

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 27th May, 2004

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of the National Cereals and Produce Board for the year ended 30th June, 2000, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Agriculture (Mr. Khaniri) on behalf
of the Minister for Agriculture)*

Annual Report and Accounts of the National Hospital Insurance Fund for the year ended 30th June, 1994, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the National Hospital Insurance Fund for the year ended 30th June, 1997, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Agriculture (Mr. Khaniri) on behalf
of the Minister for Health)*

Annual Report and Accounts of the Investment Promotion Centre for the year ended 30th June, 1999, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Agriculture (Mr. Khaniri) on behalf of
the Minister for Trade and Industry)*

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I beg to lay the following Papers on the Table.

Mr. Speaker: Order, Mr. Konchella! You are repeating what has already been laid on the Table by Mr. Khaniri!

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I have laid that Paper on the Table on behalf of the Minister for Trade and Industry.

Mr. Speaker: I understand that! Mr. Khaniri has already laid those Papers on the Table.

ORAL ANSWERS TO QUESTIONS

Question No.368

INCLUSION OF MOGOTIO
IN ALRM PROJECT

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

(a) whether he is aware that before Koibatek District was carved out of Baringo District, Mogotio Constituency used to benefit from Arid Lands Resources Management Project; and,

(b) whether he could include that constituency to be among the beneficiaries of that project.

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

(a) No, I am not aware. The official document of the Development Credit Agreement, Credit No.2797KE, signed between the Government of Kenya and the World Bank during negotiations for the first phase of the Arid Lands Resource Management Project, limited the scope of that project to the arid divisions of Baringo District.

Those divisions fall under Kenya Agro-Ecological Zone Seven, with an evapo-transpiration ratio of less than 15 per cent, and with an annual rainfall of between 200 millimetres and 300 millimetres. The project covered East Baringo Sub-District, comprising of Kolowa, Nginyang', Tangulbei, Kipsaraman and Partabua divisions. At no time did the first phase of the project cover Mogotio Constituency, nor the adjacent Mukutane Division of Baringo District.

(b) It is not possible to include that constituency among the beneficiaries of that project during the current phase, as the project design has already been concluded and is specific to 21 districts only. Any additional districts or constituencies would mean revising the Development Credit Agreement for Project No.3795, with the concurrence of the World Bank.

Thank you.

Mr. Korir: Mr. Speaker, Sir, I have not received a written answer to this Question. Secondly, I know the Assistant Minister has never been to Mogotio. I want to inform him that Mogotio is as dry as Mwingi, Kitui or Mukogodo! The Assistant Minister has said that it has not been included. Could he consider including that constituency in that project in the next financial year?

Mr. Tarus: Mr. Speaker, Sir, the suggestion is very good. But I would like to say that support of that nature is reviewed annually. We hope that, in the near future, we shall be able to consider Mogotio as the hon. Member has requested.

Mr. Sirma: Mr. Speaker, Sir, I listened very carefully as the Assistant Minister was answering the question. There was a lot of bias in the evaluation and consideration of certain areas. Mogotio Constituency is a deserving case! The Assistant Minister should take up that matter, so that the constituency benefits from that project.

Mr. Speaker: Mr. Sirma, that is a statement! So, Mr. Assistant Minister, you do not have to answer it!

Mr. Abdirahman: Mr. Speaker, Sir, the Arid Lands Resource Management Project is a very important project and the only one of its kind that has really given us programmes that have made some impact. However, we have had problems in trying to combat emergencies. We very well know there is a drought management component, but it had little funding in this particular financial year. Could the Assistant Minister think of considering allocating more resources to these districts to combat emergencies?

Mr. Tarus: Mr. Speaker, Sir, besides considering review of budget allocation for disaster management, we also have a method in which, when we have occasions of serious disasters, it is possible to mobilise resources to address those specific cases.

Mr. Speaker: Next Question by Mr. Kagwima!

Question No.384

DISTRIBUTION OF FUEL LEVY

Mr. Speaker: Mr. Kagwima is not here! We will leave his Question until the end. Next Question by Mr. Kingi!

Question No.390

REHABILITATION OF MARIAKANI-
BAMBA-KILIFI ROAD

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

- (a) how much the rehabilitation of the Mariakani-Bamba-Kilifi Road will cost;
- (b) when the reconstruction will start; and,
- (c) whether he is satisfied with the standard of work being carried out on this road, particularly with regard to the bridges and culverts.

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

(a) Mariakani-Bamba-Kilifi Road is a gravel road which was contracted to be rehabilitated at a tender sum of Kshs205,094,077.20. The contract was won by Ms. Bridgestone Construction Company Limited.

(b) The rehabilitation contract is estimated to end in August, 2004.

(c) On this road, there were no bridges being constructed but standard culverts of 900 millimetres in diameter, which were 124, and others for 600 millimetres in diameter, which were 248, plus one 4x2x8 metres reinforced concrete box culvert. The work on this road is still in progress and constant monitoring is being carried out by officers from the Ministry. The contractor has been instructed to do the work as per the specifications in the contract. **Mr. Kingi:** Mr. Speaker, Sir, while I want to thank the Assistant Minister for the answer he has given, I want to say that he has not addressed himself to the Question, which is whether he is satisfied with the standard of work that is going on or not. The quality of work being done on this road is very shoddy. Instead of using gravel, the contractor is using large boulders and, in fact, the sections that he has already completed are impassable. The culverts that are being installed are not reinforced with iron or anything else. So, we find that they break during off-loading. So, my question is: What is the Assistant Minister doing to ensure that the quality of work that is going to be done from now on is going to satisfy the Ministry and the residents of Ganze?

Eng. Toro: Mr. Speaker, Sir, supervision of this project is being enforced and if I may advise the hon. Member, this contractor has had allegations against him of delay in completion twice. The first original completion date was March last year which was revised to July last year, and again revised to August this year. Due to those problems, and to show the seriousness that the Ministry is attaching to the overall supervision of works being done, this contractor has had to pay liquidated damages so far of Kshs8,340,000. These liquidated damages will continue until he finishes the contract. I can assure the hon. Member that the standard of workmanship is going to be enhanced.

Dr. Galgalo: Mr. Speaker, Sir, the fact that the work had to be rescheduled three times is a testimony to what the hon. Member is claiming; that, the works being done are shoddy. Instead of just imposing such meagre penalties, could the Assistant Minister terminate that contract and give it

to another contractor to do a good job?

Eng Toro: Mr. Speaker, Sir, as I said, termination is the last resort and if the contractor cannot perform, we will have to do that. At the end of the contract, he will end up receiving even less than the contract sum because of the delays that he is causing, which have nothing to do with the Ministry. This is an example of what we are doing now to show the contractors that we are serious in supervising the contracts that are being undertaken, and not like before, when the contractors used to have a field day and did what they wanted to do.

Mr. Mwenje: Mr. Speaker, Sir, the standards of repairs on roads have deteriorated so much that you do not even understand what kind of repairs the Ministry is doing. If you drive along Thika Road today, you will find a lot of funny repairs which are done on the potholes that it would even have been better to remain with the potholes. If you go to Kangundo Road, it is the same. Now, they are repairing potholes with soil, which will only last one hour and then it is gone. The Ministry of Roads, Public Works and Housing has got the machinery to repair these roads. Why are they avoiding to do the actual repair themselves and giving it to contractors? Are they doing it so that they are given the 10 per cent or what is exactly happening?

(Applause)

Eng Toro: Mr. Speaker, Sir, I think the genesis of the problem we are having started when the donor conditionalities were imposed on the Ministry, that it should stop repairing roads. Following this conditionality, the Ministry ended up selling almost 80 per cent of its machinery, and that is why the Members of Parliament know that the graders are not even there in the districts. To be able to do what hon. Mwenje is saying, the Ministry is embarking on acquisition of road maintenance equipment and we have so far progressed well, with the Korean Government willing to extend credit worth US\$20 million to be able to buy machinery for road maintenance, which will be under the Ministry as opposed to letting the roads deteriorate so that we can be able to give the contractors the work to do. I can assure hon. Mwenje that the issue of 10 per cent does not arise now.

Mr. Kingi: Mr. Speaker, Sir, I would like the Assistant Minister to tell this House who owns Bridgestone Company, and confirm or deny whether the owner is not one of those "cowboy contractors" we are talking about here?

Eng. Toro: Mr. Speaker, Sir, could the hon. Member repeat the question, since I did not catch it properly?

Mr. Kingi: Mr. Speaker, Sir, the question is: Who is the owner of Bridgestone Company, and could he confirm or deny whether the owner is not one of the "cowboy contractors" we have been talking about here? Why the extension all the time?

Eng. Toro: Mr. Speaker, Sir, I would be delighted to know from the hon. member, the owner of Bridgestone Construction Company because I do not know.

Mr. Kombe: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to give a contract to a contractor he does not know?

Mr. Speaker: Order! Basic law will tell you that a company is a legal person and you deal with that company in that respect.

Next Question by Mr. Bahari!

(Loud consultations)

Mr. Speaker: Order, Members! Order, Mr. Kajwang! If you want to know the rules of the House also; if you want to know the identities of persons registered in a public document, go and do so at the Registrar of Companies. That is the law.

Question No.396

GRADING OF ROAD B9

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

- (a) whether he is aware that Kshs4 million set aside for grading of Road B9 between Garba-Tulla and Modogashe in fiscal year 2002/2003 has not been utilized; and,
(b) when will repair work on the road commence.

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

(a) I am aware that Kshs4 million was set aside for grading of Road B9 between Garba-Tulla and Modogashe in the fiscal year 2002/2003, but no funds were issued due to liquidity problems during the financial year.

(b) Grading and drainage improvements on the road have now commenced since the District Works Officer in Isiolo has received Kshs500,000.

Mr. Bahari: Mr. Speaker, Sir, I am a very disappointed man because this same Assistant Minister, on Tuesday, 25th March, 2003, stood up on the Floor of this House and said that money had been set aside and the Ministry was in the process of issuing it for the reconstruction of that road. It is the easy answers that Ministers give here that are becoming a problem in terms of keeping the integrity of this House.

(Applause)

Mr. Speaker, Sir, I have written to the same Assistant Minister on several occasions. Now, another financial year is gone and he is now telling us that only Kshs500,000 was disbursed. Is this Assistant Minister serious?

Mr. Speaker: Eng. Toro, are you serious?

Eng. Toro: Mr. Speaker, Sir, I am not serious. I think now you are satisfied.

Dr. Ali: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Dr. Ali.

Dr. Ali: Mr. Speaker, Sir, is the Assistant Minister in order to stand in front of you and say that he is not serious? If he is not serious, he should go back to where he came from. That is an attitude we do not want in this House.

(Applause)

Mr. Speaker: Order, Members! Did I actually hear you, Eng. Toro, saying to my face that you are in the House in the most unserious manner?

(Loud consultations)

Eng. Toro: Mr. Speaker, Sir, if I said that I was not serious, it was a slip of the tongue and I apologise.

Mr. Speaker: Order, Eng. Toro. Order! I think it is this casual attitude towards the management of public affairs that is likely to ruin this country. If an Assistant Minister can stand in the House and say that he is not serious---

Hon. Members: Out! Out!

Mr. Speaker: Order, Members! Order! How else can you assault the integrity of this

House? I would want to advise the Assistant Minister to always bring with him seriousness of purpose and of mind when he enters this House. I think you are very well advised never to be here casually. So, anyway, I accept your apologies. Now, being serious, could you answer hon. Bahari seriously?

(Laughter)

Eng. Toro: Mr. Speaker, Sir, now I am serious. On a serious note. Last year, I undertook to make sure that Kshs4 million was dispatched for repairs of Road B9. Yesterday, if you remember, I asked for deferment of this Question until today because when I got the answer yesterday and realised that the Kshs4 million that was supposed to be dispatched had not been dispatched yet, I also thought that some people in the Ministry are not serious. I want to sincerely apologise to the hon. Member because I had to go to find out what exactly had happened. I must say I was very disappointed because, even despite the fact that the Kshs4 million had not been sent, the amount sent during this financial year is even less than the Kshs4 million. However, I would like to assure the hon. Member that, yesterday, I had a meeting with the Chief Roads Engineer and other senior officials in the Ministry. I gave a directive that whenever they give a commitment that some money will be remitted for repair of roads, then, it should be followed, within a week, with dispatch of the money to the said district for the repair of roads. Otherwise, they should be honest enough and say that there is no money, instead of letting me stand on the Floor of this House to give promises which they have no intention of fulfilling.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. I want to believe that the Assistant Minister is totally out of order because if the money was set aside, it simply means that it was budgeted for by this House. The money was not sent, and he is telling us that it was stolen by somebody. I think he should tell us where the money went, otherwise we will assume that the money is still not utilised. What happened with the money if it was never utilised?

(Applause)

Eng. Toro: Mr. Speaker, Sir, the Fuel Levy Fund meant for maintenance of roads, as hon. Members know, comes into the Budget as Appropriations-in-Aid. We do not give specific details of the maintenance that is to be done over the year. What happens is that, if the money is received from the Kenya Roads Board, it is allocated to various road projects for maintenance. As I had said in my answer, the money was never remitted due to liquidity problems in that financial year. It is only yesterday that I became aware of the fact that the money was not remitted due to those liquidity problems.

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

Mr. Speaker: What is it, Mr. Poghiso?

Mr. Poghiso: Mr. Speaker, Sir, this is a very clear case of misleading the House. Again, the Assistant Minister seems to have two moods; one when he is very serious, and another when he is not very serious. The answer he gave when he was not very serious is so different from the answer he has given when very serious. If what is actually in the written answer, as from yesterday, is not in tandem with what he is saying verbatim, which is which? Is he not misleading the House? Is he really in order to give an answer now, and again, give out another one which seems to be a better one, without necessarily writing it down as he did yesterday?

Mr. Speaker: Mr. Poghiso, that thing has been going through my mind. On his own admission, the Assistant Minister has been speaking from two mouths; one of seriousness and another of unseriousness. And then I hear him lamenting about his civil servants misleading him. I think I have already warned him to come with one mouth in the House; yet, at the same time, I pity

him if he has no control over his civil servants.

Mr. Ogur: Mr. Speaker, Sir, usually, when a Minister comes to this House, he looks at the written answer to ascertain whether it is okay or not. Is it in order for the Assistant Minister to bring an answer which he himself, with one mouth, knows that is wrong, and with another mouth pity himself?

(Laughter)

Eng. Toro: Mr. Speaker, Sir, there were some creatures in the fairy tales which used to have two mouths, and I am not that creature. I have only one mouth.

Mr. Speaker, Sir, the answer I have given is the truth, and that is why I asked for the deferment of this Question yesterday; because I wanted to establish whether this is actually the truth, and this is the truth. That is why I am giving a commitment this time to the hon. Member that I will make good what had gone wrong in the next financial year. After we have been given a commitment by our engineers that they are going to carry out some work, until that work is not carried out, because there are so many projects in the Ministry. It is not possible to follow up on all the projects on a daily basis because they are many. Now that I know the truth, I am prepared to commit to the hon. Member that Road B9 will be allocated funds in the next financial year.

Mr. Speaker: Proceed, Dr. Godana, before I finish with Mr. Bahari!

Dr. Godana: Mr. Speaker, Sir, it has become fashionable in this era of the NARC Government that Ministers have to hide behind the excuse that civil servants "misled" them. The amount of money which he says is now ready is only one-eighth of what was allocated two years ago, and which he promised was in the process of being issued. In the meantime, the road could not have improved by itself; it could only have worsened. Is he serious in believing that, indeed, he is about to start acting on this piece of work with Kshs500,000 only? Secondly, will the Assistant Minister accept that, in fact, the reason why the Kshs4 million was not paid was because the money was diverted to Embu?

(Applause)

Eng. Toro: Mr. Speaker, Sir, the money was not diverted. Due to over-commitment of the project, the money was not enough, and that is why the money was not remitted to Road B9. In addition to the Kshs500,000 that has already been received by the Provincial Works Officer (PWO), Isiolo, another Kshs800,000 will be remitted soon, and it should be with the PWO, Isiolo, early next month.

Mr. Speaker: Last question, Mr. Bahari! I think we have already given--- What is it, Mr. Omingo?

Mr. Omingo: On a point of order, Mr. Speaker, Sir. I do not want to risk the introduction of the third mouth on the Assistant Minister.

Mr. Speaker: What?

Mr. Omingo: The third mouth. Is it in order for the Assistant Minister to develop a third mouth; that of saying untruths to this House? Because, he told Mr. Manoti that Kshs50 million had been set aside for Kisii-Kilgoris road. Is it in order for him to have the third mouth of telling this House untruths?

Mr. Speaker: What mouth are you talking about?

(Applause)

Proceed, Mr. Bahari!

Mr. Bahari: Mr. Speaker, Sir, I think we need your protection here. Sometime early this year, when I followed up on this case, I was told that there is Kshs2.8 million which has been set aside. I was given this information by officials in the Ministry. When the Minister went to Mandera, he promised to give Kshs13 million to Garissa and Wajir. He also promised a further Kshs13 million to Wajir and Mandera, and the Assistant Minister was with the Minister. Nothing has been seen to date. How can I--- This road was part of the El Nino Roads Project. At that time, that project was a priority. Kenyans cleared all that fund and nothing has been done!

Mr. Speaker: What is your question, Mr. Bahari?

Mr. Bahari: What assurance can I get from the Speaker that this project is going to be done to conclusion?

Mr. Speaker: Order, hon. Members! You know that I have even given this Question an inordinately long time, obviously, because of the problems the hon. Member and the Assistant Minister are facing. I hope Ministers do realize---

(Mr. Musyoka was applauded as he entered the Chamber)

Order! Order! Order, Members! I hope Ministers realize that the public do listen to what they say and that they will be held accountable by the public on the basis of their promises. So, please, be serious on what you promise.

Eng. Toro: Yes, Mr. Speaker, Sir. I think Mr. Magara has added me another mouth. So, I am the only Member of Parliament with three mouths in this House.

(Laughter)

Mr. Speaker, Sir, what Mr. Magara said is actually the truth, and that is why I also held that meeting yesterday because the Kshs50 million he talked about was also not remitted for that road. But we are addressing that issue seriously. I would like to commit myself again to the hon. Member, that the work we promised to do will be done.

Mr. Speaker: Very well! I think we must rest this issue there. I hope that there will not be any more promises that are not intended to be kept.

Proceed, Mr. Omingo!

Question No.372

SHORTAGE OF TEACHERS IN
SOUTH MUGIRANGO

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

(a) whether he is aware that there is a serious shortage of teachers in South Mugirango Constituency; and,

(b) when he is going to address the staffing shortage in the two divisions in the constituency, which currently stands at 220 teachers.

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

(a) Yes, I am aware that the constituency has a shortage of 176 teachers in primary schools, and 136 teachers in secondary schools. It is a large number, is it not?

(b) We will address the shortage during the next recruitment exercise.

Hon. Members: When?

Dr. Mwiria: Should I answer that question now?

Hon. Members: Yes!

Dr. Mwiria: All I can say is that we are negotiating with the Treasury to allow us to recruit more teachers, and as soon as this agreement is reached, I will be able to inform the hon. Members. But we are still in the process of negotiating. We realize that this is a problem countrywide, and I can just assure hon. Members that as soon as we get that authority, we shall then embark on the next recruitment exercise.

Mr. Omingo: Even the Assistant Minister himself did appreciate that the shortage of teachers is quite a big number. In fact, this statistic dates back to about four or five months ago.

Mr. Speaker, Sir, Kisii District, where my constituency falls in, has been alternating in performance from the bottom deliberately because of this kind of imbalance in the distribution of teachers. Could the Assistant Minister assure this House that when recruitment starts, he is not going to give them across the board, but address the issue of scarcity as per his worry?

Dr. Mwiria: Yes.

Mr. Ogur: Mr. Speaker, Sir, it is true that they will start recruiting teachers, but do you know what they do? They restrict those who have so far qualified to years. We do not need years; we need the teachers who have qualified so far to be recruited! They merely cluster the graduates to years, for example, the year 1999 to whatever bracket, leaving out other teachers. Is this man going to open the brackets first and widen them?

(Laughter)

Mr. Speaker: Order, Mr. Ogur! He is not a man. He is an hon. Member!

Hon. Members: He is an Assistant Minister!

Mr. Ogur: But he is not a full Minister. He is a piece of a Minister!

(Laughter)

Will the Assistant Minister open a bracket large enough to accommodate all those---

The Assistant Minister for Home Affairs (Dr. Machage): On a point of order, Mr. Speaker, Sir. Is Mr. Ogur in order to refer to a Minister as "a piece of Minister"?

Mr. Speaker: Order, Mr. Ogur! Did you say a piece of Minister?

Mr. Ogur: Mr. Speaker, Sir, I am a former Assistant Minister and I know that I was not a piece. I was whole! So, I could not have said that.

(Laughter)

Dr. Mwiria: Mr. Speaker, Sir, the hon. Member is so much intoxicated with his being a summary of an hon. Member that he refers to others as pieces.

The reason why we had brackets when we were recruiting teachers in 1998 and 1999 was because there were so many graduate teachers who had not been recruited. So, we realised that if we were to recruit only a limited number of teachers, we had better recruit those who graduated in 1999 and 2000, because some of them may attain retirement age before they are employed.

Mr. Salat: Mr. Speaker, Sir, I would like to ask the Assistant Minister whether there are constituencies in this country which do not have a shortage of teachers. If there are, which ones are they?

Dr. Mwiria: Mr. Speaker, Sir, when I started, I said that this was a national problem. All constituencies have shortages of teachers except in Nairobi. In Nairobi, we have more teachers than we need, partly because there are many spouses teaching in this City and other cities. There are a few other districts, and I think Meru Central is one of them. Let me assure hon. Members that we

are working on a balance to ensure that some districts are not overstaffed while others are understaffed.

Mr. Omingo: Mr. Speaker, Sir, what is the Government policy on the replacement of teachers upon death? They receive returns on a monthly basis. Waiting for the Treasury to approve recruitment when they are not going to incur any extra expenditure is making children suffer in class.

Dr. Mwiria: Mr. Speaker, Sir, up to now, we have been replacing teachers who have left the service through natural attrition. That is through retirement and death.

An hon. Member: Where?

Mr. Speaker: Give the Assistant Minister a chance to say what he is saying!

Dr. Mwiria: Mr. Speaker, Sir, once again, we have, at least, this negotiated settlement; we intend to continue with the same policy of replacing those teachers lost through natural attrition.

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

Question No.383

DISPOSAL OF KTZCC PLANTATIONS

Mr. Speaker: Mr. Khamasi is not there? We will leave his Question until the end. Next Question, Mr. Sang!

Question No.394

AMBULANCE FOR RORET
HEALTH CENTRE

Mr. Sang asked the Minister for Health:-

(a) under what circumstances an ambulance, GK908T, attached to Roret Health Centre was sold; and,

(b) when she will provide a replacement.

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

(a) I am not aware of an ambulance, GK908T, attached to Roret Health Centre. However, there was a Land Rover, GK908T, that was used to serve as an ambulance, which was boarded and sold after it was found to be uneconomical to repair following the laid-down Government procurement procedures.

(b) Roret Health Centre will be considered, together with other health facilities, on its facility priority basis to be allocated an ambulance in the next financial year. Meanwhile, the Ministry shall ensure that a Pajero, GK.T0270, from Buret District Hospital, which is being repaired for use, shall be allocated to the health centre.

Mr. Sang: Mr. Speaker, Sir, you have heard the Assistant Minister say that it was becoming uneconomical to repair this vehicle. Would he prefer people to die than to repair the vehicle? The health centre is better off with the vehicle to transport people to the district hospital for referral cases. What is the Assistant Minister's priority? Is it the vehicle or human beings?

Mr. Konchella: Mr. Speaker, Sir, I wonder why the hon. Member is talking about priorities. Our priority is to save lives and the Ministry is there to do that. Due to lack of funds, we are unable to procure a new vehicle. We will take care of the needs of the health centre. For now, we will repair the vehicle, so that it can be used because we have the funds for that.

Mr. Keter: Mr. Speaker, Sir, the Assistant Minister has clearly said that this vehicle was disposed of through competitive tender. Was it advertised, and on which daily newspapers?

Mr. Konchella: Mr. Speaker, Sir, that is a different Question. If that was asked in the Question, I would have provided an answer to it. I need time to find out whether the tender was advertised or not, because it was done sometime back. It was sold to somebody, whose details I can give to the hon. Member for him to find out whether the tender was advertised or not.

Mr. Keter: Mr. Speaker, Sir, Mr. Muturi was talking to you and you did not hear what the Assistant Minister has said. He has said that my question is a different Question. Roret Health Centre is next to my constituency and my people use the facility. Was the tender for the sale of this vehicle advertised? I know it was not.

Mr. Konchella: Mr. Speaker, Sir, the vehicle was sold in 2002, and if the hon. Member thinks there was corruption in the sale of this vehicle, he should bring the issue up and we will investigate.

Mr. Billow: On a point of order, Mr. Chairman, Sir.

Mr. Speaker: I am sorry. He was referring his point of order to a non-existent "Chairman". He was referring to "Mr. Chairman" who is not here. So, I am giving a chance to the hon. Member who is referring to "Mr. Speaker", who is here.

Mr. Poghiso: On a point of order, Mr. Speaker, Sir. The Assistant Minister is avoiding to answer a genuine question, and we need your direction on this. The question is: Under what circumstances was the vehicle sold? The Assistant Minister has refused to answer it. Was it tendered competitively? If so, where was it advertised? He is just refusing to answer it. Could he answer the question?

Mr. Konchella: Mr. Speaker, Sir, I do not have the actual details of how the vehicle was procured by a Mr. Rono. All Government vehicles are boarded by the Provincial Public Works Officer, and the Government can choose to dispose of its vehicles through advertising or offering them to any willing buyer. The value of this vehicle was so low. I think it was sold for Kshs50,000. That was a write-off.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to decline to answer a specific question? Instead, he has given us a normative answer by saying that,

normally, Government vehicles are boarded. That is a normative answer. Could he answer the specific question, which is whether this sale was advertised or not? This is a legal matter.

Mr. Konchella: Mr. Speaker, Sir, I would like the hon. Members to understand what the Government procedure is, because they were here last time. Meanwhile, I undertake to find out the details and bring them to the House later on.

(Question deferred)

Question No.402

HEALTH CENTRES FOR
WUNDANYI CONSTITUENCY

Mr. Mwandawiro aliuliza Waziri wa Afya:-

Serikali ina mipango gani ya kuanzisha vituo vya afya au zahanati huko Serienyi, Paranga na Mwaroko katika eneo la uwakilishi Bungeni la Wundanyi ambapo wananchi wa sehemu hizo wako mbali mno na huduma za afya.

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

An hon. Member: Kiswahili! Kiswahili!

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, the hon. Member

may seek the services of an interpreter.

I beg to reply.

We have no immediate plans to construct health facilities at Serienyi, Paranga and Mwaroko due to financial constraints. However, Mbale and Mbinzige health centres, and Gazi dispensary currently serve the area community, and are under-utilised. We also offer monthly outreach services for immunization and curative services.

Mr. Osundwa: On a point of order, Mr. Speaker, Sir. You notice that this Question has been framed in Kiswahili, but the Assistant Minister is answering it in English. Are we not deviating from Standing Orders?

Mr. Speaker: Mr. Osundwa, if I may ask you - I think this is your third term - against what Standing Order is it? Well, hon. Members, again I ask you to visit your Standing Orders. The law is very clear; if you begin speaking in Kiswahili, you continue with Kiswahili. If you begin speaking in English, you continue in English. To the best of my knowledge, a paper does not speak.

Mr. Mwandawiro: Bw. Spika, ninasikitika sana kwa majibu ambayo nimepatiwa na Naibu Waziri kwa sababu, inaonyesha kwamba Swali hili limepuuzwa, ama Wizara, pamoja na maofisa wake walioko Wilaya ya Taita-Taveta, wanakaa katika ofisi na hawajui hali halisi iliyoko, kwa sababu, kutoka Paranga hadi Gazi ni masafa marefu sana. Na kutoka Serienyi hadi Mbale ni masafa marefu sana ya milima na mabonde, na hakuna zahanati yoyote ile ambayo inaweza kumhudumia mtu akiwa mgonjwa, ama kama mwanamke anataka kujifungua kikamilifu.

Ni lini Wizara itazuru sehemu ya Wundanyi kuangalia hali halisi na kufanya mipango halisi ya kuwaokoa wananchi walioko kule, badala ya kuketi katika ofisi hapa Nairobi?

Mr. Konchella: Mr. Speaker, Sir, with due respect to the hon. Member, the two dispensaries which are in his constituency are under-utilised. This is because of the population. The population of Paranga, where is talking about, is 1,400 people, and the next dispensary which is there is only four kilometres away. It would be economical for the Ministry and prudent financial management for a doctor to visit there instead of putting up another dispensary.

Dr. Ali: Mr. Speaker, Sir, those health centres or dispensaries were put up by the Government. It is not the mistake of the hon. Member that they are close to each other. Could he provide mobile services to the residents who are very far away in the hilly areas, so that they can benefit from the medical facilities?

Mr. Konchella: Mr. Speaker, Sir, I entirely agree with what the hon. Member has said, and we will endeavour, in the next financial year, depending on the funds, to procure ambulances which will be specifically for outreach to those areas, where Ministry of Health officers can go on a monthly or weekly basis to visit the people.

Mr. Mwandawiro: Bw. Spika, ninaendelea kulisitiza kwamba kuna umuhimu wa maafisa wa Wizara kutembelea hiyo sehemu nimetaja na kujua hali halisi na masafa kutoka Gazi mpaka Paranga, na vile hali ilivyo. Pia kutoka Sirienyi mpaka Mbale.

Mr. Speaker: What is your question?

Mr. Mwandawiro: Bw. Spika, ninafurahi sana kwa sababu Naibu Waziri amesema kwamba atatupatia ambulansi. Hakuna ambulance hata moja katika milima ya Taita. Je, ni lini utatupatia hizo ambulances?

Mr. Speaker: Order! If hon. Members can look at the clock, we have only five minutes remaining to the end of Question Time. Most of the time is taken not by proper questioning, but by hon. Members who really want to talk and talk, and talk. Now, this is Question Time. If you really want to talk and talk, wait for a Motion.

Mr. Konchella, can you answer?

Mr. Konchella: Mr. Speaker, Sir, we will look into this issue of providing additional

ambulances in the next financial year.

Question No.403

PURCHASE/DISTRIBUTION
OF AMBULANCES

Mr. Osundwa asked the Minister for Health:-

- (a) how many ambulances has the Government purchased since January 2003;
- (b) if he could give a breakdown of how the ambulances were distributed by district; and,
- (c) if he could consider giving one to Makunga Rural Health Demonstration Centre in Mumias Division.

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

(a) The Ministry has procured six ambulances, with an additional 40 double-cabin pick-ups since January, 2003, to date.

(b) A total of six ambulances were distributed to various areas as follows: Nairobi got three, Moi International Airport, Mombasa, got one; Muhoroni Sub-district Hospital in Nyando got one, and Makindu Sub-district Hospital got the other one, out of what we procured. I can table a list of 40 others for hon. Members to peruse since it is a long list.

(c) Makunga Rural Health Centre shall be considered together with the other facilities on each facility priority basis to be allocated ambulances in the next financial year on the basis of budgetary allocation in 2005. Meanwhile, the Ministry shall ensure that an ambulance, Peugeot pick-up, bought using the community funds is serviceable and operational. The health institutes refer their emergency cases to Kakamega Provincial General Hospital which is approximately 15 kilometres away.

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

Mr. Speaker: Before I call upon Mr. Osundwa to ask a supplementary question, the document he has laid on the Table is unsigned. I want him to authenticate it by signing it and then lay it on the Table. We do not take papers unsigned. Give it to the Assistant Minister!

*(Mr. Konchella signed the
paper at the Dispatch Box
and laid it on the Table)*

Proceed, Mr. Osundwa!

Mr. Osundwa: Mr. Speaker, Sir, you can see the mess this Ministry is in. You and I know that ambulances come fitted with standard equipment like stretchers, oxygen masks and many other things. Now, the Assistant Minister is telling us that they have bought 40 double-cabin pick-ups. Could he confirm to this House that these 40 double-cabin pick-ups have been fitted with stretchers and that they have the oxygen masks and every standard equipment that goes with an ambulance? Have you shifted the policy?

Mr. Konchella: Mr. Speaker, Sir, the reason for buying the pick-up ambulances was to try and see how patients can be seen by doctors where they are, because many of our roads are not

passable when there is a lot of rain, and it is very difficult to use the normal non-four-wheel ambulances.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! We have to make progress. We have to get questions now.

Dr. Galgalo: Mr. Speaker, Sir, why was the double-cabin four-wheel drive vehicle that had been allocated to Tseikuru Health Centre, Mwingi North Constituency, withdrawn and taken back to the Ministry Headquarters?

Mr. Konchella: Mr. Speaker, Sir, I am not aware of that.

Dr. Galgalo: Mr. Speaker, Sir, that is a fact. If he is not aware of it, can we defer the Question so that the Assistant Minister comes back with a proper answer?

Mr. Konchella: Mr. Speaker, Sir, I have said that I am not aware of the issue.

Dr. Khalalwe: On a point of order, Mr. Speaker, Sir. Would I be in order to request the spokesman of the people of Mwingi North to confirm to this House if the ambulance was taken away?

Mr. Speaker: Mr. Minister, do you want to say anything? Hon. Musyoka is a Minister. He is sitting next to his colleagues. He can communicate if he wants.

Mr. Minister, do you want to communicate? Should I encourage dialogue? I will encourage dialogue by deferring this Question.

Dr. Khalalwe: On a point of order, Mr. Speaker, Sir. Is the hon. Member trying to influence the Minister so that he does not address the Question?

Mr. Speaker: Order, hon. Members! For the benefit of new hon. Members like Dr. Khalalwe, this House was not meant for hon. Members to be in perpetual war with one another. This House encourages, as the Speaker has done, consultation between hon. Members and Ministers. It is perfectly in order. I will defer the Question.

(Question deferred)

Question No.373

NUMBER OF PCK EMPLOYEES
IN WEWEI STATION

Mr. Speaker: Is Mr. Rotino not here? This Question is dropped.

(Question Dropped)

Question No.360

UTILISATION OF REVENUE GENERATED
BY BARICHO WATER WORKS

Mr. Ngozi, on behalf of Mr. L. B. Maitha, asked the Minister for Water Resources, Management and Development:-

- (a) how much Baricho Water Works generates in terms of revenue per month to the National Water Conservation and Pipeline Corporation; and,
- (b) how much of it is ploughed back to Baricho Village for development.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Speaker, Sir, I beg to reply.

Baricho Water Supply currently generates Kshs25.65 million per month from the sale of water. However, due to an increase in cost of power and other production inputs in the last six years, these funds have not been adequate to meet the operations and maintenance costs of water supply, which currently amount to Kshs26.85 million.

(b) In addition to providing water to Baricho Water Works, my Ministry has extended some benefits, which have not been quantified in monetary terms, to the community of Baricho area through the support of the following development projects: One is the establishment of Maji Lango Baya Primary School, which caters for 400 pupils from the area. Two is the establishment of Maji Lango Baya Health Centre with a well-equipped laboratory, which provides medical care to residents of the area at highly subsidised rates. Three is the provision of more than 100 water *kiosks* along the main pipeline, which sell water to residents at subsidised rates of Kshs15 per cubic metre, in addition to providing employment to those who manage the water operations. During the next financial year, my Ministry intends to install a small electric-powered pontoon at Lango Baya to enable the residents of either side of the crocodile-infested Sabaki River to cross safely at all times.

Mr. Ngozi: Mr. Speaker, Sir, the Assistant Minister has told this House that the Corporation is running at a deficit of Kshs0.93 million. I wonder where he got the money to construct Maji Lango Baya Primary School and Maji Lango Baya Health Centre. Could he tell this House the whole truth?

Mr. Munyes: Mr. Speaker, Sir, we are running on a deficit because of the increasing cost of power and other production inputs for this project. However, since the Ministry feels that this is an important area, we have tried to provide some funds from our budget to ensure that residents of the areas, plus schools and the health centre have water.

Mr. Manoti: Mr. Speaker, Sir, the Ministry of Water Resources Management and Development seems to be concentrating only on old projects. Most people in the rural areas are not aware of the existence of this Ministry. What is the Ministry going to do to install piped water in such areas? For instance, there is no piped water in Gucha District, where I come from.

Mr. Munyes: Mr. Speaker, Sir, the policy of the Ministry is to rehabilitate and support stalled projects. We have not yet embarked on new projects. Our policy is to ensure that we revive old projects first. Through the new law, we have created water boards. The boards will plan and implement services in all areas of this country.

Mr. Ngozi: Mr. Speaker, Sir, the Ministry has very good plans for the people of Lango Baya. However, I would like to get specific dates as to when this electric-powered pontoon project will be in operation.

Mr. Munyes: Mr. Speaker, Sir, in the next financial year, we will install a small electric-powered pantoon in the area. I will not give a specific date as to when it will be in operation.

QUESTIONS BY PRIVATE NOTICE

RETIREMENT OF POLICE OFFICERS

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

(a) Under what circumstances were 57 senior police officers retired and, or dismissed by the Commissioner of Police?

(b) What procedures were followed in effecting the retirements and dismissals?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, may I seek the indulgence of the House again with regard to this particular Question for two reasons. One is that this matter is in the purview of the Public Service Commission. Two, the answer I received does not sufficiently address the Question.

Dr. Godana: On a point of order, Mr. Speaker, Sir. I think we need your guidance. This is another example of an Assistant Minister not being serious with the business of the House. This is a Question which is a matter of national importance. The Assistant Minister is aware of the public interest in the Question. It had already been deferred and now he has come back here today and told us again that he wants it deferred. Obviously, he is not being serious. I think we should move to name this Assistant Minister, or he should give us genuine reasons why we should defer this Question, and concrete time on when he will answer it.

Hon. Members: Name him!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I wish the hon. Member knew how serious I am with regard to this particular Question. The very reason why I want to furnish the House with an appropriate answer---

Mr. Speaker: When will you be ready?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, on Wednesday in the morning.

Mr. Speaker: Hon. Members, I understand the concern of the House that this is not the first time this Question is coming to the House, and that these 57 senior officers are Kenyans. The House has to get an account of what happened to necessitate this mass retirement. So, in the interest of getting facts, I will very reluctantly agree to defer this Question to Wednesday, and no more.

(Mr. Cheboi stood up in his place)

Mr. Cheboi, please, just relax.

Mr. Assistant Minister, you must come with full facts on Wednesday.

(Loud consultations)

Order! This is not a public baraza. Relax. Mr. Tarus, I think you must get these facts right because the House wants to know what happened. So, I very reluctantly allow this deferment.

Mr. Cheboi: Mr. Speaker, Sir, Wednesday is not an appropriate day for me because I will be travelling out of the country. So, Tuesday would have been more appropriate.

Mr. Speaker: Tuesday is a public holiday.

Mr. Cheboi: Mr. Speaker, Sir, I already have an answer which I am comfortable with. Why do we not proceed on the basis of this answer because it has been signed?

Mr. Speaker: Order! You may be comfortable with the answer, but you are not the House and the Assistant Minister says he is unhappy with it. When are you likely to be around?

Mr. Cheboi: Let it be Wednesday, Mr. Speaker, Sir.

Mr. Speaker: Wednesday morning or afternoon?

Mr. Cheboi: Morning.

Mr. Speaker: Very well. The Question is deferred.

(Question deferred)

Dr. Godana: On a point of order, Mr. Speaker, Sir. The hon. Member's Question had got

an answer. Answers are relayed to the House after the substantive Minister has accepted and signed them. If the hon. Assistant Minister, who, of course, has full mandate to represent his Minister is not happy with the answer, which his Minister has approved, and, therefore, is not in a position to answer it, would I be in order to request that come Wednesday, we get the substantive Minister himself to come and answer the Question?

Mr. Speaker: Next Question!

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 answers to (a) and (b) are in the affirmative, what action is the Minister taking against the officers involved?

Mr. Sambu: Mr. Speaker, Sir, I still wish to seek the indulgence of the House because I have not got the affidavits which I was supposed to get. The answer they are giving me is still the same.

Mr. Speaker: So, how much time do you need?

Mr. Sambu: Give me a month, Mr. Speaker, Sir.

(Laughter)

Hon. Members: Are you serious!

Mr. Sambu: Yes, I am serious. One of the ladies involved cannot come to see a lawyer in Eldoret. She is on maternity leave and I cannot force her to travel to Eldoret.

Mr. Speaker: Very well. I will downgrade the Question to an ordinary Question. It is deferred.

(Question deferred)

Next Question!

STATUS OF KENYA COFFEE
FARMERS' BANK MONEY

(Mr. Muiruri) to ask the Minister for Finance:-

(a) Under what circumstances did the Director, Mr. J.G. Gacheru, resign as the Vice-Chairman of Kenya Coffee Farmers Bank Limited on 8th May, 2004?

(b) Is he aware that a sum of over Kshs340,000,000 is in danger of being misused by the chairman and director of the bank who have now embarked on paying themselves unnecessary emoluments, expenses and honoraria?

(c) What are the current balances in Treasury Bills, Barclays and Standard Banks in Nairobi and who are the signatories?

(d) Who are the original contributors to the bank and what plans does the Minister have to either register the bank or refund the contributions, plus interest?

Mr. Speaker: Since Mr. Muiruri is not here, this Question is dropped.

(Question dropped)

MONKEY/BABOONS MENACE
IN ILEHO DIVISION

(Mr. Khamasi) to ask the Minister for Environment, Natural Resources and Wildlife:-

(a) Is the Minister aware that monkeys/baboons from Kakamega Forest have invaded farmers' *shambas* in Ileho Division and caused extensive damage to the crops?

(c) What urgent measures is he taking to curb this menace?

Mr. Speaker: Is Mr. Khamasi not here? The Question is dropped.

(Question dropped)

COMMUNICATION FROM THE CHAIR

DEFERMENT OF ORDERS
NOS.8 AND 9

Mr. Speaker: Order, hon. Members. That is the end of Question Time. I have a request from the Minister for Foreign Affairs to make a Ministerial Statement. I also have a Ministerial Statement from the Minister for Lands and Settlement.

Before I call upon the Minister for Foreign Affairs to make his Ministerial Statement, I wish to bring to the attention of the House that concerning Order No.8, the Chair has been informed by the hon. Members, who are our representatives to the African Caribbean/EU Assembly, that they are not ready to proceed with this Motion now. Therefore, it will not be called out. It will be called out at a subsequent time. It may, in fact, for the time being go out of the Order Paper.

As for Order No.9, I am informed that neither the Minister nor the Assistant Minister are in the country. Therefore, we are only left with Order No.7. That is the only business we have for today and, most likely, next week. That is all.

MOTION

ADOPTION OF REPORT ON SEVENTH
SESSION OF ACP-EU JOINT
PARLIAMENTARY ASSEMBLY

(Mr. Kamotho) to move:-

THAT, this House adopts the Report on the 7th Session of the African, Caribbean, Pacific and the European Union (ACP-EU) Joint Parliamentary Assembly held from 16th to 19th February, 2004 in Addis Ababa, Ethiopia.

(Motion deferred)

BILL

Second Reading

THE INVESTMENT PROMOTION BILL

*(Bill deferred)***MINISTERIAL STATEMENTS**SIGNING OF PROTOCOLS ON
SUDANESE CONFLICT

The Minister for Foreign Affairs (Mr. Musyoka): Thank you, Mr. Speaker, Sir. I am greatly delighted to inform this august House that last night, a few minutes before midnight, the whole world witnessed a momentous event, the signing ceremony of three protocols on the resolution of the conflict in the Sudan. One of the protocols represents an agreement reached on power-sharing, which is always a very difficult subject. The other two focus on the conflict areas of the Nuba Mountains, Southern Blue Nile and a little state called Abey, which sits on oil.

The signing was watched by hundreds of people in the town of Naivasha, and I gave the apologies of hon. J. Kihara, as well as many others, who were able to view the event via satellite. I was pleased to be joined at this memorable occasion by Members of this House who sit on the Defence and Foreign Relations Committee, led by their Chairman, Mr. G.G. Kariuki. This important event marks a major step forward and paves the way for a final political settlement for the whole of the Sudan. It also represents the culmination of lengthy and protracted negotiations that have taken place over the past decade. Indeed, I do recall that it was when I was in the same docket in 1994 that the parties were able to sign a declaration of principles.

I wish to pay glowing tribute to the participants, His Excellency Ali Osman Taha, First Vice-President of the Sudan, as well as Dr. John Garang, Chairman of SPLA/SPLM, for the courage and determination they have demonstrated to achieve comprehensive peace for the people of the Sudan. Last night's breakthrough brings to six the number of protocols agreed upon and signed with regard to this conflict. These include the Machakos Protocol which was signed in 2002; the two subsequent agreements on defence and wealth sharing, as well as the other three protocols, and the final one which was signed last night. What remains now is to work out the modalities for the implementation of these protocols. I am pleased to note that the two leaders have already signified their commitment to the implementation process.

Mr. Speaker, Sir, Sudan is an important neighbour to Kenya. I am particularly pleased with the breakthrough reached last night because of the special significance it carries. As we inch closer to the realization of peace between the northern and southern Sudan, the commitment that is evident and the momentum that we have gathered, will most certainly have a knock-on effect on the on going conflict in the Dafur Region. We will, hopefully, hasten the end of that conflict and the finalisation of a peaceful settlement in that part of Sudan.

Mr. Speaker, Sir, ahead of the signing of the final peace agreement, I wish to urge the business community in this country to take advantage of the huge potential now available in Sudan. This market has a potential to create millions of job opportunities for our people. I am also pleased to inform hon. Members that His Excellency President Kibaki has already invited the parties to State House for the signing of a final peace accord, which we expect will take place soon. My only fear is that State House may be too small a place to accommodate this historic signing. Perhaps, we may have to end up at Uhuru Park.

Mr. Speaker, Sir, the voice of diplomacy must be reason for hope, particularly in our sub-region, which is moving through a phase that is thronged with difficulties; both natural, and some

man-made. Having placed Kenya's role in the promotion and maintenance of regional peace and stability as a high plank in its new foreign policy, our diplomatic efforts, endurance and perseverance have paid handsome dividends as witnessed in Naivasha Town last night. We must move fast to help the Sudanese people consolidate this new-found peace. Kenya cannot shy away from realizing a great potential for our responsibilities in peace mediation as a factor of democracy, stability and security in its relations with this region.

Mr. Speaker, Sir, I will be travelling to New York shortly to brief the United Nations Security Council (UNSC) on the peace process in Sudan, together with my colleagues, members of the Ministerial Sub-committee on the Sudan Peace Process. I will also inform the UNSC of Kenya's willingness to contribute to the peace building efforts of the UN and to the reconstruction process. Kenya also intends to play a key role at the donors pledging conference to be convened sometime in Norway, not in the too distant a future, we hope, which is expected to raise funds for the reconstruction of Sudan.

PROGRESS IN RESOLUTION OF SOMALIA CONFLICT

Mr. Speaker, Sir, I now wish to make some comments regarding the Somalia conflict. Lasting and durable peace and a stable government in Somalia are matters of great national interest to Kenya. It is for this reason that Kenya has continued to pursue a comprehensive political settlement between the warring factions in the on going mediation efforts at Mbagathi. I am, therefore, pleased to report that the Somali peace talks have also made some significant progress in the last few days. Early this month, a road-map for the conclusion of the Somali peace process was endorsed by the IGAD Ministerial Forum. This past Monday saw the launch of the process of distribution of seats within the federal parliament, which will be followed by the actual selection of members. We are stressing ownership of this process by the Somalia people themselves. This is why, even in trying to formulate a road-map, we had to get them to negotiate. We met with each of the four clans. I am sure Dr. Godana and Maj. Madoka, my friend, will remember the famous 4.5 formula in trying to apportion anything in Somalia.

This process is expected to be completed in mid-June, after which the final step begins; that is the swearing in of Members of Parliament, the election of the Speaker and his deputies, and, finally, the election and inauguration of a new President for the transitional federal government. The formation of a transitional federal government is expected to be completed by 30th June, 2004, which is the absolute deadline that we have given to the resolution of this conflict. I look forward to the finalisation of this process which I expect will finally bring lasting and comprehensive peace to the sisterly people of Somalia as well as the rest of the Horn of Africa.

Mr. Speaker Sir, I was able to brief the African Peace and Security Council (APSC) in Addis Ababa the day before yesterday, during the solemn launching of the Peace and Security Council (PSC). This is another historical occurrence because what Africa is now saying is that they want to be deliberate in trying to kick off conflicts out of this continent as a first measure before we go to the UNSC, which has a responsibility of ensuring the maintenance of international peace and security. At least, Africa speaks with one voice at the very initial stages. Therefore, I am delighted to announce that Kenya is a founding member of the APSC for two years.

Thank you, Mr. Speaker, Sir.

(Applause)

Mr. Speaker: Well done, Mr. Kalonzo! Now, the House is the richer of information of this nature from the Floor. I encourage all other Ministers to do likewise.

The Minister for Health (Mrs. Ngilu): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Do you have a Ministerial Statement to issue?
The Minister for Health (Mrs. Ngilu): Yes, Mr. Speaker, Sir.
Mr. Speaker: All right. Go ahead and present it!

DUMPING OF HUMAN FOETUSES
ON MOMBASA ROAD

The Minister For Health (Mrs. Ngilu): Mr. Speaker, Sir, yesterday, Mr. Maore sought for a Ministerial Statement following the media discovery of 15 foetuses which had been dumped near the

International Christian Centre (ICC) in Nairobi South C.

First of all, I start by condemning this act. Since that time, I sent out a team to the City Mortuary and we confirmed the story that, yes, it happened. Out of the 15 foetuses, five were male, five female and the sex of the other five could not be determined. It was discovered that one foetus was approximately 40 weeks old, and was weighing about 3.012 kilograms. That was a full-term foetus. Another foetus was 36 weeks old and weighed 2.2 kilograms. Another was 32 weeks old, and weighed 1.8 kilograms. One was 28 weeks old, and weighed 1.3 kilograms. The other eleven foetuses were between 12 and 20 weeks old, weighing between 300 and 700 grammes.

Mr. Speaker, Sir, since then, the Kenya Medical Practitioners and Dentists Board (KMPDB) team visited the Reproductive Health Services clinics at Afya Centre and Eastleigh, accompanied by our Provincial Medical Officer, Nairobi, and the DCIO, Langata. Both clinics have been sealed off and closed. They are being guarded by police officers. Dr. Nyamu, who runs these clinics, has also been arrested and is being held at Langata Police Station.

(Applause)

Workers in his clinics are also being interrogated. Another team from the KMPDB, accompanied by the drug inspector, a pharmacist, and a representative of the Directorate of Medical Services are this afternoon inspecting these clinics.

Mr. Speaker, Sir, abortion in this country is illegal. It shall and will never be used as a contraceptive method of preventing pregnancy.

Mr. Speaker: Well, are we not getting a good Parliament now? That is how it should be! Well done. Anybody who would like to seek clarification? I think it is good enough! Do you want to seek clarification, Mr. Mganga? One or two only. I think it is quite clear.

Mr. Mganga: Mr. Speaker, Sir, I really want to thank the Minister for that very elaborate Statement. It is not the first time Dr. Nyamu has come into the limelight on the same issue---

Mr. Speaker: Order, Mr. Mganga! So far, he is a suspect. If you have evidence, go to the police. I will not allow that. Who else can I give a chance? I will give the last chance to Dr. Khalwale!

Dr. Khalwale: Mr. Speaker, Sir, hon. Members will recall that, sometime last year, I brought a motion to this House urging the Government to support young people who would wish to have babies. The bigger picture of the problem that we saw yesterday was partly due to desperation by youths on how they could support children. Could I request the Minister, this time round, to allow me to bring the Motion again, or to take over my Motion, so that we could find away to support young people?

Mr. Speaker: I do not understand whether you are saying that unless you do that, abortion would go on. Is that what you are saying?

Dr. Khalwale: Mr. Speaker, Sir, I am saying that with all seriousness, knowing that reducing the problem somewhat could improve the situation.

Dr. Galgalo: Mr. Speaker, Sir, what the Minister has told us here would shock every upright Kenyan. I think there is a bit of laxity in terms of monitoring what happens in private clinics in this country. Could the Minister undertake to carry out a thorough inspection of all private clinics in this country, with a view of getting rid of those horrible human beings, who have no feelings for other human beings, and can cause such a disaster in our society?

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, I agree with what the hon. Member has said. But, may I also say here that, unfortunately, doctors, nurses, clinical officers, quacks and even non-qualified medical personnel are carrying out such activities in unlicensed and unknown places. But I want to assure this House that we are going to crack down on all those people, and get them out of business even if they are licensed.

Mr. Speaker: Ms. Njoki! I have reopened for her only!

Ms. Ndung'u: Mr. Speaker, Sir, could the Minister clarify under what circumstances safe abortion is allowed under the law in this country? That is because it is allowed. Secondly, could the Minister clarify what is the true situation nationwide, with regard to safe abortions? Those 15 fetuses are not the only ones that can be found today. Has the Ministry of Health researched and found out what are the real causes of unwanted pregnancies, so that we could stop unsafe abortions? The arrest of one or two quacks will not help the situation.

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, the definition of abortion is the termination of pregnancy before foetal viability. In our country, foetal viability is often 28 weeks of gestation. In other countries like South Africa, it is 24 weeks. In Zambia, it is 20 weeks. There are different types of abortions. There is induced abortion, which refers to deliberate termination of pregnancy. There is spontaneous abortion. That refers to unintended loss of pregnancy, either due to illness or accident. Induced abortion may be classified as safe or unsafe.

I could give a few examples that have taken place. We have got 46 million induced abortions which occur worldwide. About 20 million of those abortions are unsafe. In Kenya, due to unsafe abortions, we are losing about 2,500 women per year. In Kenya, there are about 300,000 abortions that happen annually. About 90 per cent of those abortions are induced. That happens to women below 25 years of age. We see some of them in hospitals like Kenyatta National Hospital (KNH). Every single day, we get 30 to 40 cases of induced abortion in ward one at the KNH. Those are girls between 14 and 25 years of age. Some of them are schoolgirls.

Mr. Speaker: We are sorry about all that.

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 26.5.2004)*

(Loud consultations)

Mr. Speaker: I am waiting to see those who are interested in the Bill and those who are leaving. Who was on the Floor? It was Mr. Ethuro. Let me give this chance to Mr. Lesrima.

(Loud consultations)

Order, hon. Members! Could we give audience to the Members who are contributing and those who are willing and ready to sit down and listen?

Proceed, Mr. Lesrima.

Mr. Lesrima: Mr. Speaker, Sir, before I make my contribution, I wanted, as a matter of procedure, to find out whether the Departmental Committee on Agriculture, Lands and Natural Resources should now give its report. Yesterday, there were complaints that it had not given its report. I just wanted to be educated in terms of procedure.

Mr. Speaker: I beg your pardon!

Mr. Lesrima: Mr. Speaker, Sir, should I give the Report of the Departmental Committee on this particular Bill now or, should I---

Mr. Speaker: Yes! You can give the Report now.

Mr. Lesrima: Mr. Speaker, Sir, I am not the Chairman. The Chairman is Dr. Wekesa.

Mr. Speaker: You should go ahead and contribute! Immediately after that, I will give a chance to Dr. Wekesa to present the Report, so that the House could benefit from the insights of the Departmental Committee. In fact, you should have done that much earlier but, maybe, there were some problems. But you can continue.

Mr. Lesrima: Mr. Speaker, Sir, I wish to begin by thanking the Minister for Environment, Natural Resources and Wildlife for coming up with this Bill. I am also aware that he is also preparing a Bill on wildlife. I hope he will take that Bill with the same seriousness that he has taken this one, although he inherited it from the previous regime.

[Mr. Speaker left the Chair]

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

Having said that, I am a bit concerned because I saw an advert by the Minister on 10th May, with regard to wildlife conflicts---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order! Hon. Members, please, consult in low tones so that we may hear the Member on the Floor. Proceed.

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I wish the two Ministers could listen to what I want to say. I hope that hon. G.G. Kariuki's Private Member's Bill on wildlife at one stage will be taken over by the Government so that it is enacted into law. I also hope that the advertisement I saw in the newspapers on 10th May, in which the Minister appointed a Committee to look into the conflict between human beings and wildlife and requested the Committee to report to him by January, 2005, is not a deliberate tactic to 'kill' the Wildlife Bill in the pretext that the Minister can utilise the environmental law to control the things that we wanted to do in the Wildlife Bill.

Having said so, I want to thank the Minister for bringing this Bill. Coming from a constituency that has 23 per cent of Kenya's forest cover, I think I have something very important to say. As you know, one of the benefits of forest cover is the production of the oxygen. So, if Samburu District contributes 23 per cent of forest cover in the country, it, therefore, follows that 23 per cent of the oxygen available to Kenyans comes from Samburu District.

Mr. Temporary Deputy Speaker, Sir, this is a very important Bill because we are also members of the global community. As you know, the world has lost 12.4 million hectares of forest cover over the last decade, according to a report by the Director General of Food and Agricultural Organisation (FAO). We have also been given statistics on how much forest cover Kenya has lost.

This Bill has come at an appropriate time because those of us who come from areas where forest cover is plenty know that the colonial Government in 1935 alienated large areas of land and registered it in the name of Forest Department. In fact, they even went beyond the areas where trees are and it is good that this Bill is before the House because we shall get an opportunity to discuss the question of boundaries. I am glad that this Bill provides an opportunity for re-looking into the issue of boundaries. For example, in Samburu District, there are areas where there are no trees at all. In these large areas where there are no trees, there is a boundary which ends where the trees are and then, there is another boundary to keep the Samburu people as far away from the forest as possible. I think this matter needs to be looked into in this Bill.

Mr. Temporary Deputy Speaker, Sir, we are also aware that where there has been a lot of Government control in resources, there has been a lot of looting and, in particular, the looting of our forest resources mainly by people who do not come from those areas. It is, therefore, very pleasing to see that this Bill empowers the people of Kenya to participate in forestry management. It encourages communities to control and also gives them an opportunity to share in terms of grazing. When I talk about this Bill, I am not only referring to the people from my district or constituency, but I also have in mind even people around the Aberdares ranges. As you know, there are communities that live around the Aberdares and only a small section is fenced for the benefit of wildlife and yet we know that the communities around that area require grazing rights and land for cultivation.

The other point that I wanted to make with regard to the Forests Act in general is that although forests are a resource for the country, it is important for us to know that we are all interrelated and interconnected in one way or another. I think there has been a problem among our communities in the country, to understand that activities in one part of the country would affect the livelihoods of others in another part. For example, we are aware that Mau Forest may sound like it is a resource for the Maasai people. But, in fact, if you kill Mau Forest, the project of Sondu Miriu, which is supposed to generate electricity and overheads for other agricultural activities may, in fact, not be viable. The future of that project lies in the Mau Forest. So does the future of the people of Wajir, Isiolo, Samburu and the area around Mt. Kenya, which is the source of Uaso Nyiro River. Unless there is an understanding by communities on the impact of activities at various stages and in particular, at the catchment area, we are likely to get very serious problems. The reason why the pastoralists move towards Mt. Kenya is because there is no water downstream. Therefore, it is the interest of people living around the water catchment areas to consider the welfare of those downstream.

Mr. Temporary Deputy Speaker, Sir, let me now come to the specific areas of this Bill. I would like to say that we tend to criminalise a lot of activities with regard to natural resources. We criminalise people trying to get their own medicinal plants or timber, we even criminalise small miners that are trying to make a living. I am glad that this Bill talks of sustainable use. I hope that this sustainable use is taken to mean that wananchi can have access to the forests to collect wood for

various uses. The people of Ukambani are very good in handicraft work and they should be allowed to access timber. It is important that they have access so that they can buy it and use it for their own businesses and the communities where this timber is collected can also earn some revenue.

Mr. Temporary Deputy Speaker, Sir, I will talk about the Government and forests. If you look at a forest just outside Maralal; a place called Poroo next to one of the civil aviation radars, there is a little pine forest there which is ready for harvesting. However, because activities to do with utilisation of forest products have been criminalised, the pine is now too old and is falling. It is becoming a danger to motorists driving between Maralal and Baragoi. Huge pine trees which are normally harvested after 24 years are falling because they have been left to grow to 50 years. They are falling and rotting and causing a danger to motorists and the people of that area. I hope that the Ministry will consider harvesting plantations when they are ready.

I also hope that there will be an opportunity to allow the *shamba* system. I know this system sounds like some kind of - if you talk about the *shamba* system in this country, it is like you are not very patriotic. I recall that in the 80s, the *shamba* system worked very well. When I talk about it, I am only referring to commercial plantations because they are there to be harvested at certain intervals. The *shamba* system was very helpful, but we realised that due to big reductions in staffing, it could not continue being there. The Forest Department at one time around 1988 had 22,000 staff. That number has now come down to 6,000. We hope that the Ministry will get an opportunity to increase the number of staff and allow the *shamba* system to be reintroduced and to be closely supervised. However, without an adequate number of staff, that will not be possible.

We should also take seriously the business of timber trade and even go as far as importing logs. There are tremendous resources in other countries like the Democratic Republic of Congo and other West African countries and there are Kenyans, in fact, who are doing business there. I know that there used to be a provision for tax free importation and I am not sure whether it is still encouraged. We should emulate the Canadians, for example, who realised that there are tremendous Tiomin resources in their country. However, since they know that they have only about 50 years to go, what do they do? They come to Kenya and leave their resources intact. They come to Kwale to exploit the Kenyan resources. We should also take timber trade seriously to preserve our forests.

Mr. Temporary Deputy Speaker, Sir, the Bill talks about the headquarters being in Nairobi. I am just wondering why we should specify this. That should be left open. My recommendation is, in fact, that the headquarters of the Forests Department should be in Maralal because that is where the largest forest cover is; in Samburu. After all, we have other international organisations there like the Earth Watch doing research there. We have preserved our forests over the years.

The Forestry Board should also include the Director of Tourism. I saw the Minister for Tourism and Information a few minutes ago. The reason why I would recommend that the Director of Tourism be in the Board is because in the business of tourism, tourists also come to this country for bird watching, camping and lodging. There are certain lodges which are located either inside or at the edges of the forest. It is important that the Director of Tourism is included in the Board. The Commissioner of Lands is also missing in that Board and I do not know for what reasons. With regard to eight other Board members, I would recommend that we have representation from those areas where we have large forest cover and possibly one or two people from deserts or where there are no trees to give them some kind of encouragement.

With regard to the appointment of the Chairman, I do not know why we still want the President to nominate even the Chairman. Why not a Prime Minister or why not allow the Committee itself having met to elect one of their own? Why must we always have Presidential appointments even in boards of that nature?

In Clause 23 the Bills talks about the question of alienation. There has been a lot of talk in

the recent past of the Government threatening alienation all the time. The Minister should not alienate any land without consultation with competent authorities or with the community concerned. That goes also for the special forests. The communities should be consulted.

In Clause 28, there is talk of exchanging forests. This is a very good idea and the Ministry should continuously look for expansion of the forest cover through exchanging forests. If you come to Samburu, it will be very difficult to know which is community, individual and forest land. This is because the forest is intact. There may be areas where individuals and even communities want to surrender those forests because they may not be of great use to them other than during drought and may go to open land which the Forest Department has gazetted as forest.

I do not know whether seedlings are available. The Minister keeps on talking about availability of 80 million seedlings yet I do not know where to buy them. If I do not know where to buy them for planting, one wonders how else other Kenyans would know.

Mr. Temporary Deputy Speaker, Sir, we should also encourage leasing of land for plantation by the Government. We should encourage agro-forestry and planting of trees along the railway lines and highways. You will recall the sad accident that happened at Ngai Ndeithia Bridge in 1992, which was caused by soil erosion around that bridge. By the time the train arrived, the bridge had already been washed away.

Mombasa and other cities are the greatest consumers of charcoal. Farmers should be encouraged to plant trees for charcoal, but the Ministry should make provision for seedlings.

Private farmers should be given incentives. I believe Clause 30 refers to this. I would like to see tax holidays, may be till harvest time. Farmers who go into commercial production of timber on private farms should be given tax holidays just as we encourage other investors so that one knows that his trees for telephone posts will be ready in four years while those for electricity will take six years. They should be given a tax holiday for that period.

On the question of guns, there is reference to firearms in this Bill. In fact, there is even reference to the use of arms for Kenyans who are found trespassing in the forests. That is really an outdated type of management and so is the question of detaining livestock. Why would someone want to detain livestock found grazing in forests? We should not detain livestock the way the Provincial Administration detains Samburu and Pokot livestock for days, and thus ending up starving them. Why should they detain livestock when they do not even know how to milk them? So, I think that should be done away with.

Mr. Temporary Deputy Speaker, Sir, there is also the question of the Minister taking over forests because of mismanagement. This should not arise because we have put other institutions in place. We have the anti-corruption authority and laws in place. If county councils are mismanaging their resources, and we know that in the past they were doing so with the support of certain key politicians in the country, I think the solution is not to take away the resources from the people. I think the solution is to make sure that these anti-corruption laws are applied, so that those who misuse resources are punished.

Mr. Temporary Deputy Speaker, Sir, there is also a reference to Clause 52. This concerns the shooting of wildlife. I think really there is no need of harassing wildlife in the forests. I think the Department of Forestry and the Kenya Wildlife Service (KWS) can work out a programme together of controlling wildlife, either in terms of relocation or cropping. I recall reading a story about a "maternity ward" for elephants, I think, it was somewhere in Kinale Forest. So, let us not also harass wildlife in the forests.

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

Dr. Wekesa: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Bill. First of all, I want to commend the Minister for bringing this Bill at this

time. He has taken over a Ministry that had undergone a lot of corruption. It is a Ministry that had been run down over the years.

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

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

If we can refer to history, the current Forests Act Cap.385 of 1962, which was revised in 1982, does not cater for the developments that have taken place over the years. It is inadequate to deal with the present changes. We do realise that, right at the beginning, the World Bank and other international financing institutions had taken interest in this country and had invested in areas of forest management. Indeed, the World Bank had provided funds to conserve and build forestry as a resource to assist Kenyans. For a few years, there was an attempt to do just that. In fact, up to 200,000,000 seedlings were planted in up to 110,000 hectares of land because of this funding. Even the Government of the day actually formed a commission which ran and participated in the development of forest conservation. It did this through the District Development Committees (DDCs), Provincial administration, political leadership and Non-Governmental Organizations (NGOs). Indeed, even institutions such as Kenya Forest Research Institute (KEFRI) received funding, and it looked like we were going the right way. What happened afterwards is regrettable. Forests became a cash cow. There was political interference and corruption. This resulted in the extinction of huge forest land which was given to the politically-correct individuals. The department became a facilitator and not the producer. There was uncontrolled harvesting of plantations.

Mr. Temporary Deputy Speaker, Sir, I come from Trans Nzoia District. There was a scheme funded by the World Bank, that actually established Kitalale Forest. I was amazed to see politicians coming to take over huge chunks of this forest. They cut trees indiscriminately and sold them to the Pan African Paper Mills (PANPAPER) in Webuye. This did not just happen in Trans Nzoia District; it was happening all over the country. If you were short of money, you only had to go to the Chief Conservator of forests. He would give you a licence and you would identify a forest, either in Samburu, Trans Nzoia, or Mt. Elgon. From there, you became a millionaire. All these had a devastating effect on the forest cover in this country.

Mr. Temporary Deputy Speaker, Sir, over the period---

The Temporary Deputy Speaker (Mr. Lesrima): Order, Dr. Wekesa! You were supposed to have laid the report first before you started contributing. So, could you lay the Report on the Table first, then you can continue?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I had already communicated with your colleague who was on the Chair before you.

The Temporary Deputy Speaker (Mr. Lesrima): Okay. Please, proceed!

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I had requested that, at some later stage, possibly at the Committee Stage, my Committee will be proposing amendments to this Bill. I hope also that the Minister will co-operate with us because, indeed---

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr Temporary Deputy Speaker, Sir. I do not want to disrupt the debate of Dr. Wekesa, but his Departmental Committee ought to have brought a report to this House before we embarked on the debate on this Bill. Could we get guidance from the Chair as to how Departmental Committees should conduct their affairs in relation to Bills? This is because this House is supposed to be guided

by Departmental Committees. That is why they were set up.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, with your permission, I would like to respond to what Mr. Wetangula has raised. We were caught up by time last week. We were under the impression that we had time to call the stakeholders, so that we could hear their views and the Minister, so that we could harmonise our views with those of the stakeholders and the Ministry.

Mr. M. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. The only reason why Dr. Wekesa was given an opportunity to contribute to this Bill was because he was going to submit a report of the relevant Departmental Committee.

(Applause)

Could we be told in no unclear terms whether there is a report or not?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, there is no report and I did inform the previous Speaker that I would contribute on the Bill. As a Departmental Committee, we had prepared to move amendments to this Bill at the Committee Stage. But I was going to say that we did know that the Government would be defeated in this House last week. We took it for granted that we had time. Both the House Business Committee and Members of my Departmental Committee were caught with their pants down. So, it was not only my Departmental Committee which was caught with its pants down. I would also like to say that the Minister, whom I discussed the matter with was also not ready. It was thought to be a good idea to bring before the House, the Forests Bill for debate since the House did not adjourn last week. So, it has not been easy for us because we were not ready. We had called the stakeholders, but we did not know that the Government's Motion for the adjournment of the House would be defeated.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not have a copy of my Standing Orders, but the Clerks-at-the-Table can assist the Temporary Deputy Speaker. Our Standing Orders stipulate that Bills should be committed to the relevant Departmental Committees. It is actually anticipated that, that particular Departmental Committee will make a report to the House before the Second Reading of the Bill. This is because the whole rationale and philosophy is that, it is the Committee which will go into details of a particular Bill, and therefore, guide the general Members on the debate.

(Applause)

Finally, Dr. Wekesa is talking about the Government having been defeated. It is the hon. Members of this House who decided against the adjournment of the House. There was no question of the Government being defeated and the Opposition winning.

Hon. Members: But we defeated the Government!

Mr. Muite: No! It was the hon. Members of the House who decided that the House should not be Adjourned!

The Temporary Deputy Speaker (Mr. Lesrima): You are right, Mr. Muite! I believe there was consultation between the previous Speaker and the hon. Member who is on the Floor. We should just proceed because debate on this Bill has been going on for the last three days and possibly, will continue next week. But Dr. Wekesa, when will we get the report of your Departmental Committee?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, we hope that the report will be ready at the Committee Stage. We will move the necessary amendments to this Bill.

The Temporary Deputy Speaker: Could we proceed?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I was revisiting the situation in those days. I have said that the Minister took over a Ministry which had rampant corruption and had been mismanaged. Indeed, this is the right time to bring this Bill, so that we can come up with plans to manage our forests as we move ahead.

Mr. Temporary Deputy Speaker, Sir, you know and, indeed, you referred to this in your contribution; about the importance of forests in eco-tourism. Forests have always conserved soil, water, bio-diversity and helped in moderation of climate. As I speak here, right now, there is drought in Kenya. We should be experiencing a lot of rain in western Kenya right now. I do know that a district like Mwingi and the rest of the country is actually dry. Part of these climatic changes have been brought about by degradation of our forests. We should be experiencing a lot of rain right now. We are now experiencing climatic changes because we have cut down trees and destroyed water catchment areas.

As far as bio-diversity is concerned, forests have always provided a habitat for thousands of species of plants and birds, and nearly 380 species of mammals which have made tourists to come to this country. However, this is not the case now. The tourism industry has declined and the tourists who used to come to see the birds, flora and fauna no longer come. So, we have a situation where degradation of forests is impacting very negatively on our tourism industry. We hope that this Bill will create an environment where the Minister for Environment, Natural Resources and Wildlife will work very closely with the Ministry of Lands and Settlement and the Ministry of Water Resources Management and Development. For this Bill to be "domesticated" properly, there must be a proper linkage between those Ministries. Obviously, tourism will emerge as a secondary foreign exchange earner as and when we develop our forests.

There has been a lot of debate on the *shamba* system. We do know that this Bill will bring in many stakeholders and the Government will no longer conserve and manage our forests alone. We are looking at a situation where we will have many stakeholders, for example, big companies, large-scale farmers, small-scale farmers and the communities participating in the management of forests. This is ideal. This is what is happening in countries like India and Indonesia. Indeed, it also happens here in Africa. If you visit Tanzania and some West African countries, you will find that this is the order of the day. The management of forests is no longer a preserve of the Government. We would like, after this Bill is passed, our farmers to be given credit. The Kenya Forestry Service will go out to source for funding to enable small-scale and large-scale farmers as well as NGOs and other big institutions to participate in the establishment of forests. That is the only way by which we can increase this country's forest cover from the current 1.7 per cent to 10 per cent.

Mr. Temporary Deputy Speaker, Sir, I would go further to suggest that we, as Members of Parliament, and other leaders in the country, should provide leadership in that direction. If you have your house on a two-acre piece of land, you should plant some trees. If you have a big farm, you should plant trees on 10 per cent of it. We have got a very good example in Trans Nzoia District. A former Member of Parliament, Mr. Cyrus Jirongo, has 600 acres of land in my constituency. He has planted all that land with trees. I imagine that in ten year's time, he will be a billionaire.

Because we are not conscious of the importance of forests, Kenya is now an importer of timber. We import timber because we have devastated our forests. Therefore, this Bill should encourage Kenyans to plant trees. We should not just plant trees only within our firms, but also in our townships. We should plant trees in Nairobi and in every town in this country.

Mr. Temporary Deputy Speaker, Sir, you have been to London, yourself. You would agree with me that it does not matter what your status in life is in England; you cannot just go round and start cutting trees, particularly in the parks or in town.

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

The Temporary Deputy Speaker (Mr. Lesrima): Dr. Wekesa, do you want to be informed?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, Mr. Shaaban is a Member of my Departmental Committee and we work very closely together. So, he may inform me.

Mr. Shaaban: Mr. Temporary Deputy Speaker, Sir, I support the hon. Member that we should plant trees even in compounds of our offices. The compound in which the office of the Minister for Environment, Natural Resources and Wildlife stands does not have trees. I would like him to plant trees.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I would agree with the hon. Member, but I would like to protect the Minister. I happen to be the guest of honour at a party Dr. Kulundu hosted to celebrate his appointment as the Minister, and I was amazed to see the amount of trees that he has planted over the last 15 years. I asked him: "How did you know that you will become the Minister for Forestry? You have a forest." When he replies to this debate, he will tell us how he managed to do that. I was talking about the importance of increasing this country's forest cover from 1.7 per cent to 10 per cent. We, as leaders, must set an example in our farms, towns and everywhere else.

Mr. Temporary Deputy Speaker, Sir, I would like to disagree with the Minister on the issue of the *shamba* system. This issue must be looked into again, because the communities that have lived around the forests for many years have never destroyed the forests. In fact, since Independence, our natural forests such as Malava and Mt. Elgon Forests, practised the *shamba* system, and nobody destroyed them. The people who came to destroy the forests in the last 20 years were the briefcase businessmen, who wanted timber for the purpose of getting rich quickly.

So, it is very important that the Minister looks into this issue very carefully, because those of us who have lived around the forests have always been friends of those forests. We have assisted in planting trees and looking after the forests. We have sometimes come together as communities to develop tree seedlings. The Minister has, in fact, said that he does not know where to get tree seedlings. He cannot get the tree seedlings because the *shamba* system, which used to provide labour for tree seedling production, is no longer there.

I would like to assure the Minister that if the structures he has proposed in this Bill become effective, the *shamba* system will not be a danger to forestry. Of course, there is the cultural importance attached to forests, like in the case of the *Kaya* forests among the Mijikenda people. The *Kaya* forests must be protected. We should allow our people to use forests for their cultural activities such as prayers and circumcision. Also, one of the amendments that should be made to this Bill should be geared towards re-introducing the *shamba* system.

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

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

Mr. Temporary Deputy Speaker, Sir, charcoal burning is something the Minister should look into very carefully. I do not know whether the Minister for Energy intends to bring a Bill on charcoal. If he does not, the Minister for Environment, Natural Resources and Wildlife should look into the possibility of bringing to this House a Bill to address the issue of charcoal burning, because 90 per cent of the energy used in Kenya comes from wood. In every household, food is prepared using charcoal or firewood. Therefore, this is an issue we should be looking into, so that as we

develop our forests, we do not view charcoal as an industry where people break the law. We should have provisions in the Bill to enable Kenyans use charcoal as an alternative source of energy.

I would like to suggest that, as we discuss this Bill, we must decentralise the management of forests. In that regard, I would like to commend the Minister for decentralising the management of forests and also creating a Forestry Service. The present extension officers need to be retrained and their numbers increased. With changing times, there is need for them to be retrained, so that they can look at forestry in modern terms.

Mr. Temporary Deputy Speaker, Sir, all the catchment areas should be zoned, graded and planted with indigenous species of trees. We do not have Elgon Teak any more. We would like that special timber to be developed. As I said, the kaya forests should also be protected for the purposes that I have already enumerated. All the hilltops and riverbanks should be planted with trees. We should also build the capacity of local authorities, rural communities, women groups and all the leaders to actively participate in that exercise. The Kenya Forestry Research Institute (KEFRI) should also continue to do research.

With those few remarks, I beg to support.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I want to say, at the outset that, we expected a good Bill. But, unfortunately, the Minister has brought a Bill which is not very excellent. I want to state why this is not a very good Bill in the modern economy that we have. I wish the Minister had toured some parts of this country. I wish he had toured Marakwet District and part of Keiyo District to know that forests are protected when they are under the Government. It is very unfortunate when we start saying that forests will be managed by the Ministry. We are trying to run away from situations where the Government controls certain resources or does business. I am saying that the Minister should have toured those parts of the country because those communities have never allowed the wanton destruction of their forests.

Mr. Temporary Deputy Speaker, Sir, if you go to destroy their forests, you will be met with full force by the members of those communities. I want to look at the clause which says that the Chairman will be designated by the President. I want to agree with my colleague who said that the Board members must elect one person amongst themselves as the Chairman. That is because the time when the President used to control everything is gone.

The Director of Forest Services must serve for a specified time. I would suggest that he serves for a three-year term which is renewable only once. I would have wanted to see the role of the boards leaning more on policies than the control of forests. One such policy is that the size of forest cover in this country must adhere to the international standards of 10 per cent.

Mr. Temporary Deputy Speaker, Sir, I want the Minister to understand that the problem in this country is not that people do not plant forests. When you practise tree plantation, what are you expected to do if not to cut the trees for use? I have heard very many hon. Members say that we are destroying forests. What do you do with tree plantations? We plant them because at one stage when the trees mature, they must be used for timber, construction and provide other services so we should not cheat ourselves that, indeed, our forests have been destroyed. Yes, they have to be because that is the purpose for which they were planted in the first place.

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect, the hon. Member says that we establish forests for commercial purposes and yet, we are looking at our future environment. Could he clarify that point?

The Temporary Deputy Speaker (Mr. Poghio): Mr. Kipchumba, you may clarify your point but it is really not a point of order.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, if the hon. Member cared to listen very well, I talked of tree plantation. Tree plantation, probably for information's sake, is a type of

farming where trees are supposed to mature in order to be sold for commercial purposes. The trees that are supposed to protect the environment, but the main purpose for which they are planted, is so that they can be sold at some stage and, therefore, it does not make sense that they are not sold for that purpose. It is like planting maize and then at the end of it all, you do not harvest it. So, probably the hon. Member needs to contact the forest officers so that they can educate him more on this activity.

Mr. Temporary Deputy Speaker, Sir, I want to go to the reasons why I feel the Government must not control forests. If this Government was serious and if the Minister really wanted to conserve forests to ensure that he gets the ten per cent forest cover or more, the first thing that he must do is to close down the Pan African Paper Mills (PAPM) factory at Webuye and I will say why. When that factory was established in the early 1970s, it was given a lot of concessions. It was allowed to buy timber at currently, Kshs360 per cubic metre. The other companies buy timber at Kshs1,300 per cubic metre. Even with that competitive edge, PPM still makes a lot of losses. This company which is owned by the Kenya Government and foreigners, made losses for the last three years. In addition, it pollutes our environment.

In addition, and hon. Dr. Wekesa will agree with me, most of the roads in his constituency have been destroyed by lorries that ferry timber from forests to PAPM. There is destruction in terms of infrastructure. There is pollution of the environment and then at the end of it all, they make losses even when they are given competitive advantage in terms of price and we continue saying that, that company must continue operating in this country. If you were to go to Webuye today, you will find it smells badly. I at times ask myself: "How do the residents of Webuye survive?" The place is polluted and smelly and I am sure there could be so many diseases that are associated with problems that emanate from this factory. The only advantage it has brought is the creation of employment opportunities but I am very confident that the Government could easily source for a competitor for PAPM which can also offer employment opportunities, produce and buy timber at competitive prices and operate efficiently. Instead of the Government's continuous efforts to protect this factory, it could create a company that will allow us to sell our timber at competitive prices.

Mr. Temporary Deputy Speaker, Sir, I have said very clearly that the problem in this country is not the forests. If we have a deliberate policy, we will reach a stage in this country, probably in the next ten to 15 years, where we will be wondering where we can sell our trees because of these quick maturing species of trees which I would like the Ministry to develop. That is why we want efficient factories to be established in this country. We want tea factories to use wood which is cheaper and can eradicate poverty in this country instead of using fuel. We will be cheating ourselves if we say:- "Let us ban the use of charcoal and firewood". How do we expect the poor people to survive if we do so?

Mr. Temporary Deputy Speaker, Sir, if the right arm of this Government knew what its left arm was doing, then the Minister for Energy should have made it a deliberate policy to reduce all the taxes on Liquefied Petroleum Gas (LPG) because by so doing, then for the next ten to 15 years, we would get a deliberate policy where we would make alternative modes of cooking cheaper. In so doing, we will develop our forests. That to me, would make some little sense. When I talk to my District Forestry Officer, I have been asking him:- "Why are you cutting trees on the roadside?" He tells me:- "The Ministry of Roads, Public Works and Housing has no permission from the Ministry of Environment, Natural Resources and Wildlife to cut the trees". Then you ask yourself the same question; whether the right arm knows what the left one is doing. The District Forestry Officer told me that he will not give them a licence to ferry the trees and of course, he has not given up since I have seen the trees still on the road. Why in the first place did we allow the Ministry of Roads, Public Works and Housing to destroy trees which were planted in the first place by the Ministry of

Environment, Natural Resources and Wildlife? Without permission, they come and destroy all the trees that are on the road in one day. These are beautiful trees that have been there for many years and then we come here and say:- "Let us protect the environment". Which environment, when it is the same Government that is destroying the trees on the road? It is time we became a bit serious.

Mr. Temporary Deputy Speaker, Sir, like I said earlier about infrastructure, there are lorries that come to ferry trees from my constituency and destroy the roads. As I said earlier, I do not know what the Ministry of Roads, Public Works and Housing is doing about this issue. Those lorries, in my own opinion, even before they go through the weigh bridges, are overloaded and these are the lorries that destroy the roads that we so much invest in. Like I said earlier, if PAPM was to be closed for the next one year, the forest cover in this country will rise from 1.7 to about five per cent in only one year. So, why should we cheat ourselves that we have to do anything else if the option is there? A company that practices transfer pricing to their mother country in India at the expense of this country should be closed.

Mr. Temporary Deputy Speaker, Sir, if the Ministry of Environment, Natural Resources and Wildlife was to be sincere, they must admit that since the ban on logging was enforced, their revenue went down by more than 80 per cent and we are looking for this money. It is not true that the destruction went down. The destruction almost remained the same but it is only that the players were allowed to destroy the trees, principally Pan African Paper Mills and Rai Ply. These are the only companies that have been allowed to carry out logging. Why deny the poor sawmillers that opportunity? After all they will only cut down trees in an area five by five square metres in a week. From that, he will get some income for his family, get some employment for his villagers and obtain some timber for Kenyans to use in the construction industry. So, what are we really protecting when we ban logging, but allow two big companies to destroy all our forests? Logging continues in this country, day and night!

Mr. Temporary Deputy Speaker, Sir, I was told that Rai Ply was given a special licence because they produce special products. What is special? I had a factory called Elgeyo Sawmills that produced the best timber products in the world, but it was closed down because of political reasons. I thought that when the NARC Government ascends to power, it would be fair by looking at matters such as which factories were closed down unfairly, which ones were allowed licences and so on. But the same thing has continued. It looks like we only changed the President and nothing else. I thought Dr. Kulundu, who comes from Western Province would have done us proud by ensuring that he lends an ear to the sawmillers who disturb us everyday and give them ten acres of tree cover and Pan African Paper Sawmills, 100 acres of the same. Let these Kenyans also earn a living. Let the Elgeyo Sawmills which was closed down because of political reasons be revived. The tree plantation near Elgeyo Sawmill is now mature for harvesting. The trees are almost falling because nobody can harvest them and we cannot allow Pan African Paper Mills to come there. People have said: "Our children used to get Kshs2,000 per month here. It is better if this factory is opened." The people will plant trees using their own money. Elgeyo Sawmills used to plant the trees, but because they were not in good books with the then political system, it was closed. Now, we have the NARC Government and the problem persists. I wonder whether this country will ever change.

Mr. Temporary Deputy Speaker, Sir, let us not blame the forest officers because everything starts at the top. Well, of course, we were happy that the forest officers were sacked and those who have come are a bit compliant. However, they must be 100 per cent compliant. There should be zero tolerance to corruption. That is what the NARC Government promised us. Is that really the case? When I go home every weekend, I see many people unloading logs from Pan African Paper Mills' lorries. I normally call the district commissioner every weekend, get the lorries and arrest the suspects. But because of our corrupt court system, these people are always out on bond. They pay

Kshs500 and the timber is sold to the same persons who were arrested. It is a really unfortunate and frustrating situation. I do not want to blame the district commissioner because he works hard. So, unless we review upwards the penalties which I see proposed here in this Bill, it will be a vicious cycle. The same people who are arrested will be released and they will go to sell the same timber.

Mr. Temporary Deputy Speaker, Sir, what are the benefits of the communities that live around the forests? Yesterday somebody said that forests belong to the whole country. I do not disagree with that, but the same applies to the fish that are in Lake Victoria. They belong to the whole country. However, the people who live around the forests must be seen to enjoy some certain facilities from there. The only facility they can enjoy is the *shamba* system and collection of firewood which must be controlled. Of course, when you are told that collection of firewood also means collection of logs, it is because of the collaboration of the foresters and the people who have the licences. If people knew what penalties they would face, they would only go to collect firewood. We cannot say that we will not allow women to go into the forests to collect firewood. What will happen to the fallen branches? Those women have no harm on the forests. In fact, in the olden days, forests used to regenerate by themselves and that is why at Independence, the forest cover in this country was excellent. People knew how to take care of the forests.

Mr. Temporary Deputy Speaker, Sir, I must get a benefit from them harvesting those trees. Like I said earlier on, Mr. Wekesa and myself have suffered because these lorries are very big and they destroy our roads. We are given Kshs5 million for roads every year, which is nothing when a lorry from Pan African Paper Mills uses that road on which you have used Kshs1 million to repair, and in a day it is messed up! We must get those benefits. Pan Paper Mills employs people from Western Province, but who employs the people from my constituency who take care of these trees? When the Pan African Paper Mills people come to cut the trees, they even come with their own employees. This is quite unacceptable to us. Why can they even not employ the locals to cut the trees? If it is the expertise they require, can they not be trained for a day? I thought that cutting a tree does not require a lot of technical expertise, but probably, of course, some small knowledge. But let people know that, as much as these forests belong to Kenyans, they belong to them as a community. I would, therefore, have wanted a Bill that says that the Government owns catchment areas because the Government must control these areas. I agree on that one. But the local authorities must control plantations, of course, under some legislation from the Government; and that they cannot reduce the amount of forest cover without the authority from the Central Government. We will agree with that legislation without any problem.

Mr. Temporary Deputy Speaker, Sir, there are two types of forests; exotic and indigenous forests. If we really want the forest cover to increase, and I want my colleagues from Trans Nzoia to listen carefully, the indigenous forests which should ideally be the forest cover that we are concerned with, we must plant a lot of indigenous trees. I would have liked every town to have a park like Nairobi. In Eldoret, we have designated 100 acres this year in which we have started planting indigenous trees. The Minister should have actually come to witness that event. We will not allow anybody to destroy even one tree in that part which is within the town. That land had been grabbed, but we told the District Commissioner that that cannot happen, and the land must be returned. We have now planted trees, a process we will complete by next year. That will be a very beautiful park in the town. I wish every town could learn from us.

Mr. Temporary Deputy Speaker, Sir, you can be very sure that, if the Nairobi Arboretum was owned by the Government, or if it was controlled by the Government, by now there would have been no single tree left there. I think it is wrong to tell us that if a county council or a municipality makes a mistake, we must snatch their responsibility. What happens when the Government makes a mistake? Who snatches the responsibility from the Government? When the Government destroys

our trees or when forest officers cut down our trees, all we need to do is to send them home. That is why I was shocked when the Minister said that he will take over the Maasai Mara National Park. I said to myself that, really, that is unacceptable. Since those people were managing their resources, he should assist them to manage the resources well. Like I said, when they make a mistake, so what happens when you send Government officials there? They will loot all the Maasai Mara National Park! Then what happens? Would the county council say that they will take over from the Government? There must be a way of assisting those people; and there must be legislation to ensure that the resource is managed well. It is not a question of taking over the management. I do not support the idea of the Government managing the forests. We want every district in this country to have a 10 per cent forest cover.

Mr. Temporary Deputy Speaker, Sir, Dr. Wekesa, who was in my Committee in Mombasa, will agree with me that we said that every leader must have 10 per cent forest cover of his *shamba*. Some of us have started to plant trees. We should start with ourselves and every hon. Member should have a minimum of 10 per cent forest cover of his farm so that we can lead by example. I know that some hon. Members who live in town may not be having any farms, but they should buy a farm where they will retire to. When the Minister retires, he will go to western Kenya. He should initiate a deliberate policy to ensure that, in the next five years, he closes down the Pan African Paper Mills. Secondly, he should encourage another factory to invest in forestry. In the next ten years, our trees would have matured and we will produce plenty of timber. The equipment at the Pan African Paper Mills is obsolete. I am sure they have made enough money and they should leave now!

Mr. Temporary Deputy Speaker, Sir, even in school, we were told that the *shamba* system has no other name. It is called *shamba* system. Everywhere you go, it is called the *shamba* system. The *shamba* system was not the problem. Those people only wanted to harvest their maize, plant trees and then move out. They have done that jealously for several years. I want the Minister to look into the issue again. The Lake Victoria Management Project was given funds to assist in the development of forests in the highlands of this country. I saw their offices the other day in Eldoret and they have only held seminars. Our people are not interested in seminars. They want seedlings to plant and enjoy the benefits.

Mr. Temporary Deputy Speaker, Sir, grazing of animals in forests has never been a problem in the world and can never be a problem today. We should leave the animals to graze in the forests. We are maximising the resources that we have. The Minister should tell the Ministry of Lands and Settlement, that when they are surveying land, they should not put beacons in the middle of the river. In my constituency, some people have been given land and the beacons are at the middle of the river. There was a deliberate policy to put the beacons far away from the river. When you put beacons up to the middle of the river, how will that river survive? That is why I am saying the Government must know what it is doing. I think the Ministers need to be taken for a seminar, so that they can be taught how to work as a team. They should have a coordinator of their activities. They can take experienced hon. Members from the Opposition.

An hon. Member: Prime Minister!

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, the Prime Minister is not a very good option.

Finally, the Minister comes from western Kenya and he knows the problems that are there. He should ensure that by the time he leaves office, the forest cover in that region is 20 per cent. In North Eastern Province, the forest cover cannot reach 10 per cent. Once these trees mature in five or ten years' time, we will be looking for market for our timber. Let us forget about the story we are being told that there will too many trees. If you go to South Africa and other countries, you will find

that they have many forests and they do not have market for their timber. That is where we should be going. The Minister should not tell us not to cut down trees. We will cut down trees in plantations, but we must plant indigenous trees to protect our environment.

With those few remarks, I beg to oppose.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute. I want to congratulate the Minister for coming up with this Bill that we are debating today and have discussed for the last few days.

In Clause 30, the Bill refers to the need to give incentives to those who plant trees. The same incentives should be extended to those who are using other types of building and construction materials. In this regard, we should consider very seriously the possibility of lowering duty on synthetic materials that can be used for construction and furniture making. Also, we should encourage Kenyans to begin to think of alternative means of constructing and furniture making.

Mr. Temporary Deputy Speaker, Sir, in the past, we have had a ban on the use of hard wood. Part of the reason this has not been very effective is because we have still imported hard wood from our neighbouring countries, not necessarily the Democratic Republic of Congo, but even near here in Uganda and Tanzania. We cannot say that the use of hard wood is bad for us, but it is okay for us to import it from other countries. I would like to urge the Minister and other law enforcement agents to ensure that this country does not become a recipient of hardwood from our neighbouring countries. If we encourage that, we also provide opportunities for unscrupulous Kenyan businessmen to camouflage behind what we are getting from those countries.

Thirdly, it is important to begin to think seriously about how we reclaim the two-thirds of Kenya that we say is not good for agriculture. As much as we talk about the need to take development and all sorts of programmes to North Eastern Province, it is important to begin to think about what we can learn from countries like Egypt and Israel that have literally converted deserts into habitable environments. This can be done by, first, beginning to spend a lot of money on research on drought-resistant plants that will do well in deserts. We should also harvest flood water and dam it in those areas to afforest them.

Fourthly, as we rehabilitate forests, it is also important to repopulate them with unique animal and bird species that are now a thing of the past. As we destroyed forests, we also destroyed animal and bird species that were found in those forests. Rehabilitation of forests must also include the aspect of the kind of programmes that the Ministry will undertake. The point has been made about the need to rehabilitate rivers that pass through forests by not only ensuring that we do not allocate parts of the rivers to individuals when we survey, but also ensuring that there is enough catchment, so that these rivers can flow freely through forests and service other reforestation projects outside forests.

Mr. Temporary Deputy Speaker, Sir, the need for co-existence has also been emphasised. The people who live next to forests should support economic activities that are not injurious to forests. They should also support tree nursery programmes that are run by the farmers next to the forests, so that we can buy seedlings from them instead of buying them from businessmen outside the environment, where we are doing reforestation.

Secondly, with regard to co-existence, we have been told many times about the damage that animals, like elephants, are doing in certain communities; not just to farms, but also to individuals. I come from a constituency where, since the NARC Government took power, not less than six people have been killed by elephants. One part of the lower Imenti Forest has been fenced and the section in my constituency has been left open. So, elephants find this the only exit route out of the forest. This has been a problem, not just in my constituency, but in other parts of the country. It is getting

to a point where people want to begin to take the law in their own hands and deal with the elephants. I urge the Minister to ensure that all those open spaces are fenced so that people begin to appreciate much more how they can co-exist, if it is possible to co-exist, under circumstances where there is no such a fence.

Mr. Temporary Deputy Speaker, Sir, I think there is need to establish and rehabilitate paths in Nairobi, not just by alienating land, but also, where necessary buying land in areas that are habitable. I think it is quite possible for the Minister to have a Vote to spend on the procurement of land in the neighbourhood of Kitengela and other areas that are neighbouring Nairobi, to be able to experience the same kind of plant cover that you find in cities like London, Berlin and other cities of Europe that some hon. Members have alluded to. I think, in the same spirit, we agree that it is important to create forest cover and support paths in town. It is also important to enforce building standards to create room for garden and the possibility of planting trees. What has happened in Kenya, in the last 20 or so years, is that, when you go to estates like Umoja and Buruburu, people have erected structures where they are not supposed to be. In many case, those places were left for gardens and trees. If necessary, if we are repossessing land to create room for by-passes, I think there is nothing wrong that can prevent us from enforcing law on the construction standards in our estates to be able to make the City a little bit more beautiful, than the present situation where you just find building after building.

Mr. Temporary Deputy Speaker, Sir, I think it is also important to enforce the law on soil conservation. Talking about survey, we have found out that apart from what Mr. Kipchumba referred to as finding beacons in the middle of rivers, in some parts of this country where survey is going on, you find that because of corruption surveyors are settling people on hill tops and mountain slopes. I think this really needs to be revisited to ensure that it does not happen. As long as you do that, it is going to be very difficult to protect that part of space that could provide very beautiful forest cover. Again, that kind of corruption also needs to be addressed.

Mr. Temporary Deputy Speaker, Sir, the issue of education has to be emphasised, not just in schools, but also in churches. More important, it seems politicians can do with some education. It is the politicians that have been responsible for much of the grabbing of forest land. Sometimes it is not quite clear; it is just greed. Maybe some of these people cannot appreciate the value of trees and forests. I think the reason why Uhuru Park was being grabbed, was because some of those people would not appreciate why you would have an open space with just plants and trees when you can put it to better use. I think there is need for education in this area. A lot of the people that are also grabbing and felling trees in rural communities are often illiterate business people who really cannot appreciate the value of these kinds of resources. Much would be accomplished only if we took the Ministry seriously and allocated enough funds to the Ministry. I think this is one of the Ministries that receive the least by way of Government allocations.

Mr. Temporary Deputy Speaker, Sir, not much can be accomplished if the Government is going to depend on donor resources as opposed to our own resources. We must first prove that we are interested in preserving our forests and, therefore, vote money with that belief. I also think it is important to mete out severe punishment to those that grab forests or do not live by the law related to the harvest of trees. For example, when you hive off Karura Forest or go to Ngong Forest and begin to sell it, I think you are committing crimes against the people; if we have agreed that we all have to rely on forests. In many countries of this world, especially in the former Eastern Block, crimes against the people were punished very severely. I think this is the only deterrent measure. I think we must find ways of dealing with those kinds of criminals, not just those who are involved in the scandals that we are talking about, but those that commit crimes that affect the majority of the people of this country, a great deal. We have two types of criminals with regard to forests.

There are those that do it because they are greedy, and there are those that do it because they are poor. That is why they go to look for trees so that they can burn charcoal and so on. The only solution in this case, I think, is what we have been talking about; to create employment, revive our agriculture and more or less spend much more time and resources on development.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to say that little will be accomplished, whether or not we have a new Bill, if we do not implement the law as it already exists. I think a lot has been said about the fact that already we are not enforcing the law, and that is why one sees a lot of corruption. That is why logs are being ferried from one part of the country to another; because the law that is in place is not effectively being implemented.

With regard to specific articles, I would like to address a few of them. Section 6, on the composition of the Board, I think as has been said before with regard to other Bills, we are giving the Minister and Government a bit too much power. By letting the Minister be the only person who decides on virtually 80 per cent of the composition of the Board, I think that is a mistake we do not want to go back to, especially given that recently we were talking about how Ministers and senior people in Government can sometimes abuse their positions.

On Section 9, the Board has the authority to establish committees. I think, again, this can be abused, and it is important to be very clear about how many committees should be established and how many times these committees could meet within a given period of time. Because, again, we realise that meetings are used as an opportunity to exploit and misappropriate Government resources.

Mr. Temporary Deputy Speaker, Sir, with regard to Section 13, on the kind of persons that will be involved in the associations, I am surprised that we have left no room for civic leaders and religious leaders. I think it is important that they be part of these kind of committees, because they command a great deal of respect among the communities in which they live. A point has been made on Section 30(IV). It is a good idea to support or give a break to those that plant trees on their compounds. I agree absolutely that as leaders, we should lead by example, by showing that wherever we stay, there is evidence that we are, indeed, planting trees on no less than 10 per cent of the land at our disposal.

Finally, as much as I congratulate the Minister, I think it is important for us to implement the law as it already exists with regard to the preservation of our forests. Otherwise, we will not get any further than we are.

Thank you.

Mr. Wario: Asante sana, Bw. Naibu Spika wa Muda, kwa fursa uliyonipa ili niweze kuchangia Mswada ulioko mbele yetu. Kabla sijachangia Mswada huu, ningependa kutoa sikitiko ambalo limetufanya kutokuwa na ripoti kutoka kwa Kamati ya Bunge inayohusiana na Mswada huu. Ripoti ya Kamati hii ingetufaidi kwa kutupatia mwongozo ili tuweze kuchangia kinaga ubaga maudhui ya Mswada huu.

Bw. Naibu Spika wa Muda, kwa hakika, ni muhimu kupatia kipa umbele maswala yote yanayohusiana na misitu. Mimi kama ningeluzwa, singepeana kipa umbele kubuniwa kwa Shirika la Misitu. Serikali hii ni hohehahe. Hii ni Serikali ya wafadhili, World Bank na IMF. Ni Serikali isiyo na mpango, sera au sheria. Serikali hii hutaka kufuata masharti ya World Bank na IMF. Baada ya hayo, Waziri huja Bungeni kuleta Miswada. Hili ni sikitiko. Wakati tunapotegemea watu wa nchi za nje kutupa misaada---

**COMMUNICATION FROM
THE CHAIR**

THE RELEVANT COMMITTEE TO PRESENT
REPORT ON THE FOREST BILL

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Wario. The Chairman of the Committee, Dr. Wekesa, has already said they will bring a report to this House at the Committee Stage. The report will be brought here by the Committee to facilitate debate on the Bill.

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Eng. Okundi properly dressed for this august House?

The Temporary Deputy Speaker (Mr. Poghisio): I have not seen the hon. Member you are talking about. I would like to see what he is wearing.

An hon. Member: He is in a T-Shirt!

The Temporary Deputy Speaker (Mr. Poghisio): I do not want to repeat what has been said before. We have to be the ones to protect this House from something that is not within its rules. We should not modify the dressing code of this House. In my view, Mr. Speaker has sometimes been very lenient by allowing hon. Members to come in casually dressed, and saying that he would make a decision on it later. I can read the mood of the hon. Members in this House. I know that they are not pleased by the way Eng. Okundi is dressed.

Eng. Okundi, you should now go out. This is the first time I am seeing you coming into this House dressed that way. You better go out and come back dressed properly.

*(Eng. Okundi withdrew
from the Chamber)*

Mr. Wario: Bw. Spika wa Muda, nilisema--

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Wario, you have to wait until Eng. Okundi walks out, then you can proceed!

Mr. Wario: Bw. Naibu Spika wa Muda, nilisema Serikali hii inawategemea wafadhili. Mara nyingi, wafadhili wanatuuliza tubinafsishe mashirika ya umma.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I hope that hon. Members understand that rulings from the Chair may be made differently. However, I would like to say that hon. Members are pushing the Chair to the wall. Very soon, we are going to be very casual in our Business. It is good that we stick to our normal dress code that is acceptable. Let us not push the Chair to make decisions that are not followed by everyone. It is up to us to do the right thing.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Wanjala! It cannot be on what has been decided! If it is on the same person who has gone, it is done on a person-to-person basis. That is the way we look at it. Do you have another point of order?

Mr. Wanjala: Yes, Mr. Temporary Deputy Speaker, Sir. There is a general complaint from male Members of Parliament who sit on the Opposition side of the House concerning the attire of our female colleagues. This problem has caused most hon. Members to sit in the Back Benches. These women come naked in this House and men are always uneasy while seated on the Front Bench.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Wanjala! How did we get to that? I have not heard it from the hon. Members you are speaking for. Let us proceed. Let us not take any more of Mr. Wario's time!

(Resumption of Debate)

on Forest Bill)

Mr. Wario: Ahsante sana Bw. Naibu Spika wa Muda. Nitatangulia kusema kwamba hii ni Serikali inayotegemea wafadhili. Mara nyingi masharti ya wafadhili ni kwamba mashirika ya umma yabinafsishwe. Leo ninamuuliza Waziri: Je, ni wakati wa kubinafsisha mashirika au kubuni mashirika mapya kutumia pesa za umma vibaya kama ilivyokuwa hapo awali? Iwapo ningeulizwa maoni, ningesema tusibuni shirika la misitu leo kwa sababu tunabuni mashirika mapya na Serikali inashurutishwa kubinafsisha yale mashirika ya umma yaliopo sasa.

Ikiwa ni lazima shirika hili libuniwe, basi halitakuwa kama Kenya Wildlife Service (KWS). Naongea kuhusu Shirika la KWS kwa sababu limemilikiwa na watu wasio Wakenya. Misaada inayopewa KWS katika nchi ya Kenya inaenda kwa watu fulani. Kwa bahati mbaya, watu hao wakikasirika kesho KWS halitapata hata hela! Usimamizi wa shirika hili ulichukuliwa na watu wa tabaka fulani; Wazungu. Iwapo shirika linalokusudiwa katika Mswada huu litabuniwa, basi lisiwe kama KWS.

Bw. Naibu Spika wa Muda, juzi nilikuwa katika mji wa Eldoret na ninafurahi kulilijulisha Bunge hili kuwa nilikuwa kati ya watu waliofukuzwa na mbwa wa polisi wa NARC. Niliona malori katika barabara yakibeba magogo ya miti. Inaonekana polisi hawawezi kuona miti iliyoharibiwa, lakini wanaona wanasiasa wanaokwenda kuchangia shule iliyobomoka. Mara nyingi tunaangalia misitu kama kisima cha pesa. Mzungumzaji mmoja aliyenitangulia alisema ameona mtu fulani aliyelima hekari 600. Baada ya miaka kumi mtu huyo atakuwa bilionea. Sitaki tuangalie misitu kama kisima cha pesa kwa sababu tukifanya hivyo, tutakuwa tunakaribisha makampuni kama Pan Paper kuwadhulumu watoto wetu sawa na vile wamedhulumiwa kwa muda mrefu.

Bw. Naibu Spika wa Muda, kama Mbunge wa Upinzani nina wajibu wa kuikosoa Serikali inapochanganya mafuta na maji. Hata hivyo, ninajua manufaa tunayopata kutoka kwa misitu. Sijasahau kwamba misitu inatupa mvua, rutuba ya ardhi, na kwamba tunapata hewa safi kutokana na misitu. Kabla ya dawa za kisasa kubuniwa, na hata leo, jamii ya Kiafrika ilitegemea madawa ya kiasili. Dawa hizi hazipatikani mpaka tuwe na misitu.

Tunapata makao na chakula kwa wanadamu na wanyama kutokana na misitu. Licha ya kuhifadhi chemi chemi zetu hapa nchini, tunafaidika na mbao na asali kutokana na misitu. Tuna uhusiano wa karibu sana wa kimila, kiuchumi na kijamii na misitu. Hii ndiyo sababu ninapendekeza Serikali ibuni mipango maalum, sera na sheria zinazoweza kutambua uhusiano huu wetu na misitu. Sera ya Serikali haipaswi kuwa chongo kwa mila na uhusiano kati ya wananchi wetu na misitu.

Bw. Naibu Spika wa Muda, nina wasiwasi na Mswada huu. Serikali, kwa kupitia Mswada huu, imejipatia mamlaka makubwa juu ya misitu. Serikali ndiyo inajua kila kitu kuhusu mila zetu. Mimi kila wakati ninapowaza kuhusu Serikali ninaiona kwa mfano wa mbwa. Kwa nini ninasema hivi? Ni kwa sababu mbwa anapozaa watoto wake yeye huwa tayari kuwalinda na kuwatunza. Lakini wakati wa ukame, yeye hula watoto wake mmoja baada ya mwingine. Itakuwaje Serikali hii kuajiri maofisa wenye elimu ya juu na kuwapa mshahara mzuri kisha hawa maofisa wanakata miti yetu kwa minanjili ya kutafuta pesa zaidi? Hii tabia ya mbwa ni lazima ikomeshwe! Ni tabia mbaya! Hakika ni maajabu kwamba yule aliyepewa mamlaka ya kulinda miti ndiye tena anayegeuka kuikata na kuiuza.

Bw. Naibu Spika wa Muda, kweli ufisadi umeenea katika dunia hii na hasa nchi ya Kenya. Lakini ufisadi katika Idara ya Misitu, ni ufisadi ambao utatuchukua zaidi ya karne moja kuuondoa. Sehemu yangu ya uakilishi Bungeni inapaka na Ijara. Nayo Ijara inapakana na Lamu. Katikati kuna Msitu wa Boni. Idara ya Misitu imetoa leseni zinazowaruhusu baadhi ya watu fulani kuagiza mbao kutoka nchi ya Somalia. Lakini watu hawa hawaleti mbao za kutoka nchi hiyo, bali wanakata miti katika msitu wa Boni. Wanashirikiana na maofisa wa misitu kuwapatia mihuri kuonyesha kwamba

wameleta mbao zao kutoka Somalia. Huu ni ufisadi unaohalalisha shughuli zao. Mimi ninasikitishwa sana. Ni lini Serikali itakomesha ufisadi huu? Ikiwa Serikali ina nia ya kukomesha uharibifu wa misitu hapa nchini, basi sharti misumeno inayotumia nguvu za umeme ipigwe marufuku. Ikiwa kweli Waziri ana nia ya kutatua tatizo la ufisadi katika Wizara yake, asipoipiga marufuku misumeno hii, basi watu wataendelea kurahibu misitu hapa nchini. Kitendo hiki kitawadhulumu watu wasiokuwa na hatia hapa nchini.

Bw. Naibu Spika wa Muda, nilitaja faida za misitu hapo awali. Nilitaja kwamba misitu huleta mvua na hewa safi miongoni ya faidi zingine. Ikiwa hatutachukua hatua mwafaka za kupiga vita ufisadi katika Wizara hii, basi hakuna haja ya kupitisha Mswada huu. Ninashangaa kuwa tuna watu waliosoma wanaofanyia Wizara hii kazi lakini hawafanyi utafiti wowote.

Bw. Naibu Spika wa Muda, mimi natoka katika Wilaya ya Tana River. Zawadi tuliyopata kwa Serikali ni kuletewa mti kutoka Finland. Mti huo inaitwa *protopis unifora*. Lakini kikwetu, tunautamka kulinganisha na jina la mtu aliyeuleta, ambaye anaitwa "Mathenge". Kwa hivyo, miti hiyo inaitwa mathenge. Miti hiyo ni sumu na imeua wanyama wengi kuliko ukame au maradhi mengine yoyote ya mifugo. Mpaka sasa, waliouleta mti huo hawajaitwa kueleza ni kwa nini waliuleta, na faida yake. Hiyo ni kwa sababu kila mnyama alaye mti huo--- Sehemu hiyo ni kame na miti hiyo ina matawi ya kupendeza wanyama. Mti hiyo ni sumu kwa wanyama! Ikiwa tunaletewa miti hiyo yenye sumu kutoka Finland na inamaliza wanyama tunaowategemea, unajenga au unabomoa? Ndiposa nasema utafiti ni kitu cha maana sana. Serikali isiruhusiwe kuleta mbegu yoyote kutoka nchi nyingine bila kufanyiwa utafiti. Watakapoleta miti kama hiyo, wawe tayari kulipa fidia kwa wale watakapata hasara kutokana na mbegu wanayoileta bila kuifanyia utafiti.

Zamani, tulipokuwa nje ya Bunge hili, tulikuwa tunasikia kuna bangi ya KANU huko Mlima Kenya. Nilifikiria kwamba ule ucheshi wenzetu walikuwa nao walipokuwa upande wa kushoto wa Bunge hili, wakipata nafasi ya kutawala, siku ya pili watachukua ndege na kwenda Mlima Kenya na mambo ya bangi yatakwishia. Lakini bangi hiyo ni jungu kuu. Ina wenyewe na hawawezi wakaguswa. Bangi hiyo iko mpaka leo. Ni hatua gani imechukuliwa? Nyumba kadhaa zimevunjika kwa sababu ya kuuzwa kwa bangi hiyo. Lazima tukomeshe upandaji wa bangi ili tusiathiri nchi hii na watoto wetu shuleni. Siku hizi, inatumika mpaka shuleni. Tegemeo la watoto wetu ni nini, ikiwa sisi hatutakomesha upandaji wa bangi katika nchi ya Kenya? Kitambo, ilikuwa inaitwa bangi ya KANU! Sijui leo itaitwaje? Watajibu yenyewe.

Bw. Naibu Spika wa Muda, wenzetu ni wazuri kwa kunena na kuandika makaratasi. Wakati wanasimama hapa, wanasema: "Oh! Sisi tutapeleka mto sehemu kame. Tutapeleka pesa kwa wafugaji." Sasa, wafugaji ni kukaa na kuwasikiliza tu! Kila siku, wanasikiliza habari nzuri nzuri kutoka kwa Serikali ya NARC.

An hon. Member: Na watu wanakufa njaa!

Mr. Wario: Nasikitika! Muulize waziri! Sehemu hiyo ina ardhi kubwa kushinda sehemu nyingine yoyote. Asilimia 80 ya ardhi ya Kenya ni sehemu kame. Maji ya mvua katika sehemu hiyo huingia baharini bila matumizi yoyote. Iwapo Serikali ina mbinu, mpango, sera au sheria ya kuboresha sehemu kame, ingetega maji hayo na kuanzisha kilimo cha misitu katika sehemu hiyo, ili watu wa sehemu hiyo wafaidike. Lakini hapa, ni ndomo kaya tu! "Tunawapa bilioni kadhaa"; angalia rekodi yao! "Tunawapa bilioni kadhaa" na wanasema sehemu kame zitakuwa na mvua ya kutosha! Lakini angalia juhudi ama kitendo cha Serikali. Hakuna chochote! Namwambia Waziri mwaka umepita na Bajeti inakuja. Utatenga nini kwa sehemu kame? Utaboresha vipi misitu katika sehemu hizo. Hapa kwenu, mwapigania ardhi! Hata sehemu ya kuzika mtu hakuna! Kule, ardhi haina kazi. Utakuja kupanda misitu huko?

Bw. Naibu Spika wa Muda, tunasema Baniani mbaya kiatu chake ni dawa. Kuna kitu kibaya lakini kina faida yake. Wengi wameharamisha uchomaji wa makaa. Siku hizi, unapozungumzia

uchomaji wa makaa ni kama wewe ni muuaji. Hawa watu wanaochoma makaa wanachoma magunia mbili ama matatu. Lakini wale wanokuja na msumeno wa umeme, siku moja wanaleta uharibifu kiasi gani kwa misitu yetu? Wanaochoma makaa wanafanya hivyo kwa sababu makaa yana soko na kwa sababu makaa ni kawi. Wengi wa Wakenya wanatumia makaa kupikia na kufanyia shughuli fulani. Wale wanaochoma makaa wanafanya hivyo kwa sababu makaa yanahitajika. Je, ni utafiti gani ambao umefanywa na Serikali kutumia kawi nyingine isipokuwa makaa? Wanaochoma makaa ni watu wasiojimudu kimaisha. Ni maskini hohe hahe. Huu Mswada ambao umeletwa hapa, afadhali uuwe mtu; utafungwa miaka mitano ukipatikana ukichoma makaa. Sasa, kama tutafunga hao watu wasichome makaa, tunawapa tegemeo gani lingine kimaisha? Hatuwezi kuwazuia wasichome makaa halafu waje kusimama barabarani kuwaibia watu. Tungeenda pole pole na kuwaonyesha, "shika hili tegemeo badala ya kuchoma makaa."

Katika Sehemu ya 30, nimeona Waziri anazungumzia kuhusu kutenga pesa maalum kwa wale wanaoweka misitu ya kibinafsi. Je, pesa kama hizo zitategwa kuwawezesha wale wanaotegemea uchomaji wa makaa kama mbinu za maisha yao wawe na kitu kingine cha kutegemea badala ya kutegemea makaa? Hayo ni baadhi ya maswali ambayo Waziri, katika kujibu kwake, natumaini atatupa jawabu.

Bw. Naibu Spika wa Muda, nikiunga mkono Mswada huu, ningependa Waziri alete kifungu ambacho kitapiga marufuku misumeno wa umeme kama kweli Waziri anataka kukomesha uharibifu wa misitu. Ukienda hapa River Road, hii misumeno ziko kwa bei rahisi. Kwa hivyo, Waziri anafanya nini kuhusu hii misumeno ya umeme, kwa sababu bila hii msumeno, huwezi kukata miti 200? Lakini kuwepo kwa huu msumeno kumechangia zaidi katika uharibifu wa misitu.

Bw. Naibu Spika wa Muda, huu ni Mswada ambao unakusudiwa kumnyamazisha mnyonge. Lakini wale weneye nguvu, wale wanaokuja na malori, wale wanaokuja na msumeno wa umeme kuharibu misitu wanaenda salama kwa Mswada huu.

Bw. Naibu Spika wa Muda, ningependa kwenda sasa kifungu kwa kifungu ili tuone ni wapi tutakosoa kama Waziri kweli anataka kuboresha Mswada huu. Ukiangalia Kifungu cha 4(3), kichwa cha Waziri bado kiko Nairobi na sisi tunazungumzia uhifadhi. Ni wapi kuna misitu mikubwa? Mahali pale kuna msitu kubwa ndipo Waziri angepeleka makao makuu ya Shirika la Misitu. Lakini sasa yamewekwa Nairobi. Nairobi kuna msitu gani? Afadhali Karura Forest. Sasa yeye, katika mawazo yake, tayari anaona gorofa, haoni miti mbele yake. Ndio maana ninamwambia Waziri aondoe hizo magorofa kutoka kwa macho yake na apeleke makao makuu ya hili shirika mahali ambapo kuna misitu. Hivyo ndivyo tutaweza kuwapa motisha wale ambao wanaendelea na shughuli za misitu.

Bw. Naibu Spika Wa Muda, tukiangalia Kifungu cha 6(I) kuanzia (a)---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt my good friend. However, I do not know whether he is in order to talk of Karura Forest as if it is in a different place. Karura Forest is literally in Nairobi. I thought the---

The Temporary Deputy Speaker (Mr. Poghisisio): Mr. Mwenje, why did you not inform him? Why do you have to rise on a point of order?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I informed him but I thought he was out of order to say that Karura Forest is not in Nairobi and to refer to it as if it is outside Nairobi.

The Temporary Deputy Speaker (Mr. Poghisisio): It would have been better if you did not rise on a point of order!

Mr. Wario: Bw. Naibu Spika wa Muda, rafiki yangu, Bw. Mwenje, ameona kuwa nimechoka; ananipumzisha kidogo. Namwambia ahsante!

The Temporary Deputy Speaker (Mr. Poghisisio): Order, Mr. Wario! It is good to note the information!

Mr. Wario: Bw. Naibu Spika wa Muda, nimesema kuwa ikiwa ni Nairobi, basi makao makuu yapelekwe Karura Forest. Nilimwambia! Sasa kama yeye hayuko tayari kusikiliza, nitafanya nini? Sina la kufanya ila tu ni wewe utakayemsaidia asikie na mimi niendeleo na mchango wangu.

Tukiangalia Kifungu cha 6(a-h) katika kuibuni ile kamati, tumeuona uzito na nguvu za Serikali. Waziri amesahau kamba kuna washikadau ambao iwapo hatawahusisha katika kuendesha na kuhifadhi shughuli ya misitu, hawatashiriki. Sasa Waziri amewahusisha Katibu wa Kudumu wa Fedha na wengineo na wakurugenzi wengine. Kuna viongozi wa dini na washikadau wengine ambao wana haki. Waziri asiwasahau!

Tukienda kwenye Kifungu cha 6(iv), Waziri anazungumzia usawa wa jinsia na mikoa. Amewaweka watu wanane halafu katika sehemu ya mikoa, amewapa watu saba. Mikoa ya Kenya ni minane. Ninamwomba Waziri, katika kifungu hiki, kuwa kila mkoa utoe mwakilishi mmoja. Ninasema hivi kwa sababu nina hofu. Wenzetu katika Serikali ya NARC, wana mila ya ajabu siku hizi. Mtu kama ni Waziri, atakwenda nyumbani kwao na kumtafuta ni nani anayetoka huko halafu anamleta na kumfanya Katibu wa Kudumu. Halafu akitaka mkurugenzi katika ofisi yake, anaenda kwa tarafa yake na kumtafuta mtu anayefaa katika ile nafasi. Hii mila inafaa kukoma na usawa uhimizwe.

Tukiangalia Kifungu cha 7(e), kinazungumzia makampuni makubwa ambayo yameharibu misitu katika nchi ya Kenya. Tusiendeleo kuwaruhusu kuharibu misitu yetu.

Katika kumwajiri mkurugenzi, Kifungu cha 10(II), Waziri anazungumzia ujuzi wa miaka 15. Hii ni kama hataki kumwajiri Mkenya. Ujuzi wa miaka 15 si lazima; achukue kuanzia miaka mitano hadi saba.

Tukiangalia 13(III)(f), Waziri anazungumzia ardhi ya kibinafsi na pia trustland. Sheria iko wazi. Unapofanya chochote katika trustland, ni lazima uwalipe wananchi wa sehemu hiyo.

Tukiangalia Kifungu cha 13(IV)(d), Waziri anazungumzia mwanachama wa kiwanda cha mbao. Sehemu isiyokuwa na mbao kama sehemu ya kina Bw. Wario itakuwaje?

Bw. Naibu Spika wa Muda, tunapozungumzia Kifungu cha 21, nataka uwezo wa Serikali upunguzwe; iwahusishe washikadau wengine.

Katika Kifungu cha 23(b), hii ni lugha ya ukoloni na uongozi wa kiimla! Huwezi kunyakua ardhi kwa nguvu; ardhi yoyote ya Serikali isiyokuwa na shughuli fulani eti ichukuliwe kwa nguvu na ifanywe msitu! Sivyo! Wakenya leo hawako huko. Keti na uzungumze nao. Mambo ya lazima hayamo katika lugha ya siku hizi.

Kufungu cha 29 kimekomea 29(VI). Ninamwomba Waziri aongeze kifungu kimoja ili kuwe na Kifungu cha 29(VII) ambapo kila mtoto wa shule; iwe ni ya msingi au ya upili, alazimishwe kupanda miti. Wanafunzi katika shule za msingi wanafaa kulazimishwa kupanda miti miwili kila mmoja. Nao wenzao katika shule za upili wanafaa kulazimishwa kupanda mti mmoja kila mmoja. Kwa kufanya hivyo, Waziri atathibitisha kuwa anafikiria kwa makini juu ya upanzi wa miti hapa nchini.

Bw. Naibu Spika wa Muda, nikimalizia---

Mr. Munya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Wario, says the Minister cannot force anyone to do anything because *mambo ya lazima sasa yameisha*. In the same vein, *anasema Waziri anafaa kulazimisha wanafunzi wapande miti*.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Munya! You are actually breaking several rules in trying to bring out this point of order. Please, relax! You are arguing and, at the same time, mixing languages. You cannot mix the two languages. Even what you want to bring out cannot now come out clearly.

Proceed, Mr. Wario!

Mr. Wario: Bw. Naibu Spika wa Muda, mwisho ningependa kuzungumza juu ya ufugaji

katika sehemu ya misitu. Mifugo huongeza mbolea kwa misitu yetu. Kwa hivyo, si haramu kwa mifugo kutafuta nyasi misituni. Hiyo ndio sehemu yao ya asili. Zamadi ya mifugo hawa huongeza mbolea katika misitu yetu. Serikali inafaa ifikirie juu ya jambo hili. Kila jamii ina mbinu zake mwafaka za kulinda misitu yao. Mbinu hizi zinafaa zitambuliwe na ziheshimiwe. Hata hivyo, katika Mswada huu, mbinu hizi hazitambuliwi.

Bw. Naibu Spika wa Muda, mpaka Waziri atakaporekebisha mambo hayo machache, ninaupinga Mswada huu.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Bill. I want to point out that it is a very important Bill. However, as I will be pointing out, it has very serious flaws.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Environment, Natural Resources and Wildlife has assumed a very low profile. This is basically because there has not been any paradigm shifts in policy. It looks like it is business as usual; nothing new has come from this Ministry. The only thing *wananchi* know is that the Minister is at war with our people. I think that the Minister should take this early opportunity to mend fences with these people in terms of this *shamba* system. We are in a democracy and the feelings of the people must be taken into account. It is quite clear that this is a very unpopular move. If the Minister is a democrat, and I believe he is, he should take this early opportunity to mend fences by allowing Kenyans to continue to cultivate in forest areas, even as we debate this particular Bill.

Mr. Temporary Deputy Speaker, Sir, we are talking about forests. However, I have a few concerns about this Ministry also. If you look at the issue of wildlife, the Minister failed, for the first time, last year, to make provision for compensation in the Printed Estimates. The Act provides that the Minister shall bring estimates towards the Fund for compensation of persons whose crops are destroyed. Last year, we did not see anything of the sort in the Budget. The Wildlife Act also provides that the Minister will set up compensation boards in every district. In addition, in every district where there is a national park or game reserve, the Minister will ensure that one Member of Parliament sits in the compensation board. Again, that has not been observed. I come from a district with a national park and where the compensation board has not been put in place. In addition, I have not even been gazetted as a member of that compensation board. What I am trying to demonstrate is that the Minister requires to do much more than he is actually doing presently.

Mr. Temporary Deputy Speaker, Sir, if you look at this Bill and the Environmental Management Act, you wonder why the Minister did not consider bringing the two Bills as one. We know the Act is already in place. However, if you look at Section 148 of the Environmental Management Act, it declares itself as the supreme law in terms of management of the environment. We all know that forests are part of the environment. So, there will be a conflict between the Environmental Management Act and the Forests Bill. The Minister should look into this aspect.

Before I go into the details of this Bill, I would like to say that we have seen the impact of the destruction of the Menengai Forest in my constituency in Nakuru. I would like the Minister to repossess the land which has already been allocated to individuals. We know that for part of that forest, there was no degazettement, although title deeds have already been issued to some individuals. The entire forest cover has been destroyed. Every two years, we see fire which reduces the forest cover. Consequently, we have suffered serious damage from storm waters which flow from the Menengai Forest to Lake Nakuru. This has caused serious degradation to the environment.

Mr. Temporary Deputy Speaker, Sir, for the first time, Lake Nakuru dried up completely in 1998. That was as a result of the destruction of the Mau Forest, and resettlement of people on the forest in Narok District. So, it is important that we address the water catchment areas. The fact that

those areas have now been allocated to some people who have already obtained title deeds--- It is important, in approaching a Bill like this, to think of ways and means of recovering our forest cover. I will come to that aspect much later.

There is a matter of concern which took place, I think two weeks ago. The President was invited to a tree-planting ceremony in Lari Constituency. He made a remark that it is important that we now try genetically modified trees in order to increase our forest cover. I doubt that His Excellency the President had the benefit of being advised on the impact of genetically modified trees on our environment. If we plant those trees here to increase our forest cover, we may live to regret one day, the effect they will have on our soils. It is true that we can plant those trees, for example, eucalyptus from South Africa and make millions of shillings within four years. But we must also take into account the impact those trees will have on our soil, and whether we will not lose humus in our soil. It is important that the Ministry comes up with a clear policy on the impact posed by genetically modified trees now that everybody is going for them to make quick money. I do hope that when the Minister will reply to this Bill, he will address this particular matter.

We have the so-called Nyayo Tea Zones, and I am now told that Mr. Kirwa has changed the name to Kenya Tea Zones. As far as I know, for those zones, there was no degazettement to convert them from forests to tea plantations. So, as far as the law is concerned, they are still part of the forest cover. We cannot equate a tea bush with uncleared forest. We know that there has been serious soil erosion where the corporation has planted tea bushes. It is only the other day that we had a landslide in a tea plantation in Othaya. I do not think that we can substitute trees with tea bushes. It is important that if we will maintain the soil cover, we should not replace forests with tea bushes. It is important, even in addressing a Bill like this, to know the impact of the Nyayo Tea Zones on our environment. We should understand whether they are still part of the forests which we intend to take care of in this particular Bill.

One of the most impressive sections of this Bill is Section 59 which gives a duty and a responsibility to every Kenyan to protect our forests; and that one can have direct access to the High Court if he or she feels that any provision of this Bill is being breached. It will be recalled that when Prof. Maathai tried to stop KANU from putting up a building for its headquarters at Uhuru Park, one of the hardships she faced in court was the issue of *locus standi*. She was told that she could not prosecute her case, because she could not demonstrate public interest in preserving the park. This problem has been overcome in this Bill. Once this Bill is passed into law, the door will be open for any Kenyan to go to the High Court and seek an order to preserve the environment and our forests or stop any breaches.

Mr. Temporary Deputy Speaker, Sir, I have had an occasion to look at this Bill. I must agree that Mr. Sambu raised a very fundamental issue yesterday regarding the constitutionality of certain provisions in this Bill. I could not agree more. Section 24 through to Section 29, in my very humble view, run against the spirit of the Constitution. The issue of ordering local authorities, as regards the management of the forests, must be seen against the provisions of Sections 114 and 115, and more particularly, Section 118. If the Government wishes to take over trustland, first, under Section 118 of the Constitution, only the President has the powers to initiate that action, and not the Minister. Clause 24 of this Bill purports that the Minister will exercise such powers. Only the President can exercise those powers. In doing so, there are certain matters that the President is supposed to take into account; but that is not without some form of compensation. So, the assumption here that the Minister can get into the local authorities and order the acquisition of their land in terms of the forests without of any compensation needs to be looked at against this particular provision of the Constitution. Trustlands are vested in the local authorities. It is true that the Government can give guidance on how they should be utilised, but not without taking into account the provision of

Section 118 of the Constitution, in terms of compensation that should be done. Even on the face of it, the provision of Clause 24, which gives the Minister powers to order the local authorities on how to manage the forests and make several orders, are clearly in conflict with Section 118 of the Constitution of Kenya.

Mr. Temporary Deputy Speaker, Sir, I am of the view that we should have made a much stronger case for the forestry. I am persuaded by the practice that obtains in the Nordic countries and in Belgium. The Government must take the responsibility of designating certain parts of this country as forests. However, we cannot do that within the existing legal framework. We would have to effect certain essential amendments to the Constitution and more particularly, Section 75 of the Constitution of Kenya which protects private property. It is unfortunate that until now, we do not have a land-user policy. That we have in place, an Act of Parliament whereupon the Government can exercise the powers to say: "This particular part of the country will be used for growing of maize or trees or anything else." Even in the most capitalistic states in America, you find that the Government takes the liberty to say: "This is a maize-growing area; this is a tree-growing area and this is a wheat-growing area." The Government is given the leeway to say which way land should be used, because land is a national resource. We cannot afford to have an individual doing what he wants with it. So, I was going to propose that we have an appropriate amendment - I think the Minister should have looked at the Draft Constitution, because it is important - in terms of empowering the State to designate certain parts of this country for particular use.

Mr. Temporary Deputy Speaker, Sir, our forests in Nakuru District have been turned into settlement schemes. If the Minister had the power to designate those areas as forest areas, even if you acquired land there, he would exercise those powers and say: "This is a forest zone. We are not going to allow you to do anything else except planting trees." That is the only way we can manage our environment. It happens in the Scandinavian countries and in Belgium, and more particularly, even in urban areas.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Mr. M. Kariuki, you have a balance of 17 minutes.

Hon. Members, it is time for the interruption of business. The House is, therefore, adjourned until Wednesday, 2nd June, 2004 at 9.00 a.m.

The House rose at 6.30 p.m.