer they are, the better. Let us not create these parastatals. Among the directors, seven are civil servants, and yet we are saying that we are moving from the Civil Service to create a parastatal to be more efficient. We are running after our own tail!

Mr. Temporary Deputy Speaker, Sir, I am not opposing the Bill, but critical issues must be looked into for purposes of efficient administration of this particular Bill. We have beautiful laws, but as to whether the Minister would genuinely -which I believe he is - administer this Bill, without necessarily rewarding people who are very close to him, we will wait and see. We have heard that Ministers are actually rewarding people directly. They are either related to them or they are their very good friends. Therefore, it would cause a claim for people to become Ministers and use their positions to reward their own. For that reason, we must ensure that the Director of this particular Board is not appointed directly and given nice terms by the Minister. Parliament must assert itself. It must give sanction to this particular appointment, so that there can be some controls over him or her.

There was one parastatal which I cannot remember the name, where the chief officer, the chief accountant, the chief auditor and the technical officer were people of the same lineage. What does that tell you? That, in terms of expertise and management of resources, we have a particular lineage of people who are endowed with that beautiful knowledge in all spheres; that it must be one of their own to be appointed. That is not right!

I am talking about the creation of a corporation. The corporations we have created in the past have actually been money guzzlers. If you remember very well, I am sure you were in Parliament at that time, when there was a corporation which was dealing with some insurance business, and the director would actually take tissue paper home after being procured through normal public procurement. The director who was earning a salary would ask the corporation to procure tissue paper for him to take home. That is how shameful it is. We should create a Board that is going to be effective. We mean business and I am suggesting that at the Committee Stage, we should reduce the number of the Board members and filter them. We should advise and guide the

Minister in order to give a credible Board that is going to be helpful. I am sure he is a very able Minister. When he was chairing the Departmental Committee on Health, Housing, Labour and Social Welfare in the last Parliament, it was the only Committee that did exceptionally well.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Omingo, please, address the Chair. There are no sideshows here!

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, when the Minister for Environment, Natural Resources and Wildlife was the Chairman of the Departmental Committee on Health, Housing and Social Welfare, he worked hard and we all admired him. With regard to what is happening today, he seems to have lost his usual self. We, however, want to encourage him to move on. When one is a spectator of a game, he or she feels as if he or she can play better than the players themselves. As soon as he or she gets down to play the game, he or she finds it difficult to score a goal. I want to encourage the Minister to introduce professionalism in some of the boards. He needs to give them the kind of direction that would please even those people who give us donations. If I am a Minister in a certain Ministry and my Assistant Minister, Chief Accountant, Financial Controller and Legal Officer are also Kisii's, donors will doubt if we are genuine. We must change our way of doing things.

Our Government administration and laws are good. The problem is that we are not serious. We often bring a man or woman from KEFRI to be a member of a board. My interest is in the Board because that is where we have the most rot. People have stolen while in boards. Some of the people who stole while in boards were transferred and promoted. If the intention of these boards is to reward the politically-correct people in the NARC Government, we have to stand against it because Kenyans are watching us. In the previous regime, we pointed fingers at people who stole from forests. They are known and they were in Government circles. One former Minister, hon. Nyenze, was famous for chopping off forest land and giving it out. Those who gained from this are powerful people in the current Government. They are now being glorified for what they stole from our natural inheritance.

Mr. Temporary Deputy Speaker, Sir, our children are going to suffer due to lack of water. Water catchment areas have been taken away. Those who did this are in the current Government. I know them. If I did not say that, then you would tell me that you were going to create a commission of inquiry to investigate the people I am talking about. I know the facts. They are sitting in offices while they stole part of our forest land.

I am an accountant by profession. I know that some people took a good amount of money from our income. We should probably ask them how they became billionaires. I know that this Government knows them. We are glorifying them for the mistakes they made. We cannot say that we did not have an Act to protect our forests, or that the former President did not advise us to plant trees when we cut down others. We have some politically-correct sawmillers whom the Government has allowed to operate on very favourable rates.

Other issues we need to look at are those relating to licensing. I cancel your licence and give it to "X" to cut down trees. In this case, one company is protected and buys a square kilometre of a forest at Kshs360 while another one buys the same area at Kshs1,300. The reason given for this is that the one given some protection produces specialised items. Yet he produces the same kind of panel door we see produced by any other company. You will find that people who were favoured are actually reluctant to invest a lot in their production. Therefore, they end up doing a sub-standard job. The one who bought the tree area at Kshs1,300 will produce quality goods to recover his costs and make a profit. Those people who are favoured never paid anything to the Treasury.

That is abuse of office. How much has the Ministry lost due to such kind of favouritism that is not actually necessary? Such people were even given opportunities by the NARC Government.

They were favoured by the previous administration, and even now they are being favoured! I do not know whether they have convinced the NARC Administration that they want to continue managing this thing the way they have been doing. Kenyans are watching us. The budget of the Ministry of Environment, Natural Resources and Wildlife would have been reduced substantially if it had Appropriations-in-Aid from proper collection of revenue.

I am concerned because I have seen the figures in the books. If we actually charge the right rates, this Minister will come for a quarter of his budget from this House. The balance of the money will provide more health facilities or buy drugs which are not available in Kenya. It is simple arithmetic. Tell me not to harvest trees or let me harvest them and give me a level playing ground. Kenyans have been seeing us do these things. Can we then see a difference in the management of the affairs of this nation? I do not know what happens with Members of Parliament when they move from this side to the other side. Something magical must be happening in this House, because most of them change. You will find some handsome men walking with their heads down. They are doing the opposite of what they used to do and preach about when they were on this side of the House.

When Kenya changes and starts doing things straight for 24 hours, 365 days, 12 months in a year, I will want to cross to that side. I do not want to be tainted. I do not want to change my way of doing things by walking to the other side prematurely. Dr. Kulundu is aware of these things. They even took KICC by force. They took it through an executive order. Why do they not change these rates through an executive order and reduce the Ministry's budget?

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

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

I can give a small illustration. In Ukambani there is a tall rock. If you walk round it ten times you change your sex from a man to a woman. It appears there is a rock somewhere here in this House which makes people change behaviour when they move from this side to the other side of this House. I do not want to change my sex. I want to remain myself. I want to remain myself and maintain my focus, because Kenya is our beloved country. We have wonderful resources.

I will now talk about Clause 7(c). It states that part of the functions of the Board will be to consider and recommend to the Minister the determination and alteration of boundaries of State forests. You know there are sensitive boundary issues. I do not know whether the Board will be endowed with the resources and technical know-how to actually demarcate the country into forest regions without causing conflict. The Minister should look into this issue very carefully to ensure that, when the recommendations are made, they do not cause social conflict and tribal animosity in the demarcated regions.

In Clause 8, part of the powers of the Board will be to receive any gifts, grants and donations made to the Service. We are moving from a parallel budgeting system. We want to budget at the central Government level. We want to know whether what has been allocated to the Ministry of Environment, Natural Resources and Wildlife will come from donors, so that we can avoid double budgeting.

For what reason would I want to create another Treasury elsewhere? This Ministry has a Vote which we can extend as a grant for purposes of scrutiny for the public watch-dog committee in Parliament. We are the people's watch-dog. Hon. Members must be know this. For example, if I get a gift from Berlin, I do not know as an accountant of this Republic how much money has been

released there. It is for that reason that we have had this country being committed to foreign amounts directly by the Ministers and technocrats in Government. Unfortunately, 50 per cent of the funds remain in those countries in terms of what they call technical assistance. About 50 per cent of that money comes here and the other 50 per cent is retained as technical assistance. The 25 per cent of the 50 per cent here is taken back as salaries of expatriates. I would like to see this issue re-looked into because we cannot afford to empower people to collect money for a State corporation. We are running away from that arrangement. The donor community are actually keen to channel their funds through the Treasury for purposes of accountability and focus. Therefore, we cannot afford to go back to that regime where the Government was distrusted and people were directly given money because of their colour, or what they proclaimed to be. I would suggest that this particular provision be revised. All grants, both local and external received must be channelled through the Treasury, so that we can be accountable to all that we do. Why am I saying this? For example, somebody collects money in grant form and goes to construct a borehole for a water project in Kisii directly without going through the Government, and then in our Budget Estimates there is an item for water development and dams in Kisii. If we do this, we will be providing double allocations for a similar project. That money would have been channelled elsewhere. So, if I get a gift to carry out a project at the Aberdare Forest directly, it should be known by the Treasury. The other allocation of money should go elsewhere for purposes of equity and balance. That is what I am talking about.

Mr. Temporary Deputy Speaker, Sir, Clause 10 of this Bill talks about appointment of the Director of Forests. It says:-

"There shall be a Director of Forests who shall be appointed by the Minister and who shall hold office on such terms and conditions as may be specified on the instrument of his appointment."

What does that tell you? That this man or woman will receive an appointment letter from the Ministry of Environment, Natural Resources and Wildlife. The terms will be determined by the Minister. I am not saying that Dr. Kulundu could do a wrong thing. He is a very able person. I am talking about this because we are doing things and setting a precedent. For that reason, you will realise that, for example, even at the Kenya Revenue Authority (KRA), or the Kenya Electricity Generating Company (KenGen), somebody will pick his blue-eyed boy; a very competent person, and offer him amorphous terms that cannot even be agreed on. By the way, the KenGen Director and the KRA boss are now living on "oxygen" today. They have no salary because of this kind of amorphous arrangement where somebody says, "I will appoint you at my discretion." The person appointing does not even consult the person he intends to appoint. He only says: "You have now been appointed because I think you can do me a favour elsewhere." This, as usual, is done during the 1.00 p.m. news bulletin.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Omingo, what are you saying about?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I am talking about Clause 10.

The Temporary Deputy Speaker (Mr. Poghismo): What are you talking about oxygen?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, both bosses of the KRA and KenGen have not received their salaries for the last one year. This is because of the amorphous appointment arrangements like the one I have just referred to. If such a person is appointed as the director and then not paid their salaries, he will cut down all trees. There will be no tree the following day!

Mr. Temporary Deputy Speaker, Sir, let us agree that Parliament should place sanctions and approve the rates or even categories by the parastatals. Let us, for instance, agree that category A gets Kshs20 million, category B - Kshs5 million and category O - Kshs10 million. That way, we will remove the kind of amorphous clause that we have here, upon the sanction of Parliament. This

House must assert itself! Woe unto you who underrates the Back Bench! Our time is now! We are going to tell you how things are run, because some of us have suffered long enough in our small career in politics. So, let us have the appointment of the director ratified by Parliament under terms that are agreed and understood. That way, we can make progress. That way, I will not appoint Mr. Temporary Deputy Speaker from where he is seated, without even consulting him on the terms of reference and tell him: "Take it or leave it!" That is no management. Again, even then, prudence and good sense suggest that you even negotiate before you make a decision. The 1.00 p.m. news used to be sweet surprises to many. The time has come for people to be consulted, get parliamentary approval and Kenyans know who is going to be there! If possible, let Kenyans vet them through the media. Let people put in points that, "so-and-so, is a tree-monger. Do not give him! So-and-so is not a good doctor. Do not appoint him to Kenyatta National Hospital! Let us put them under focus. After all, if they merit, they will get the jobs. The time of back room arrangement is long gone.

Mr. Temporary Deputy Speaker, Sir, there an issue with Clause 13(a), where we have forest conservancy areas and committees. It reads:-

"The Board shall establish forest conservancy areas for the proper and efficient management of forests and may divide such conservancy areas into forest divisions."

That is in line with the other clause that I read, and they deal with determining the boundaries through the advice of the Board. That should also be re-looked into, to avoid the conflict that may arise. On the terms of service in Clause 14, it is critical that we become firm. Anybody getting any gift should be taken to the Consolidated Fund, where the Kshs91 million was returned to. That is the mouth that the Government actually opens and swallows to distribute. So, let us have everything channelled through the Consolidated Fund or the Ministry. We could give the Ministry the money, so that it could appropriate for purposes of reporting back. If you leave them that way, how do you control their expenditure? The Board is going to determine a few things, including their remuneration. They will be travelling 24 hours a day. They will be airborne trying to look at the forests in Malaysia and West Africa. They will even go to Kalahari Desert to look for trees which are not there! We need to factor in such issues and even regulate their budget.

Mr. Temporary Deputy Speaker, Sir, you also know that, out of the parallel budgeting, you realise that Nyayo House--- The reason why I am giving the example of parallel budgeting is because Nyayo House was in blackout the other day. It was not because Parliament does not give them money. They have taken what we have given them elsewhere! How are we going to control the gifts that come directly? I am seriously convinced that, that issue of parallel budgeting should be controlled.

Mr. Temporary Deputy Speaker, Sir, my constituency in Kisii has more people than trees. That is because we do not have sufficient land. We urge the Ministry to introduce farmer-friendly trees in Kisii. We need them, so that we could blend them with crops. That way, our people will not loose out on the rainfall which is so abundant in Kisii. If we lost that rainfall, with the small acreage of land that we have, our people would be depending on donations for food.

Mr. Temporary Deputy Speaker, Sir, what I am suggesting is that people in the densely-populated areas should be given a species of trees that is farmer-friendly. Even then, we were told that the Kenya Agricultural Research Institute was selling some land, instead of doing research. I am not too sure how many species of trees Kenya Forestry Research Institute (KEFRI) has introduced in this country.

With those few remarks, I beg to support.

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to start by commending the Minister for the numerous efforts in which he has tried to raise some of the pertinent issues that this Ministry has been mandated to handle on behalf of the Kenyan people.

Mr. Temporary Deputy Speaker, Sir, the issue of forests is extremely vital to our own existence. We are fortunate, as a country, to host the United Nations Environmental Programme (UNEP) Headquarters. This is a privilege that this country has been given and it is important that we focus---

QUORUM

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion and hon. Ethuro is giving the House a very good and specific methodology of afforestation in this country, and yet, there are no Members in the House.

The Temporary Deputy Speaker (Mr. Poghiso): Order, Mr. Kimeto!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, you know this Member has not communicated and you never gave him a second chance, so you did not hear what he said in the second bit. That is the procedure of the House.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order, both of you. Mr. Kimeto, what did you actually say?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I said there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghiso): Yes, definitely, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

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

Proceed, Mr. Ethuro!

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir. I will proceed and thank Mr. Kimeto for giving me the opportunity to be heard by more hon. Members than the ones previously present.

I was just appreciating the fact that the United Nations has honoured this country with the Headquarters of the United Nations Environmental Programme (UNEP). This has given us a special responsibility over all other nations to look at the issues of environment in a more focused manner than, maybe, any other country. That is why we are supporting the Forests Bill knowing that our forest cover has declined over time. Forests were abused by our own Government; not by anybody else. Forest land became an opportunity for politics of patronage to take root in our land. We are hoping that our Minister who has demonstrated a lot of willingness to look into the real issues that affect this Ministry will continue. Just last weekend we were in Mombasa on wildlife issues and this week we are discussing the issue of forests.

In the 1970s, we used to talk about keeping the desert at bay in the Northern Frontier. However, of late, we do not hear much of this. We used to talk about tree planting campaigns and it used to be an elaborate issue. We realise that last time the Minister himself is the one who deferred the planting of trees for whatever reason. The tree planting campaign should not be entirely dependent on the onset of rains; it is basically a symbolic gesture to sensitise Kenyans on the need to plant trees. This is because our survival is dependent on this. One way in which the Minister can sensitise Kenyans is to have these campaigns in our primary schools so that our children can grow in the full and secure knowledge that forests are part and parcel of their own co-existence.

We should not just be planting trees for the sake of afforestation. We should also be encouraging households to plant trees in their own compounds and *shambas*, particularly the fruit trees so that we can realise the objectives of household food security as well as afforestation policy.

This campaign should be able to help in terms of nurturing a culture of afforestation. Emphasis should be placed on riverine forests. Where I come from is considered an arid area. However, we have been fortunate because there are two rivers that flow into what I would call the Lake Turkana Basin; River Turkwel and River Kerio. That riverine vegetation is extremely useful for both our livestock as well our catchment sources of water for our people and for irrigation schemes. We know that, during the colonial times, we were not even allowed to access the riverine vegetation within a radius of about 20 metres. However, as we speak now, yesterday, a whole prison warden went to evict people in order to build a prison on River Turkwel. When the Government is raping its own resources, where will people run to? When the left hand and the right hand do not seem to be working in tandem, which direction is that kind of organism heading to? We want the Ministry of Environment, Natural Resources and Wildlife to ensure that the limited forest cover and vegetation in some of these fragile environments is protected.

Mr. Temporary Deputy Speaker, Sir, we have also another man-made problem in Turkana District. We have got many refugees. This is equally the case in Daadab in Garissa District. It is interesting that we have over 100,000 refugees in a small area called Kakuma. These refugees rely heavily on wood fuel. So, within a radius of about 100 kilometres of Kakuma Town, you will hardly see any tree or shrub nowadays. While we appreciate the need to support the refugees because there are problems in their home countries, it should not be at the expense of our own ecology.

Mr. Temporary Deputy Speaker, Sir, the Bill talks about forest associations in any location in the country. In the 8th Parliament, we tried to form an association known as Turkana Environmental Resource Association. Such associations were meant to ensure that, as we utilise the resource, we also have a responsibility to plough it back. Therefore, if you cut one tree, you should have, at least, two or ten trees planted for future use. It is a pity that it is our very Government, and its civil servants, who frustrated this local initiative. Our Ministers need to move from the comfort of five-star hotels in Mombasa to our high temperatures of 40 degrees centigrade. Nobody should think he will die because of heat. We have survived all these years and we can competently handle issues here with them. They are not any special Kenyans! Turkana District is part of the Republic of Kenya. The only way we can appreciate the enormity of the problem is by seeing exactly what is happening on the ground. It is very easy for Non-Governmental Organisations (NGOs) and the United Nation High Commission for Refugees (UNHCR) to organise a Vice-President's visit to Kakuma Refugee Camp.

Mr. Temporary Deputy Speaker, Sir, it is interesting that during the visit, the Vice-President will meet the refugee leaders, as if his own fellow Kenyans are not part of that location. This is what we call, in our rural development courses, urban biases. This is because they give you a plane to go and see them. But you do not know that some of them cannot even come to accept you. This is happening in our country. When our people, at one time, refused to allow their wood fuel to be cut, a police officer shot dead an old woman who was just protecting our trees. The same policemen are still on Government payroll. We are treating our people as our own enemies. We treat those who want to conserve our forests as some foreign people. We need to ensure that some of these issues are properly addressed.

Mr. Temporary Deputy Speaker, Sir, on the issue of plastic paper, there is need for the Ministry to come up with a policy to ban this particular item in our country. It is killing our livestock! We understand when the Pokots come to raid us. We also understand more when we have drought and famine. But we cannot understand when a plastic paper kills a fat animal just because it has swallowed it! It is a big problem and it requires to be handled. Likewise, it is a big problem even in urban centres because it is not decomposable

Mr. Temporary Deputy Speaker, Sir, the other issue that I want the Minister to take into

consideration is a plan that was introduced in Turkana District in 1970 called Prosopic. This plant grows wild. That weed also has extremely big thorns and some areas along the lake cannot be accessed because it has covered the entire place.

I urge the Minister to send a specialised team, which I think is in Turkana, to look into these particular issues. This is because I am told that the NORAD wanted to introduce a weed which can be used to feed livestock but it ended up introducing a wrong species. It is as if it had gone to sleep.

Mr. Temporary Deputy Speaker, Sir, I have heard other hon. Members contribute to punishment and I also want to touch on it. We are still a rural country. It will be a real disaster in our place if you say that if somebody is found, maybe, cutting a branch of a tree, he or she is liable to a fine of Kshs500,000, five years imprisonment or both, that is going to be a real disaster.

Mr. Temporary Deputy Speaker, Sir, I am saying this because when the officials go there, they find some mothers with a bag of charcoal, they arrest them and take them to the police station, but now you are talking of paying a fine of Kshs500,000 or serving a five-year jail term. If we continue this way, the days of the NARC Government will be numbered.

Hon. Members: They are already numbered!

(Laughter)

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, you have always heard the hon. Member for Kibwezi tell us that the only thing they do because they have no other work is to sell charcoal on the roadside. All those people will be imprisoned for five years. I think the Minister will agree with us that he needs to categorise those problems. He should impose that kind of fine on a saw-miller or somebody who has a commercial stake on it. But if he imposes the fine on the rural people who eke a living literally out of the woods, then we need to think of other ways of handling this particular problem.

Mr. Temporary Deputy Speaker, Sir, let us not impose fines which we know many people will actually not pay. Those people do not burn charcoal because it is a hobby, but because it is a matter of life or death. If they do not extract forest resources, they may as well perish. When you have those kind of options, you have no choice.

Maybe, the prisons which are under the Office of the Vice-President and Ministry of Home Affairs are better than they were before. But even that is confinement, and it is supposed to be a punishment. So, we should also talk about the number of people who will go to prison. So, let us not send more people to our prisons.

Part of the campaign I was encouraging the Minister to start, and we will support him because the knowledge and the interest we have in these issues--- When we were young, we were told that we should think globally but act locally on environmental matters so that we can do something within our locations. The Minister can sensitise Kenyans against littering our cities. We have dust bins where they can throw their waste so that it can be disposed of properly.

The Minister has a job to do. Kenyans still think that Karura Forest is more viable for commercial purposes than for the present and future generations. This is the kind of campaign we want the Minister to start and we will support him.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support the Bill.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members. It is now time for

the interruption of business. The House is, therefore, adjourned until Thursday, 27th May, at 2.30 p.m.

The House rose at 6.30 p.m.