

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th April, 2001

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.145

EXPENDITURE ON RELIEF FOOD SUPPLIES

Mr. Kinjuri asked the Minister of State, Office of the President how much money the Government has spent on relief food for the last one year.

Mr. Deputy Speaker: Nobody here from the Office of the President? We shall come back to this Question!

Question No.137

KENYA/ETHIOPIA AGREEMENT ON RIVER OMO

Mr. Munyes asked the Minister for Foreign Affairs and International Co-operation what agreements have been established between Ethiopia and Kenya Governments regarding the significance of River Omo to Lake Turkana.

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There are no specific agreements established between Ethiopia and Kenya regarding the significance of the River Omo and its relationship to Lake Turkana. However, I wish to inform the hon. Member that there is a general Treaty of 1970 signed between Ethiopia and Kenya to regulate the boundary between the two countries. The Treaty mentions the River Omo and the Lake Turkana, only in general terms and in relation to the demarcation of the boundary. The Treaty allows Kenyan inhabitants access to the River for the purposes of obtaining fresh water.

I also wish to inform the hon. Member that Kenya and Ethiopia enjoy good neighbourly relations based on the bonds of brotherly friendship and the desire for peace and security. On the basis of these good relations, the two countries regularly hold joint consultative meetings to deal with issues of common interest. Within this framework of regular consultations, the two countries have a joint Ministerial Commission for co-operation, and the border Commission, which meets regularly. Concerns relating to the water resource of the River Omo and its significance to the Lake Turkana can be raised at these fora.

Mr. Munyes: Mr. Deputy Speaker, Sir, River Omo is the main source of Lake Turkana. It is the one that feeds into the Ferguson Gulf where we get the Tilapia and Nile perch fish. There is a lot of interference upstream, by Ethiopians, and I find it difficult to understand what the Minister is saying. There has been increased usage of River Omo that has affected the potential of Lake Turkana. I understand you cannot interfere with River Nile, because Egypt and other countries will be affected. What action is the Government going to take to ensure that there is no interference upstream that will affect Lake Turkana?

Dr. Godana: Mr. Deputy Speaker, Sir, it is true River Omo is the single most important feeder supplier of water to Lake Turkana, which is a lake without an outlet, the second most important inlet being the Kerio-Turkwell River. It is obvious that developments upstream on both river systems which will interfere or reduce the quantity or the volumes of water arriving in the Lake are bound to affect prejudicially the lake ecosystem including conditions for the breeding of fish. This is a subject which can be taken up by Government and I am afraid the initiative for this will have to come from the technical Ministries; the Ministry of Water Development and the Fisheries Department, which have done the right assessment and requisite studies and identified measures that we need to take up at the international

level. If they furnish us with the technical information, the Ministry of Foreign Affairs and International Co-operation will take it

up, I think it is a genuine concern, but the real initiative will have to come from the relevant technical Ministries.

Mr. Anyona: Mr. Deputy Speaker, Sir, since eventually this would be a function of the Ministry of Foreign Affairs and International Co-operation, as it relates to Ethiopia, could the Minister enlist the co-operation and the support of the relevant Ministries to make sure that this is actually done? Now that the matter has come before Parliament, we cannot pass it to anybody else. Could the Minister assure the House that, that is what will be done?

Dr. Godana: Mr. Deputy Speaker, Sir, I undertake to get in touch with the relevant Ministries to see if they have any serious concerns in this regard.

Mr. Deputy Speaker: Next Question!

Question No.139

DELAYED PAYMENT OF TEACHERS' SALARIES

Mr. Katuku asked the Minister for Education:-

(a) whether he is aware that teachers are paid their salaries as late as 15th of each month for the last two years; and,

(b) what delays the payment of these salaries almost every month.

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

(a) I am not aware. The records held by the Teachers Service Commission show that teachers have not been paid their salaries as late as 15th each month for the last one year.

(b) The payrolls for the Teachers Service Commission are processed by the Treasury at the Government Computer Centre. As these payrolls are not received in good time by the Commission, this affects the dispatch of payment cheques, but before the beginning of the following month. Cheques for teachers with accounts in banks other than the National Bank of Kenya, who are the Teachers Service Commission bankers, have to be cleared before they are paid. This causes further delay in the payment of their salaries.

Mr. Katuku: Mr. Deputy Speaker, Sir, you will bear me witness that there is a lot of contradiction in that answer. First, he said that he is not aware of any delay, but in part "b" of his answer, he says he is aware that there is delay because of the reasons he has enumerated. The fact of the matter is that, by the time I brought this Question to the House early last year, teachers were receiving their salaries as late as the 15th of each month. But now the situation has improved a little bit. In Machakos District, the earliest they are paid is on 8th of each month. This is poses a big problem, because teachers leave their homes and schools to go to the banks in Machakos and yet they do not get their salaries. There is that kind of confusion, besides teachers being unable to meet their obligations. In view of the Assistant Minister's answer, could he tell this House how he intends to improve the situation so that teachers are paid promptly?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, on part "b" of the Question, I said teachers get their salaries before the beginning of the following month. There is no delay on the part of the Ministry. As I said, the delay comes about because the teachers bank with banks other than the National Bank of Kenya (NBK). This causes the delay in the process of clearing. The only advice will be for teachers to patronise the NBK. If they bank in other banks, then they will suffer the process of clearance.

Mr. Mugalla: Mr. Deputy Speaker, Sir, is the Assistant Minister sincere when he says he is not aware that teachers are paid at around 15th of every month? Is he really sincere? Teachers are suffering. Could he make arrangements to ensure that, inspite of whatever process is undertaken, teachers get their salaries at the end of every month and not in the middle of the following month?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I am sincere because the Ministry sends teachers' salaries before the beginning of the following month. Whatever happens after that is due to technicalities which involve banks. I cannot order banks to clear teachers' salaries before the normal four working days.

Mr. Deputy Speaker: Githunguri!

(Laughter)

I am sorry! Gatabaki!

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I appreciate your knowledge about my constituency. However, my full names are hon. Njehu Gatabaki.

If there is any single profession persecuted by the Government, it is the teaching profession. Could the Assistant Minister deny that the only reason why teachers are suffering is because the majority of them hail from Opposition strongholds?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I did not hear the hon. Member because there was an echo. Could Mr. Gatabaki kindly repeat his question for me to understand?

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I appreciate the fact that the majority of us did not go to good schools. However, I want to state my question very clearly, in order for the Assistant Minister to understand it. The only profession singled out for persecution by this Government is the teaching profession. Could he deny the fact that the only reason for the persecution of teachers, and the delay in effecting their salary increment, is because the majority of them are from Opposition areas and vote against the KANU Government?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, first of all, I deny that! Secondly, since I look older than the hon. Member, I must have gone through better schools than him.

Mr. Muturi: Mr. Deputy Speaker, Sir, the Assistant Minister has acknowledged that there is a problem of clearance of teachers' salaries which is a normal banking process. As a result of the delays cited by Mr. Katuku in remitting teachers' salaries in all parts of the country, most teachers end up being indebted to some cartels of money lenders because those money lenders collude with banks, to delay the release of teachers' salaries. These delays are not so much because of the normal banking clearance procedure, but because teachers are so desperate that, by the time they go to banks they have no option but to end up indebted to those money lenders. In view of that, could the Assistant Minister consider releasing teachers' salaries in good time so that they receive them just like other civil servants?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I also suffer the same here. I receive my salary about the 10th of every month. But, nevertheless, I cannot promise something that I am not in control of. As I said, as far as I am concerned, the Ministry sends teachers' salaries before the beginning of every month just like every other civil servants' salaries.

Mr. Murungi: Mr. Deputy Speaker, Sir, Mr. Gatabaki was right in saying that teachers in this country are overworked, underpaid and exploited by their employer, the KANU Government. In view of the binding legal agreement entered between the KNUT and the Government to increase teachers' salaries in 1997, what steps is the Assistant Minister taking to ensure that teachers are paid the salaries in accordance with that agreement, this financial year?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, if the Question had been put to me in the way Mr. Murungi is putting it, I would have prepared a relevant answer. But I do not think I can take up the task now because that supplementary question is completely irrelevant and unrelated to the Question asked by Mr. Katuku.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the Assistant Minister seems to blame the delay in releasing teachers' salaries on other Ministries. Is there no collective responsibility within the Government nowadays? Is it possible for him to liaise with those other arms of Government that delay teachers' salaries in order to release the money in good time?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I do not know why I am being misunderstood. I have not blamed any Ministry. I said that the Treasury prepares the payrolls and they send them to the Ministry and we pay teachers' salaries before the beginning of the following month. So, there is no delay and I am not blaming any Ministry.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that if teachers fail to report for duty for a day, they are removed from the payroll and yet, the Government delays their salaries for over two weeks and it does not incur any liability? Why is there that kind of contradiction?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, if I understood the question well, there is a whole day lost when teachers go to get their salaries. I think all other workers have to ask for permission on a specific day to go and get their salaries. It is not only the teachers, if I understood the question.

Mr. Muchiri: Mr. Deputy Speaker, Sir, why does the Ministry of Education, Science and Technology not pay teachers' salaries in accordance with the agreement between the KNUT and the Government?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I think, when I answered a similar question by hon. Murungi, I said if that question had been put to me in that format, I would have prepared a relevant answer. However, the question is different.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to keep on evading answering questions by saying they are not put in the right way when the Question before him is about teachers' salaries? We are asking him whether teachers will be paid increased salaries as per the agreement between the KNUT and the Government. Surely, as an Assistant Minister, he should know these very basic facts. Otherwise, he should quit!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, talking about increased salaries involves a lot of other technicalities. I have to go to the Treasury and find out if the money is available. However, as per the Question, there is a difference between "increased" and "delayed", if I know my English language. So, I am dealing with "delayed" salaries and not "increased" salaries.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. This is a question of what the Standing Orders require. The Standing Orders require that a supplementary question must be in the spirit of the original Question. In this particular case, could the Chair guide the House whether or not supplementary questions which are being asked are actually relevant to this Question? If so, then the Assistant Minister should answer them.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, my Ministry deals with broad matters and if you ask me a question about one section, I prepare myself for that part. If you ask me about matters that would require me to do research before I can give you a useful answer, I do not think I would be prepared to do that. I am not prepared but I would have answered him.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The issue of teachers salaries', whether at the current or increased levels, is a matter that should be seizing your Ministry. So, as a policy-maker in that Ministry, surely you must have some knowledge as to where this matter has reached. So, if you do not have that specific information now, merely say so and let us proceed. However, the route you are taking has no escape for you.

Dr. Wamukoya: Mr. Deputy Speaker Sir, you are asking me to talk about a policy which I have got to look at properly before I can give an answer and I cannot say---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! If you do not have information, just say so!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I do not have the information and that is what I am telling him.

Hon. Members: Yes, he should say so!

Mr. Deputy Speaker: Order, hon. Members! Surely, if there is a matter of great national importance and it lies in your docket, you must be up-to-date with information because these Members are entitled to ask those questions. I rule that the question regarding teachers salaries' is relevant to this Question and, therefore, can be put as a supplementary question. Proceed, Dr. Kulundu!

Dr. Kulundu: Mr. Deputy Speaker, Sir, the Assistant Minister evaded answering a very important question from Mr. Ochilo-Ayacko. Whenever a teacher fails to report on duty, even for a day, the TSC is very agile in sacking him or her. However, it seems to take no liability for delaying teachers' salaries' for up to two weeks. What action is the Ministry taking to ensure that the TSC pays the teachers' salaries promptly just as it expects them to report on duty daily?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the TSC does not just sack people like that since there is a process. There must be a casualty reporting process. The headmaster must report. I do not think when a teacher misses one day then he or she is sacked. I do not think that is true.

Mr. Katuku: Mr. Deputy Speaker, Sir, you would agree with me that when Members raise questions here, they do that because there is a problem somewhere. The issue of delayed teachers' salaries, which Members are expressing here, is a big problem. It has caused unrest in schools where teachers miss classes; students are not aware where the teachers are and yet they have gone to collect their delayed salaries. There are two options here for the Assistant Minister. It is either he agrees with the Treasury to be releasing the money in good time so that he in turn, can release it promptly to the banks so that the teachers can get their salaries in good time or declare nationally that the end month date of a teacher is the 15th of each month so that they are not harassed by their landlords or not get permission from their headmasters to go and get salaries which they do not find in their banks. It is high time the Assistant Minister took this Question seriously and advised this House accordingly.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I always take this House very seriously and the Computer Centre prepares all salaries and they are released at the same time. Therefore, if you and somebody else get them in time and the teachers do not get them in time, it is not because of the problem of the Treasury or my Ministry. I have tried to explain the causes.

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

Question No.019

COLLAPSE OF COTTON INDUSTRY

Mr. Murungi asked the Minister for Agriculture:-

(a) whether he is aware that the cotton industry in Meru Central, Meru North, Meru South and Tharaka Districts has collapsed;

(b) what factors led to the collapse; and,

(c) what steps he is taking to revive cotton production in the region.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Mr. Deputy Speaker, I beg to reply.

(a) Yes, I am aware of the general decline of cotton production in the country. The production dropped from 70,000 bales in the years 1984 and 1985 to the current level of about 20,000 bales per year.

(b) The factors which have been attributed to the decline of cotton production include the following: Poor marketing strategies and delayed payments to farmers; lack of credit facilities; lack of organised supply of seed for planting; poor quality planting seeds and poor agronomic practices leading to poor yields.

(c) The following measures are being taken to revive cotton production: My Ministry has finalised preparations of a Cotton Policy Paper which contains strategies for revitalising the industry in the area of production, marketing, formation of a regulatory body and an overall review of the current Cotton Act. The Government is encouraging stakeholders to form organisations which would be involved in all matters relating to the cotton industry. For instance, in January this year, the cotton ginnery operators formed and registered the Kenya Cotton Ginners Association for the purposes of working out modalities of promoting increased cotton production and improved marketing. After the liberalisation of the industry, the ginners are expected to provide market outlets for all the cotton that would be produced, support farmers on cotton production and develop a sustainable programme for seed supply.

The Kenya Agricultural Research Institute (KARI) has developed two new cotton varieties that out-yield the old varieties and have higher ginning out-turn. To give initial momentum to the revival of the industry, the Ministry has set aside Kshs5 million for purchasing cotton seed for free distribution to the cotton growing districts. The exercise is complete in the districts east of the Rift Valley and is going on west of the Rift Valley. The Ministry's extension officers will continue to provide, free of charge, extension services to cotton farmers alongside other agricultural enterprises.

Finally, the Government intends to fully exploit the opportunities that will be offered by the introduction of the African Growth and Opportunity Act (AGOA).

Mr. Ndilinge: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House whether Makuani District is going to be covered under this exercise free distribution of seed cotton?

Mr. Sumbeiywo: Yes, Mr. Deputy Speaker, Sir. As I answer this Question in this House, free cotton seeds are being distributed in Makuani District.

Mr. Murungi: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for his long-awaited answer. But, as a matter of fact, he did not answer the Question that I had put to him. I asked him, what specific steps the Government is taking to revive the cotton industry in Meru North, Tharaka, Meru Central and Meru South Districts. He did not mention these districts in his answer!

In Meru Central District, we have only one ginnery and the provision of seeds without a ginnery is not enough. The Gaito Ginnery was closed down by Mr. Gitobu Imanyara with the support of the Provincial Administration. Could the Assistant Minister explain what steps the Government is taking to make sure that this ginnery is revived and made operational so that we can have a place to take the cotton after the seeds have thrived?

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. The moment Members of Parliament start fighting, there will be a "Third World War". Mr. Kiraitu Murungi says that Mr. Gitobu Imanyara, with others, closed down the ginnery. Would that not amount to imputing an improper motive?

Mr. Deputy Speaker: I am sorry. While Mr. Kiraitu Murungi was asking his question, I was busy being consulted by some Members and so I missed what he said. But, if, Mr. Murungi, by any chance, imputed or attempted to impute improper motives on a fellow Member of Parliament, that is certainly out of order! So, I will check in the HANSARD, and if that is the case, I will take appropriate action.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I think the House should help the Chair because you do many things; you consult while we are talking. Since Mr. Kiraitu Murungi has not denied making the remarks, really, there may be no need to go and consult the HANSARD, unless the hon. Member denies.

Mr. Murungi: It is true, Mr. Deputy Speaker, Sir. I did say that we have only one ginnery in Meru Central District; the Gaito Ginnery which was closed down by Mr. Gitobu Imanyara. He mobilised a mob of people who went and closed down the ginnery about one year ago. I wonder where the cotton being grown in Meru is going to be ginned because this ginnery has been closed down. I have not imputed any improper motives. This is a matter of public knowledge and even Mr. Anyona knows about it. So, there is nothing to hide about it.

Mr. Deputy Speaker: Well, I will give you the benefit of doubt, but, I will still consult the HANSARD.

Mr. Murungi: What steps is the Assistant Minister taking to ensure that the ginnery is opened?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, to answer Mr. Kiraitu Murungi's first question, I would like to

say, yes, the three districts that he mentioned are the ones which I said are in the east of the Rift Valley and have been supplied with free cotton seeds. I am not aware that an Mr. Member of this House, Mr. Gitobu Imanyara, participated in closing down one of the ginneries. What I know is that, following the liberalisation of the cotton industry, private investors have acquired all cotton ginneries previously owned by the Cotton Lint and Seed Marketing Board. In total, the country has 24 ginneries, most of which are under-utilised. These ginneries have formed and registered the Kenya Cotton Ginners Association for the purposes of working out modalities of promoting increased cotton production and improved marketing.

The recommended cotton varieties are KSA/81M for Nyanza, Western and Rift Valley Provinces and, HART/89M for Eastern, Central and Coast Provinces. These new varieties out-yield the older varieties by over 12 per cent, while the ginning out-turn is nearly 42 per cent. To revive these ginneries, it would involve the stakeholders who have officially registered themselves and the Ministry will give technical assistance when it is deemed necessary.

Mr. Ayoki: Mr. Deputy Speaker, Sir, it is true that cotton ginneries have collapsed in many parts of the country. What is Government policy in reviving the collapsed cotton industry in other parts of the country, especially in Nyanza Province?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, in my earlier answer, I said that, the revival of the ginneries in the cotton industry is a countrywide exercise because it is not done only within the areas that I had mentioned earlier.

Mr. Mugalla: Mr. Deputy Speaker, Sir, taking into consideration the fact that the textile industry has collapsed in this country and the Government cannot succeed without cotton industry--- The Assistant Minister said that a programme is being prepared to revive the cotton industry. Could we be told, in detail, what programme is being prepared and what is the time factor because the issue of cotton is a key one?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, the Ministry provides cotton seeds to farmers free of charge. As I speak now, seeds have already been distributed. There is also a programme to provide chemicals to farmers to grow their crop. As we continue with the programme, the District Agricultural Officers have been instructed to move to the ground and ensure that the land is prepared for planting of cotton during the current season. I am sure this is going on because I visited some areas and found that the work is going on satisfactorily within those areas which we have already visited.

Mr. Omingo: Mr. Deputy Speaker, Sir, the Assistant Minister started answering this Question by stating that, there is lack of payments, poor seeds and poor planting skills. I would like him to confirm or deny that the Kenya Seed Company deliberately distributes seeds to particular areas to impoverish those particular areas, so that, perhaps, they can depend on the Government, particularly, in Kisii District, as far as seed maize is concerned.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, a very serious allegation has been made by Mr. Omingo. If he can prove that there are some seeds that are specifically produced for a certain area, and bring us the results, we will then follow it up. It is a very serious allegation. However, I am not aware of that issue.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. While the Assistant Minister was answering the Question, he did mention that cotton seeds have been distributed to various cotton-growing areas free of charge. That is really a misleading reply! Could the Assistant Minister be sincere and tell this House when the Government supplied the people of Malakisi with seeds free of charge, because I was there last week and nothing of that kind was happening?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, these seeds were distributed to the District Agricultural Officers in the cotton-growing areas. If the seeds have not reached the place he is talking about, I would like to request him to liaise with the District Agricultural Officer to ensure that he gets them.

Mr. Deputy Speaker: Order! Order! That hon. Member has no business liaising with anybody outside this House. So, tell him when you can confirm that the seeds have reached the farmer free of charge.

(Applause)

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I will confirm this next week.

Mr. Deputy Speaker: Thank you very much.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, if you were listening carefully, you would have realised that the Assistant Minister answered this Question as if he was sitting the Kenya Junior Certificate of Education (KJCE) examination. As Mr. Omingo has said, the Assistant Minister said that the reason why cotton has failed is because of poor marketing, lack of credit facilities and so on. These things do not happen by themselves, but somebody is responsible. So, if there was poor marketing and lack of credit facility, he should tell us the reason why that happened. He should not just list them as if he is sitting for an examination. Could the Assistant Minister confirm or deny to this House that one of the basic failures of the cotton industry was the Cotton Lint and Seed Marketing Board,

and that the Government has not succeeded to successfully dismantle this Board and put in place an alternative policy? Further, could the Assistant Minister confirm or deny that the cotton industry cannot be revived until the Government has appropriate policy on the *mitumba* being imported into this country? That is the cause of the collapse of the industry. The Government, which is interested in the *mitumba* industry, should acquit itself honourably to this House.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir,

it is true that the Government is coming up with a new policy that will regularise the cotton industry. Prof. Anyang'-Nyong'o has said that I was listing the reasons as if I was sitting the KJCE examination. I was giving the House the reasons that made the cotton industry collapse. The Ministry will come up with a policy that will regulate this industry.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. The cotton zone is the main poverty zone in this country. We hear that out of the STABEX funds, Kshs300 million has been set aside for the revival of the cotton industry. Could the Assistant Minister confirm or deny this? If he confirms, could he tell us the modalities they have put in place for the distribution of the Kshs300 million to cotton farmers in this country? If he does not know, the Minister can answer because he is here.

(Laughter)

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, the figure that Mr. Murungi has talked about is under consideration. The amount of money he has mentioned has not been distributed.

Mr. Deputy Speaker: No! No! Mr. Assistant Minister, in that answer you have admitted that there will be money made available for the cotton industry, but he has asked you about the modalities of distributing that money when it is in place irrespective of your---

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I said that the modalities on how this money will be distributed are now being worked out.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I asked the same question which has been asked now by Mr. Murungi two weeks ago, and the Chair directed the Minister to come with a Statement to state whether it is true or not that the World Bank gave Kenya Kshs300 million in 1996 for cotton seeds and fertilisers. But today, the Minister has not brought that answer---

Mr. Deputy Speaker: Order! If you want to raise that for the Minister to respond, do it after Question Time, if it is an issue which you had already raised.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I was coming back to Mr. Murungi's Question.

Mr. Deputy Speaker: No! No! You cannot have two bites of the cherry.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. We have said before in this House that hon. Members do not ask Ministers to express opinions. We expect them to explain policies. The Assistant Minister has said that he "thinks". So, this House cannot really know whether there is anything happening or whether it is just his opinion. Could we be told, as a matter of fact and policy, what is going on?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I am answering this Question as an Assistant Minister. What I am explaining here is the policy of the Government, and this is what is being considered now. The public will know when a decision has been made.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Those are his words. He said: "I think", which is an opinion. It is contrary to our provisions. Could he tell us whether there is a policy in place, whether there is a policy in the offing and whether they are still dreaming of a new policy? We just want to know where we are.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I have not said in this House that "I think", but I have said that there is a policy that will be put in place.

Question No.016

EXEMPTION OF MR. KABURU FROM SFT LOAN

Dr. Murungaru asked the Minister for Lands and Settlement why the Permanent Secretary/Officer administering the Settlement Fund Trustee (SFT) has persisted in demanding SFT loan balance from Mr. Jason Mungai Kaburu of Naromoru Settlement Scheme, Plot No.253, who was exempted from paying this loan by the Government in 1997.

(Mr. J. Nyagah remained seated in his place)

Mr. Deputy Speaker: Mr. Minister for Lands and Settlement, Dr. Murungaru has asked you a Question!

(Laughter)

The Minister for Lands and Settlement (Mr. J. Nyagah): I thought we had reached an agreement that the Question was to be withdrawn by the hon. Member since the problem has been resolved.

Mr. Deputy Speaker: Yes, Dr. Murungaru, you are being less than honest, because you approached me and I gave you permission to stand up and say that the Question you have asked has been satisfactorily answered, or rather the matter has already been settled. So, I expected you to say that you were going to ask this Question, but you now **[Mr. Deputy Speaker]**

wish not to ask it because the issue you have raised has been dealt with.

Dr. Murungaru: Mr. Deputy Speaker, Sir, I am sorry. I thought I was following your advice to the letter. You indicated that the Question is already on the Order Paper; that we should not withdraw it behind your back---

Mr. Deputy Speaker: Order! Order! There were three of us and two seemed to agree on what we agreed. So, you are in a minority of one. Are you withdrawing it or not?

Dr. Murungaru: Mr. Deputy Speaker, Sir, I would like to confirm that I had a discussion with the Minister.

Mr. Deputy Speaker: Are you withdrawing the Question or not?

Dr. Murungaru: Mr. Deputy Speaker, Sir, I would like to withdraw the Question.

Mr. Deputy Speaker: Thank you very much.

(Question withdrawn)

Let us move on to the next Question!

Question No.130

OWNERSHIP OF CHEMELIL SISAL ESTATE

Mr. Sambu asked the Minister for Lands and Settlement:-

(a) who the owner of Chemelil Sisal Estate in South Nandi is;

(b) what the total acreage of the farm is; and,

(c) what arrangements have been made to settle the squatters on the farm before it is sold to new owners.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The owner of Chemelil Sisal Estate is Chemelil Sisal Estate Limited.

(b) The farm has four parcels namely; LR 1468 which totals 3,620 acres, LR 1467/8 - 100 acres, LR 1467/9 - 2710 acres and LR 5483 - 540 acres. The total acreage of the farm is 6,970 acres.

(c) I have no information regarding the said intended sale to new owners. I also have no information about arrangements to settle the said squatters since this is a private piece of land.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Sambu: Mr. Deputy Speaker, Sir, I am surprised that the Minister does not know that the owner of the land is a company. However, behind every company, there are individuals. I am also surprised that the Minister has no information on the intended sale to new owners when, on the ground, people have been fighting and some have killed each other. The Provincial Administration, Nandi District, has been going there to try and settle the dispute. I am also surprised that---

Mr. Deputy Speaker: Ask your question!

Mr. Sambu: Mr. Deputy Speaker, Sir, I will ask the question. I am giving you the information. I would not be asking about the identity of the owner if I knew who it was. I know that he is an Indian. If one Indian owns 6,970 acres of land, when Africans are living on the Nandi Escarpment like monkeys, will the Minister direct that half of this land be used to settle the squatters before the land is sold to new owners?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, Kenyans believe that if you own property, then it belongs to you. This property is owned by this company. I am very happy to hear that it is owned by an Asian because we were not able to find the information, that has been provided, from our records.

Mr. Anyona: Mr. Deputy Speaker, Sir, this is the National Assembly of the Republic of Kenya. Are you sure we are not treading on dangerous ground by talking in racial tones?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am not in a position, whatsoever, to direct a private owner to give

part of his shamba to squatters. My powers extend in so far as Government land is concerned. If it was Government land I would be very happy to accommodate them, but in this particular case I could only use my good offices to try and persuade the person to accommodate those squatters if, in fact, they physically live in his shamba. I can only use my good office. I have no legal powers to give such orders.

Mr. Sambu: There are over 3,000 squatters living on the land. They did not start living there yesterday. They were left out when the British drove them to the rest of the land to the North. My question is this: What is private land? When the British drove out our people from the land, was this not private land? Does a robbery that was committed 100 years ago mitigate itself into a regularity because of time? The British stole the land from us and we want it back!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, as per Kenyan laws, and I am not a lawyer, a piece of land becomes yours when it is allocated to you or you buy it and you have a title deed which indicates that the land belongs to you. In this case, I am not able to go back to the pre-historic days. I am only able to deal with the recent issue which is that there is a company that owns a title deed to that land. I have agreed to use my good offices to try and persuade the owners not to forget the squatters. This is on the understanding that the squatters would be willing to pay the market rates if, indeed, there are alternative people as the hon. Member indicates in his Question, who are paying a market price for this shamba.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, could the Minister tell this House who occupied the land first? Was it the Asian or the squatters? Who found who there?

Mr. J. Nyagah: That question is irrelevant.

Mr. Sungu: Mr. Deputy Speaker, Sir, I come from this area and our people are really suffering. This land was given to the Coolies free of charge. Ninety nine years have passed since the land was given to them by the colonial government. There is a 99-year lease on this property. The Government is entitled to return this land to the rightful owners who are the people of Kisumu, Nyando and Nandi who do not have any land to farm and they are dying of poverty when the land is lying idle. Could the Minister--

Mr. Deputy Speaker: Order! You have asked the question. Respond, Mr. Minister!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I do not have the exact lease terms, but many shambas were leased for 999 years. The hon. Member is implying that the leases were for 99 years. I will verify this information. If he is correct then that changes the situation a bit. However, as Parliament is also aware, there has been an understanding that leases are being renewed for developments that people have made. When the 99 years came to an end, the Kenyan public expressed the need for confirmation that the present owners would, in fact, keep those properties and that we would not take them and give them to other people.

Mr. Deputy Speaker: So, are you saying that leases which have expired are being renewed automatically?

Mr. J. Nyagah: We have an internal system which has speeded up the process of giving leases that have expired. This is because there was pressure from the Kenyan public who wanted people who have developed their properties to, in as many cases as possible, be guaranteed ownership. We have done that in most cases.

Mr. Deputy Speaker: If they are renewing the lease and selling the land, that is speculating.

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I follow your question because it is disturbing to find that a Minister, who has a whole department and a Ministry to run and the necessary expertise to do so does not know the answers to basic questions raised in this House. For example, he is not aware of the facts regarding the terms of that lease. What do we do when Ministers come here and start to ask us questions whose answers they should actually bring from their own offices? He is now being informed that the land has a tenure of 99 years lease. He is telling us that he has no idea. Could you help us make Ministers do their homework and come to the House with serious answers?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I do my homework and I have a reputation of coming to this House with proper answers as a general rule.

Mr. Sifuna: The Minister has just informed this House that the owner of the land could be an Asian or an African.

Mr. Deputy Speaker: Order! The Minister said that the owner of the land is Chemelil Sisal Estate Limited.

Mr. Sifuna: Mr. Deputy Speaker, Sir, we know that the owner got this land free of charge. Before the present owners were given this land, there were some Africans or other owners who were staying there. Could the Minister ensure that since this land was leased for 99 years, the original owners will get it back free of charge? The Africans whom they milked for 99 years in Eldoret should not be charged any money!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, first of all, I am not sure that the lease is for 99 years and I apologise that I do not know. I will go and do my homework on that one. Most of the land in that area was leased for 999 years. I would be very surprised if it was leased for 99 years. In any case, as I indicated originally when I was answering this Question, I deal with title deeds that exist today. I do not deal with who was found where by who or

when the British, Indians or Arabs arrived in this country.

Mr. Sambu: Mr. Deputy Speaker, Sir, the Minister is not aware that it was the Luos and Nandis who were found there originally. Since the land was taken by force, could the Minister allow the Nandis and the Luos to take back the land by force if the Government cannot do anything about it?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the answer is "no". There are clear laws in this country which should be followed. I did indicate that I am quite happy to use my good offices.

Mr. Deputy Speaker: Next Question!

Mr. Kiunjuri's Question for the second time!

Question No.145

EXPENDITURE ON RELIEF FOOD SUPPLIES

Mr. Kiunjuri asked the Minister of State, Office of the President how much money the Government has spent on relief food for the last one year.

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, I would like to request my colleague to give me time to get proper information. I do not want to be accused of not coming with proper information with regard to the number of bags we have distributed and the money we have received from various friends. By Tuesday next week, I will let you know how much we have got so far.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I have no objection. However, I would like to request the Minister to bring a satisfactory answer.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Mr. Kiunjuri may not have any objection, but I think the House has. The rules require that the Minister has sufficient time to file an answer back to the House and that time matured. I do not know whether they filed an answer or not. Then, he is asking for more time. The House and the Chair have the discretion to grant that. But why were the rules not complied with in the first place? What were his officers, who should have prepared the answer, doing? They must strengthen the hands of the Ministers so that they can service---

Mr. Deputy Speaker: What is your point of order?

Mr. Anyona: Mr. Deputy Speaker, Sir, when the Minister asks to be given more time and there is time stipulated by the Standing Orders, what happens?

Mr. Deputy Speaker: Shall we assume that we are all running the same race and some finished earlier than others? I am quite happy, Mr. Minister, for you to answer this Question on Tuesday next week.

(Question deferred)

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, we talked about the Minister not doing his homework. This is a very straightforward Question which the Minister can get the answer from his office. He again comes to this House unprepared. What do we do when Ministers do not perform their duties?

Mr. Deputy Speaker: Well, hon. Members, there are several options. If the Minister has given you an answer which you find unsatisfactory, you can raise a Motion under Standing Order No.18. If he has not answered at all, then you can possibly regard that as gross disorderly conduct and require him to be named. But in this particular incident, I do sympathise with the Minister because he wants to give you a comprehensive reply, including the monies that he has received and the number of bags that he has distributed. I think to be fair to him, and to the House, let us give him that time.

QUESTIONS BY PRIVATE NOTICE

UNAUTHORISED WITHDRAWAL OF FARMERS' MONEY

Mr. Anyona: Mr. Deputy Speaker, Sir, before I ask my Question, I have an answer here which is not signed. An answer is an answer when it is signed. That is the recent ruling by the Chair. What do we do?

However, having said that, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that Kshs275,085.00 has been withdrawn from Account No.527-02-943 at Gusii Rural Sacco Ltd., without the authority, consent or knowledge of the coffee farmers of Girango Farmers Co-operative Society Limited?

(b) Is he further aware that the coffee farmers have withheld transportation of some 1,400 bags of Cherry and Mbuni Coffee to the millers until their money is recovered in full?

(c) Who authorised the withdrawal of this money and how was it disbursed?

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Mr. Deputy Speaker, Sir, I think it is my duty to prove that the answer is right.

I beg to reply.

Mr. Deputy Speaker: Order! You have to sign 15 copies of your reply and hand them over to the Clerk of the National Assembly. That is the rule. So, Mr. Anyona is quite right if that answer is not signed.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Mr. Deputy Speaker, Sir, I apologise for that omission.

However, I beg to reply.

(a) I am aware that Kshs275,085 was withdrawn from Account No.527-02-943 at the Gusii Rural Sacco Society Ltd., with authority from the signatories to pay staff at the society. Since the elected committee signed the withdrawal Voucher No.1986 at the Gusii Rural Sacco Society Ltd., then the Girango Farmers Co-operative Society Limited was aware and had consented.

(b) I am not aware that coffee farmers have withheld transportation of some 1,400 bags of Cherry and Mbuni Coffee to the millers until their money is recovered in full. But a faction of the society leadership barricaded the road into the society last week making it hard for the coffee to be collected from the society stores.

(c) The elected management committee of the society authorised the withdrawal of this money for payment of staff salaries at the society.

Mr. Anyona: Mr. Deputy Speaker, Sir, these Ministers are their own worst enemies. Yesterday, the Question was deferred because we ran out of time. I had a discussion with the Assistant Minister and I told him that this answer was wrong. He has read the same answer which means he disregarded my consultation with him which was meant to help him and help the farmers. Now that he has chosen to take that route, I would like him to answer this question. In his answer to part "a", he talked about signatories and elected committee. In his answer to part "c", he also talked about the management committee. Could he tell us who the signatories are by office and name? He should give proof that it was elected committee because that is the word he has used.

Mr. Khaniri: Mr. Deputy Speaker, Sir, according to their own regulations, the signatory is supposed to be the Chairman of the society who is a Mr. Richard Meroka; the Treasurer is Mr. Josiah Kerongo and the Secretary is Mr. Aloise Mbaka.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I think Mr. Anyona will delve into the names of these signatories to find out whether they are really officials or not. In his answer to part "a", the Assistant Minister said that the money was paid to staff of the society. Could he produce the payroll where the staff have signed against this money?

Mr. Khaniri: Mr. Deputy Speaker, Sir, on the Kshs275,085 that was withdrawn, I have a breakdown on how it was spent; that is, staff salary arrears, casual wages, NSSF payments and many others. But the bulk of it went to staff salary arrears. I may not have the payroll where the staff signed, but I confirm to the House that the money was paid to the staff.

Mr. Keriri: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has read out names of three officials; chairman, treasurer and secretary, who were supposed to be signatories. Could he confirm that those three were the elected officials and that they were the ones who signed the cheque?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I have the evidence here and I, therefore, wish to lay it on the Table.

(Mr. Khaniri laid the document on the Table)

I wish to confirm to the House that these are the *bona fide* officials and signatories of the society.

Mr. Muchiri: Mr. Deputy Speaker, Sir, it appears that there was fraud involved in this case. Was there a resolution of the society, authorising these officials to withdraw money from the bank account? If not, why have these people not been prosecuted in a court of law?

Mr. Khaniri: Mr. Deputy Speaker, Sir, in every society, the members elect committees. Amongst the committee members, a chairman, vice-chairman, treasurer and a secretary are elected. The committee has power to make decisions for the society on behalf of its members. Therefore, these officials acted according to the laid down provisions.

Mr. Anyona: Mr. Speaker, Sir, I am afraid that the Assistant Minister is in serious trouble because he ignored my advice. First of all, the workers of this society have not been paid. The money is at large! Secondly, I want to confirm what Mr. Muchiri said. There was no resolution by the members towards this end. But I confirm that the

names read out by the Assistant Minister are, those of the legal signatories of that society. Unfortunately, they are not the ones who signed this cheque. I beg to lay a copy of the cheque on the Table.

(Mr. Anyona laid the document on the Table)

Mr. Deputy Speaker, Sir, could he go and investigate these signatures and find out who these thieves are who went and withdrew farmers' money without their consent, and where that money is? The workers of this society have not been paid anything!

Mr. Khaniri: Mr. Deputy Speaker, Sir, there were leadership wrangles in this particular society---

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. There were no leadership wrangles! I have confirmed that the people, whose names he read out, are the legal officials of that society but they are not the ones who signed the cheque and there was no resolution by the farmers to that end! So, he cannot talk about wrangles that do not exist. That is his own imagination!

Mr. Khaniri: Mr. Deputy Speaker, Sir, I want to assure this House that there have been leadership wrangles in that society. I have minutes of a meeting of the farmers that was held on 26th February this year, where the old chairman and the treasurer were removed. The other five committee members raised a vote of no confidence in the chairman and the treasurer. I have a Minute where they replaced them with new officials whose names I have just read out to you. I confirm that it is the new officials who signed this particular cheque.

Mr. Keriri: On a point of order, Mr. Deputy Speaker, Sir. This is very serious! When I stood here and asked the Assistant Minister to confirm whether these were the elected officials and whether they are the same people who signed the authority to withdraw the money and his answer was in the affirmative. Mr. Anyona has laid a document on the Table indicating that other people signed that cheque. The Assistant Minister has now turned around and said he agrees with Mr. Anyona. He cannot be allowed to take two positions in this matter and get away with it! This Assistant Minister is not serious at all!

Mr. Khaniri: Mr. Deputy, Sir, I wish to assure the House that I am very serious. Under the Co-operative Societies Rules (1998), Rule No.29(1) gives the power for the appointment of society officials who are signatories, to the elected committee. In this case, the seven were elected by a general meeting and have the powers to elect the chairman, treasurer and secretary to run the society.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has continued to mislead the House. The point here is not who was elected---

*(Mr. J. Nyagah moved between
Mr. Sambu and the Chair)*

Mr. Deputy Speaker: Order, Mr. Nyagah! You must not walk between a Member on the Floor and the Chair!

Mr. Sambu: Mr. Deputy Speaker, Sir, the Assistant Minister should stop misleading the House! There is no dispute about the officials. They are the legally elected officials but they are not the ones who signed the cheque! What action is he going to take against those people who fraudulently, without the authority of the members of the society, signed cheques to go and withdraw the money when they are not the elected officials?

Mr. Khaniri: Mr. Deputy Speaker, Sir, if the Mr. Sambu cared to listen, I even laid a document on the Table here to prove that it is the three elected officials who signed the cheque.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious problem. I am afraid my brother, Mr. Obure, is in serious trouble over this issue. The farmers will construe him as being in support of "thieves!" We are talking about elected officials here and I have confirmed that the officials he referred to are the legitimately elected officials. He has now changed the story and said there was a "coup". I agree that there was "an attempted coup" for these fellows to come and loot that money and were supported by officials from the Ministry.

Mr. Deputy Speaker, Sir, when the farmers realised that their money had been stolen, they made frantic efforts to recover it but there was no assistance from the Government. So, they decided that their coffee was not going to move. They went and enlisted the support of the District Officer who got trucks from the union and the Gusii Savings and Credit Co-operative Society. They came in with co-operative officers from Nyamira with armed askaris to take the coffee by force. The farmers got annoyed and raised an alarm---

Mr. Deputy Speaker: Order, Mr. Anyona! That is beyond a question and a point of order! Could you, please, ask your supplementary question?

Mr. Anyona: The farmers came, surrounded that society, dug a trench and poured the coffee so that they

could not transport it---

Mr. Deputy Speaker: Order, Mr. Anyona! Could you put your question now?

Mr. Anyona: That is how they managed to stop the coffee from being taken away---

Mr. Deputy Speaker: Order, Mr. Anyona! Could you, please, ask your question?

Mr. Anyona: Mr. Deputy Speaker, Sir, I am trying to underline---

Mr. Deputy Speaker: Order, Mr. Anyona! This is Question Time! The Standing Orders state very clearly that you must not use a Question as a pretext to make a speech! You are making a speech now. Ask your question!

Mr. Anyona: Mr. Deputy Speaker, Sir, if you give me another chance, I will try to use it. Could the Minister tell the House whether he is aware that, when there was an attempt by the Government to take up the coffee by force, the farmers dug a trench and they were guarding their coffee and, eventually, I intervened and told the farmers to go home? The District Commissioner moved in and had a meeting with them there to establish the cause. Is the Minister aware of those facts? Is he aware that the DC and myself saved the situation, and the farmers are waiting to hear what he wants to do about that issue?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I am not aware of those allegations. However, I am aware of what I stated in my answer to part "b" of the Question.

Mr. Kombo: Mr. Deputy Speaker, Sir, before I ask my Question, I just want to say that my name is Mr. Musikari Kombo of the famous List of Shame and not Mr. David Kombe of the infamous Change-the-Constitution.

(Laughter)

Mr. Deputy Speaker: Order, Mr. Kombo! That could easily pass for imputing improper motive on an hon. Member because you need to move a substantive Motion when you want to discuss an hon. Member.

So, ask your Question!

IMPORTATION OF INDUSTRIAL SUGAR

Mr. Kombo: Mr. Deputy Speaker, Sir, after that clarification, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that due to the imported sugar flooding the markets, local firms like Nzoia Sugar Company and Mumias Sugar Company are likely to collapse?

(b) Is he further aware that most of the imported sugar comes in as industrial sugar attracting low duties?

(c) Who are the importers of industrial sugar and how much is required per month?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply. (a) I am aware that there are appreciable quantities of imported sugar in the market, making it very difficult for local sugar companies to freely off-load their sugar. The prevailing situation is not expected to lead to the collapse of local sugar firms such as Nzoia and Mumias sugar companies.

(b) I am aware that most of the imported sugar comes in as industrial sugar. There are indications that there may be unfair trading practices which could have contributed to local sugar being unable to compete with imported sugar. In this regard, the Government has set up an Inter-ministerial Committee comprising of all the concerned Ministries and organisations such as the Ministry of Agriculture, Livestock and Rural Development, Ministry of Tourism, Trade and Industry, Ministry of Finance, Kenya Revenue Authority and Kenya Sugar Authority to address the problems of suspected unfair trading practices.

(c) Importers of refined sugar are mainly manufacturers of beverages, pharmaceutical and confectionary products. There are no set quantities of that, as it depends on demand and production levels of each of the importing companies.

Mr. Kombo: Mr. Deputy Speaker, Sir, I am scandalised by the answer the Minister has given. I think he is trying to protect some people. In the past, we knew exactly, who were the users and importers of industrial sugar, and they used to be gazetted. Today, that is not happening, and so you have people like Bawazir, Sajjad and TSS bringing in industrial sugar and they are not manufacturers and they are not in the soda business and so on.

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

Mr. Deputy Speaker: Yes, Mr. Sajjad. It is nice to hear you.

Mr. Sajjad: Mr. Deputy Speaker, Sir, is it in order for Mr. Kombo to claim that I have imported sugar? I have not imported sugar for the last three years. Could Mr. Kombo substantiate his claim?

Mr. Kombo: Mr. Deputy Speaker, Sir, I have not mentioned Mr. Sajjad, the Member of Parliament. But those are people who have brought in sugar and even sold it to the Armed Forces Canteen Organisation (AFCO).

Could the Minister tell us why they stopped, with due diligence, inspecting the proper usage of industrial sugar, so that the importers are gazetted?

Mr. Obure: Mr. Deputy Speaker, Sir, it is true that before July, 2000, the Minister for Agriculture, through the Kenya Revenue Authority, monitored the use of industrial sugar very closely. It is also true that, after that monitoring, we were able to determine the quantities that the local manufacturers required, so that they were allowed to import such quantities as would meet their requirements. During the last year's Finance Bill, after its enactment in June, 2000, those requirements were removed by this Parliament.

Hon. Members: Why?

Mr. Obure: Mr. Deputy Speaker, Sir, it was a Bill debated in this House and enacted into law, so that the situation changed. Now, importers of industrial sugar merely apply and, in accordance with the existing law, are registered with the Export Promotion Programme Office. I want to agree that, that new change has created a problem. In fact, it could have created a loophole, a weakness which we must address urgently, and we are in the process of doing that. I am confident that we will arrive at an answer because we are concerned about the huge stocks of sugar which the sugar mills are building and which they cannot sell immediately. I am confident that we will arrive at an answer pretty quickly.

Dr. Oburu: Mr. Deputy Speaker, Sir, could the Minister tell the House why it is so difficult for the Government to encourage local production of refined sugar? Why is the Government concentrating on licensing the importation of refined sugar when it can be produced locally? Miwani Sugar Company has a unit which has produced refined sugar.

Mr. Obure: Mr. Deputy Speaker, Sir, that is a very important question because I think that it is in the interest of this company in the long run, to put up facilities for manufacture of industrial sugar. We will save substantial quantities of foreign currency in that manner. We have one facility and, at the moment, it is at Miwani Sugar Company. We are taking it seriously as part of the restructuring of Miwani Sugar Company to ensure that, that facility is rehabilitated sufficiently, in order to produce industrial sugar.

Mr. Muturi: Mr. Deputy Speaker, Sir, in answer to part (c) of the Question, the Minister has purported that although they have carried out investigations, he is not in a position to tell this House how much industrial sugar is required per month in this country. Could the Minister explain why that is impossible yet industrial sugar did not [**Mr. Muturi**]

begin to be imported in this country this year or after the enactment of the current Finance Act? Why is he not able to give us figures of how much industrial sugar is required in this country per month so that we may know how much of it is being used for purposes of evading duty and killing the existing sugar industry?

Mr. Obure: Mr. Deputy Speaker, Sir, I may not be absolutely accurate in this respect, but according to the statistics we maintain at the Ministry of Agriculture, Livestock and Rural Development, the annual demand of imported industrial sugar is estimated to be in the region of 70,000 metric tonnes per year. The problem emerged soon after the signing of the COMESA Treaty at the end of October, last year. We have started witnessing substantial quantities of industrial sugar coming in. We have also started noticing that even local manufacturers, including manufactures of beverages, soft drinks, confectionaries and others, who usually bought local sugar for manufacture of their products, are now beginning to import industrial sugar because of that loophole that was created, where industrial sugar attracts much less duty. That is the problem that we must address.

Dr. Kulundu: Mr. Deputy Speaker, Sir, we know that sugar consumption requirement for this country is in the range of 600,000 metric tonnes. Our production is slightly more than 420,000 metric tonnes. Why has the Ministry allowed massive importation of sugar, over and above the shortfall?

Mr. Obure: Mr. Deputy Speaker, Sir, I want to state, and I have stated it again here, that the Ministry has not allowed massive importation of sugar. We have said that there are large quantities of sugar coming in through the COMESA market because of the lower duty rates being enjoyed in the region. This is exactly what we are trying to investigate at the moment and we hope to come to grips with it.

Mr. Kombo: Mr. Deputy Speaker, Sir, you can see the interest of the House in this Question. It is a very important Question.

Mr. Deputy Speaker: I can see the importance of it, but you cannot reach a resolution on it during Question Time.

Mr. Kombo: Mr. Deputy Speaker, Sir, then I think we should bring a Motion to the House in order to debate this issue.

Mr. Deputy Speaker: You will have to bring a Motion to the House. Because the Minister has not answered it satisfactorily, then you know what to do.

Mr. Kombo: Mr. Deputy Speaker, Sir, I will ask my last question. The Minister has talked of the COMESA

market and this is quite interesting. Within the COMESA region, perhaps only Sudan has got an excess capacity to export sugar. Zimbabwe, Malawi and Zambia do not have excess capacities to export sugar and if any sugar has come through those countries, then it came through transshipment which is a violation of the COMESA rules. Has the Minister done anything to check and report this violation to the House?

Mr. Obure: Mr. Deputy Speaker, Sir, we have statistics which show that between January and the end of March, 2001, the amount of sugar coming from COMESA countries, including Sudan, Egypt, Malawi, Zimbabwe and Zambia, is on a rapid increase. We are suspicious too and that is why we have officers right now in those countries trying to determine the origin of this sugar. We suspect that there is transshipment which would be contrary to the spirit of the COMESA arrangement. That is why we have sent these officers there. Far more important, we are also trying to establish the exact cost of sugar from those countries. This is because sugar from those countries is arriving in the country at a cost far lower than what we consider to be a proper cost of sugar per tonne. We are trying to investigate to determine whether there is not, in fact, under invoicing on the part of the importers. Once we establish that, we will be able to take an appropriate action. As I have said before, the long-term solution to our sugar problem lies in improving the efficiency of our sugar production methods and technology. This will be addressed in the Sugar Bill, which will be presented here and we will find a lasting solution to this problem.

Mr. Deputy Speaker: Next Question!

Mr. Kariuki: Mr. Deputy Speaker, Sir, although I have not received a written answer to my Question, I will ask it.

CONSTRUCTION OF MURANG'A MUNICIPAL SEWERAGE SYSTEM

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

(a) Is the Minister aware that despite many complaints relating to the newly constructed but defective Murang'a Municipality sewerage system, many people downstream have suffered from water-borne diseases and no efforts have been made to rectify the situation?

(b) Could he confirm whether the ultimate cost of this project claimed by Kirinyaga Construction Company Limited rose from Kshs60.5 million to an unjustifiable Kshs641 million?

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I wish to seek the indulgence of this House. It is not normally my practice, but I am ready with the answer to only part "a". With regard to part "b" of the Question, there was the Ministry of Water Development that was involved in the Murang'a Municipality sewerage project. I have sent out officers to research and give me the correct and precise answer to this part of the question. This will enable me to know why this contract sum was varied from Kshs60.5 million to a staggering Kshs641 million, if at all, it was varied. I will come to this House with an accurate answer that will satisfy the House on Thursday.

Mr. Kariuki: Mr. Deputy Speaker, Sir, with due respect to the request made by the Assistant Minister, it is important to be noted that people are dying downstream. Six months ago, I asked the same Question in this House and no action was taken. I do not see what the Assistant Minister is waiting for and why he is waiting for people to die in order for him to take action. This is what happened in Embu, where many people died after a water-borne disease outbreak. Does the Ministry have to wait for 100 people to die in order for it to respond to life-threatening situations?

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I have asked for the Chair's indulgence and I will answer this Question tomorrow. I hope that nobody will die between now and tomorrow.

Mr. Deputy Speaker: Mr. Kariuki, you have another Question which was deferred yesterday to tomorrow?

Mr. Kariuki: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: So, can we defer this Question to Tuesday, next week?

Mr. Kariuki: Yes, Mr. Deputy Speaker, Sir.

(Question deferred)

POINTS OF ORDER

INSECURITY ALONG KAPENGURIA-LOKICHOGIO HIGHWAY

Mr. Muturi: on a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement on the state of insecurity along the Kapenguria-Lokichogio Highway. On 10th April, 2001, ten passenger vehicles were ambushed by about six gunmen at Orwa in West Pokot District. One driver was killed and over Kshs0.5 million was stolen from passengers in those vehicles. On 12th April, 2001, in the same area, five passenger vehicles were attacked and a driver was killed. On 14th April, 2001, three policemen were killed at the same spot. This is a matter of concern, and I wish to seek a Ministerial Statement regarding the same.

Mr. Deputy Speaker: Office of the President, you have heard the hon. Member's request.

DISTRIBUTION OF 2.5 PER CENT OF
THE NATIONAL BUDGET

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Finance. The Minister for Finance last year gave an undertaking to this House during a freelance Motion moved by Eng. Muriuki. He stated that 2.5 per cent of the entire national Budget would be equally distributed to all the 210 Constituencies of this country for projects identified by hon. Members of Parliament.

Mr. Deputy Speaker, Sir, the Budget is about to be read in June this year, and we would like the Minister to give a Ministerial Statement, first, confirming whether the resolution of this House regarding the 2.5 per cent, which he undertook to implement, will be implemented in this year's Budget.

Secondly, he should specify in detail the institutional framework, the modalities and procedures which he has put in place for Members of Parliament to identify projects in their constituencies, which are going to be funded by the 2.5 per cent. That amounts to, at least, Kshs20 million for each constituency.

Mr. Deputy Speaker, Sir, Members of Parliament have said that they will reject this year's Budget if the 2.5 per cent is not allocated equally to all the constituencies in this country. So, we would like a Ministerial Statement on that.

Mr. Deputy Speaker: Order! I have just been informed that, in fact, Eng. Muriuki has put a Question to the Minister, which will be on the Order Paper of Tuesday, next week. So, the Minister should take that opportunity to explain the details that you have asked for.

MONEY TO REVIVE THE COTTON INDUSTRY

Dr. Ochuodho: Mr. Deputy Speaker, Sir, about two weeks ago, the hon. Minister for Agriculture, who is a very religious and honest person, undertook to bring a reply with regard to Kshs300 million allegedly given by the World Bank to revive the cotton industry. The money was for the purchase of seeds and fertilisers. To date, the answer has not been brought. The question of reviving the cotton industry keeps on recurring in this House. Could I beg the Chair to instruct the Minister to bring a clarification tomorrow, so that we can know if the Kshs5 million that was being talked about today was part of that amount, and where the remaining Kshs295 million is, for reviving the cotton industry?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, the information I got was that there was no such arrangement, but I have refused to accept that information because I know that the hon. Member for Rangwe cannot talk if he has no basis. Therefore, I have insisted that we exhaust all the available information so that I can come here with a more concrete response.

Mr. Deputy Speaker: When will that be?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I am hoping to do so on Tuesday.

Mr. Deputy Speaker: Thank you very much! Proceed, Dr. Kituyi!

SKIRMISHES AT KAKUMA REFUGEE CAMP

Dr. Kituyi: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister in charge of internal security, concerning the occurrences at the Kakuma Refugee Camp in Turkana. For a while, there has been tension building up in the refugee camp between refugees from different countries and different regions of the same countries. As you know, there was violence between the Dinka of Bor and their countrymen from Barre-el-Gazal yesterday, which caused some deaths and many injuries. I would like the Minister of State, Office of the President to explain what urgent security measures are being undertaken to deal with that emerging crisis.

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, I think that has to do with hon. Ngala's Ministry. This issue is concerning the refugees!

Mr. Deputy Speaker: Order! The hon. Member is not talking about the refugees *per se*. He is talking about the likely breach of security.

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, my colleague is not here.

Mr. Deputy Speaker: So, you will inform him?

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, I will notify him and he will give the information next week.

Mr. Deputy Speaker: Thank you very much!

Next Order!

MOTION

STRATEGIC PLAN FOR ENVIRONMENTAL REHABILITATION

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, considering the alarming rate of destruction of the natural resources, particularly forests which are on the verge of extinction; noting that the country is faced with imminent desertification, this House urges the Government to prepare a five-year strategic plan for forest rehabilitation, protection of rivers and dry land vegetation; and further, establish a task force to implement the strategic plan under the supervision of the National Environment Management Authority.

Mr. Deputy Speaker, Sir, while moving this Motion, I am quite aware that a lot of studies and research have been carried out. All that I am calling upon the Government to do is to carry out its obligation. It should act on the proposed studies and papers that have been prepared from the various research activities that have been carried out all over the country. I would like to be very brief on the importance of conservation of our natural resources, especially the forests and rivers.

Our forests are the only water catchment areas. Noting that our forests trap, store and even release and regulate rain water flow downstream, the only way to save our nation is to make sure that our water granaries are catered for.

(Loud consultations)

Mr. Deputy Speaker, Sir, there is a lot of noise here! I cannot even concentrate on what I am saying!

Last year, we faced a national crisis, whereby we had shortage of electricity. The question was: Why were we faced with that kind of national crisis? The reason was that we did not have enough flow of water. Noting that 70 per cent of our hydro-electric power is generated through water, the question that the Government could have been faced with is: Why did we experience the electricity problem? We spent billions in order to make sure that our industries were running and that we had electricity in our homes. By the end of the day, we were only saved by the short rains. We could not be able to control the problem.

Mr. Deputy Speaker, Sir, my question is: How much could we have used in conservation of our forests? We used billions of shillings to buy generators to take care of the power shortage. Our agricultural lands were faced with a water shortage downstream. The fish industry declined because of the fluctuation of water in our rivers. That made the country have a crop failure because we had nothing to produce. In the months of July and August last year, we had already called for Kshs10 billion to buy relief food. All that money was spent because we did not have enough rains. We could not be able to improve our agricultural sector. All we are saying is that in a country like Kenya, which is agricultural oriented, we have to get enough flow of water so that we can be able to irrigate our farms. All those billions were wasted and there is nothing we can show for it. The people are still being fed and the forests are lying idle.

Mr. Deputy Speaker, Sir, our timber industry is not performing well. We are importing timber instead of exporting. Those are the only domestic raw materials that are available in our country. However, by this time, the Government knows that through the golden handshake lump sum, all the workers went home. Last year, the rest of the workers were retrenched. Today, we have no people to work in our forests. They have all gone home. In most of our forests, you will find the forester, his assistant and the Kenya Wildlife Service security men, but we have no workers in our forests. As a result, in Mt. Kenya region alone, with 200,000 hectares of land, 50,000 hectares are lying idle. I would like to be challenged on that. There is nobody to plant trees there. Even if there was somebody to plant those

trees, I am assuring you that there are no nurseries for the preparation of seedlings. So, even if you employ them today, they will have nothing to plant.

Mr. Deputy Speaker, Sir, I can tell you today that the Government still continues to harvest trees in the forests, but it is doing nothing to replace them. We sympathise with the Government and this time round, it is not a matter of challenging the Government. It is for us to wake up and know how we shall save the forests. Already, there are no nurseries. All the hand pumps and machines that were used to pump water from the rivers to the nurseries were stolen, and others are out of order. That means that even if we want to rehabilitate the forests today, we will have to buy the pumps to pump water to the nurseries and then, get the people to come in and plant the seedlings from the nurseries. So, if we are serious about rehabilitating our forests, we have to take these issues seriously. Those workers who are employed on a daily basis are never paid. The Minister is not reserving any money to curb the deforestation that is going on today.

Mr. Deputy Speaker, Sir, we have forests that contain medicinal plants, but indigenous trees are being cut down. Molo Forest attests to the fact that our forests are on the verge of extinction. Eighty per cent of Molo Forest is indigenous. However, the entire forest land has been given out. This means that there is no longer a forest in that area. All those forests, including those in Marsabit, are completely wiped out, and nobody even talks about rehabilitating them. Now we are destroying our sources of materials for craft work such as basketry; we have depleted our firewood resources, and we can no longer gather honey from those forests.

As far as biodiversity conservation is concerned, we have reduced the survival chances of plants and animals. Also, this country's climatic pattern has changed. In the last 20 years, we have only been harvesting our forests. We have not even been adhering to agro-forestation rules. In the mid-1980s, the President was clear on the issue of afforestation. We started controlling soil erosion. Through the "cut one, plant two" principle, we planted very many trees. But all that effort has now gone to waste.

Instead of planting trees, some people have come up with strategies to even deplete our forests more. They have cleared whole forests in the guise of developing the so-called "Nyayo tea zones". They now descend on forests with power saws and fell every tree without planting even a single seedling. Instead of cutting one and planting two trees, they now cut and harvest wood from 100 trees and plant only one tree. What are we doing to this country's forests?

Existing policies are not only being ignored, but nobody cares about what will happen in the next 20 years. Desertification resulting from forest encroachment is now catching up with us. We do not have any other home apart from this country. We cannot behave as if our children will never live in this country after our death. We have to come out clearly and take issues seriously. This time round, the issue is the survival of the nation and its people.

Mr. Deputy Speaker, Sir, tourism has been this country's biggest foreign exchange earner, but we have already adversely affected all our important tourist attraction sites. For example, due to siltation, Lake Nakuru is now dry. That is one tourist attraction that is being threatened with extinction. If this trend is not controlled, we will end up having no tourist sites.

I was born and brought up around Mount Kenya Forest. These days we stay for up to three months without seeing snow on Mount Kenya. Dr. Murungaru will confirm that the peak of Mount Kenya used to be covered by snow throughout the year. Today, you can see Batian clearly; there is no longer snow on it, and the Government is not considering these facts. Why is this happening? Why has the rain pattern changed?

For the last three years, we did not experience any rain in Laikipia. We now rely on relief food supplies. We now beg for food despite the fact that we can rehabilitate our forests, get enough rain and manage our water catchment areas. We can feed ourselves if the leadership of this nation can be serious to, especially, safeguard the natural resources that can give the country enough backing. Forests, for instance, can back our agricultural sector.

Mr. Deputy Speaker, Sir, this country has conflicting national policies. The Head of State has on several occasions condemned the destruction of forests. Also, the Minister in charge of forests warned recently that nobody should be seen in forests. However, these things happen daily. Nobody is seriously implementing the Government policies in existence. We have contravened our obligations as spelt out in international conventions. This country is a signatory to several environmental conventions. Examples of these are the Convention on Biological Diversity 1994, the Convention on Climatic Changes, the Convention on Wetlands, the United Nations Framework on Combatting Desertification, the Protocol on the Protection of World Fauna and Flora in the Eastern Africa Region 1985, and Agenda Twenty-One on Sustainable Development, among others. All these conventions have been treated as waste paper and thrown into waste paper baskets.

What we are telling this Government is that it should be serious on whatever it is doing. Recent Government actions are negating the spirit of the conventions it has signed on behalf of Kenyans. We have mandated the Government to, on behalf of Kenyans, ratify local, regional and global conventions. We thank the Government for doing that. We know that the Government has committed itself to sustainable development. But what is the

Government doing to ensure that it does not go against the conventions it has ratified?

Recently, the Minister for Environment, who is supposed to issue directives aimed at enhancing the protection of forests, and who should have asked for the funding of workshops to educate people on the need to preserve our forests, came out in the open against the very fundamentals of his Ministry. Kenyans are now censoring the Minister for coming up with a plan that will lead to the extinction of this country's forests if implemented. The Government now wants to excise parts of this country's forests, whose existence is already threatened. One hundred-and-sixty-seven thousand acres of land are being excised for settlement when we are faced with this problem. It is shameful that this decision was made immediately---

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): On a point of order, Mr. Deputy Speaker, Sir. The Minister clearly stated that he was only legalising the occupation by the squatters who are already living in the affected areas. Is the hon. Member not misleading the House by saying that the Minister is excising forests when we know that some people are already living in those forests?

Mr. Deputy Speaker: Order! Order! The process of excision is entirely different from the process of squatting.

Mr. Kiunjuri: Thank you for your protection, Mr. Deputy Speaker, Sir. The Assistant Minister is not aware of that fact. You know, Ministers are fond of being sycophants. The Assistant Minister only wants to go on record that he was defending the Government.

Mr. Deputy Speaker: Order! Order! The Assistant Minister does not look like a forest to me. So, stick to the Motion.

(Laughter)

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the Minister should have come out clearly to show us the importance of conserving forests, having in mind the difficult experiences this country had last year. He should have sorted out himself, knowing that this country now spends Kshs10 billion per year on relief food supplies because we do not get enough rainfall, leading to massive crop failure. He could have gone for the real cause of the problem. This Government is used to "curing"; it does not know that prevention is better than cure. Instead of "curing", we should prevent. The Government only comes to give you "medicine" when you are in the "intensive care unit" and dying.

Nobody can cheat us that this country can sustain itself in food production. The Government knows that, but it is doing nothing about it. It is pathetic that we still continue begging for food and talking about problems concerning our rivers. For example, all the seven rivers flowing into Laikipia District dry up between November of one year and February of the next year. We have never seen this before. I was born and brought up in that area. Not even in a single year did those rivers ever dry up in the past. Recently, in the company of the Minister for Water Development and the Speaker of this House, we toured Mount Kenya region and saw for ourselves the causes of the drying up of our rivers. When we came back to this House, the answer the Minister gave was that the rivers are dry because it is an act of God. We are blaming God because there is drought. His Excellency the President is on record as having said that it is the will of God for drought to be there. We should not blame God for every problem while we are not taking care of our forests. It is a very pathetic situation. As a result, we have two major problems facing us. One, is that we have a water shortage. I would like to emphasise this because in Laikipia District, we have no water. We cannot do irrigation because the rivers are dry and as a result, wars could erupt. People downstream are coming upstream for water. It is their right because they also require water to drink and to do irrigation as much as the other people upstream.

The second point is on the human-wildlife conflicts. Already, wild animals have nowhere to live. Human beings have already entered their dwelling places. There are no forests and so, they are coming downstream. Those animals that were in our game reserves are coming out in search of water, and they are terrorising our people. Today, I am assuring you that in my constituency, in Tegethi location, Matanya, Thome and Male, those people will not harvest anything. By 5.00 p.m. elephants are already roaming the villages. Children cannot go to school in the morning because as early as 8.00 a.m. to 9.00 a.m. the elephants are still roaming there comfortably. I have even informed the KWS personnel. In November last year, one zebra was killed and the whole village was in a quagmire. Those people were subjugated mercilessly by the KWS officers because of the death of one zebra. I am assuring you that the Matanya people have been toiling on thousands of hectares of land, after having experienced drought for three years, but this year, they will not harvest anything. Elephants are roaming there day in day out. The reason is that those elephants cannot be blamed because they have nowhere else to go.

The Government is irresponsible because they first value lives of animals before human beings. Already, the rivers have silted and dried up so that you cannot even tell whether there used to be rivers or not. There is increased drought all over the country and this Government is doing nothing to rehabilitate our national resources.

Mr. Deputy Speaker, Sir, we are using unique flora and fauna. All the indigenous trees have already been

destroyed. Medical plants with potential for genetic resources have been destroyed. I would like to appeal to the Government to implement the policy papers. They should remove the papers from their bedrooms and work on them. This is a Government that cannot listen to people's pleas. We have been complaining day in day out, but nothing is implemented. The Government should see the light. There is soil erosion taking place in the country and a reduction in downstream flows and the micro-climatic conditions have really changed. There is low humidity.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, in Laikipia we have started a non-governmental organization where we are planting trees. We already have a nursery with 200,000 seedlings. We shall have a constituency tree planting day on 27th of this month. It will serve as an example to all the other areas. I am challenging every hon. Member of this House to also take that cue. But the buck stops with the Government, whether they will take this issue seriously. It is now or never if we are to save this nation.

With those few remarks, I beg to move the Motion and call upon Dr. Kituyi to second the Motion.

Dr. Kituyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir. One of my earliest memories I have of President Daniel Toroitich arap Moi as he became President, is the picture of him carrying a huge stone, standing in a desolate place in Machakos, leading Members of Parliament in the construction of a gabion as part of raising public consciousness about environmental responsibility; reversing the destruction of our ecosystem and our terrain. In those days, some of us were celebrating the arrival of a Kalenjin leader. Here we had an energetic, very athletic President, who, by his own example, was going to lead the way in pulping environmental degradation. What we did not know is that there was another indigenous vice that was not coming out properly; a pastoral vice. It was a vice where you have a very nomadic sense of natural resources or a vice where, what you see, you can use it without thinking about how to resuscitate, produce and maintain it.

Mr. Temporary Deputy Speaker, Sir, 20 years later, that vice is more characteristic of the Moi Government than the gabions and the environmental wars of the late 1970s. We live in a country which has the privilege to be the world headquarters of the most important international agency for environmental conservation, UNEP. That, by itself, means that we have the largest concentration of environmental scientists anywhere in the world within our territory. If only osmosis was possible; that this concentration would sometimes percolate into the heads of those who are responsible for the management of public policy, we would never hear a Minister for Environment talking like a Minister for Lands and Settlement. But, alas, what do we see? We see a situation where, in the occasion of the first important environmental Motion in this House, since the criminal gazettement of a notice to excise some public forest, the relevant Minister does not find it in his interest or responsibility to be in this House to hear what hon. Members have to say about this reckless conduct.

Mr. Temporary Deputy Speaker, Sir, the world has been outraged at how scientific information is kept so totally isolated from public policy in this country. We live in a country where we can destroy the basis of our biological survival; where we can destroy the basis of our heritage. When we see the consequences of our behaviour, we act as if it is an act of nature. When we destroy forests, we see that we are harvesting timber and we are creating settlement areas. When floods ensue, we go to churches and ask God to intervene on behalf of our country.

Mr. Temporary Deputy Speaker, Sir, we act with juvenile behaviour. We refuse to listen to reason about the relationship between our action and the consequence of our action. For example, look at the current effort to degazette forests in this country. First, we have a Minister who, for mistakes partly not totally of his own making, cannot look at you with a straight face and say things that you can believe. You just know that he does not even know what he is talking about most of the time. Secondly, a Minister responsible for environmental conservation can never argue as if he is the Minister for Lands and Settlement because he is supposed to protect forests from settlement. It is the province of a totally different Minister to talk about wanting to do something for squatters. But when we have a Minister whose responsibility is to protect biological diversity, protect, nurture and expand forests, and he stands here and speaks as if his responsibility is to seek settlement for people who do not have land, then you have a crisis. As in many other things, it is a crisis of governance. A crisis of which person should manage what. Do our Ministers even know their portfolio? Look at the list of degazettement. First of all we have to be fair.

There are some areas where, for historical reasons, people had already settled and we cannot begrudge Government on this. It has been going on for a long time. It is politically impossible to remove people from those areas. They constitute very small portions of the forest. This is partly the case in some parts of Mt. Elgon Forest, Eastern Mau Forest and Mt. Kenya. There is a difference between legitimatising what, *de facto*, cannot be reversed,

like those settlements, and using the case of squatters as an excuse to start sneaking in degazetted areas that have nothing to do with old human settlement. For example, there is a small forest in an area called Milimani, between Nakuru Town and Menengai Crater. It is a scrubland forest, not settled. It is sad that it has been put up for degazettement. But unlike other forests in the gazette notice, there is no single mention of why it is being degazetted. There is not even pretence of settling squatters. To me, this represents part of the problem and also part of the thinking. It is part of the problem, particularly if you look at what happens in Nakuru Town today. Every time there is a flash flood, there is massive silting and clogging of the road near State House, below the railway bridge, entering Nakuru Town. The destruction of the scrubland forest between Nakuru Town and Menengai Crater is very ecologically sensitive, because scrub forests take much longer to resuscitate since they represent much more biodiversity than most other indigenous forests. Because of the huge and expanding human population of Nakuru Town, the destruction of such a delicate ecosystem has a direct consequence on the silting and flooding of the roads in Nakuru Town. Rapid siltation is already under way in Lake Nakuru. If you ask the Government what has been done about that, you will see a smiling Minister telling us to think about squatters. That is a Minister in a country which is the domicile of UNEP.

Mr. Temporary Deputy Speaker, Sir, look at another case; the south-western Mau Forest which is the highest and most important catchment area for Sondu River. The degazettement of that forest and further degazettement of West Mau Forest will have a direct impact on siltation and water supply regularity of Sondu River and the rapid siltation of Sondu Miriu Hydro-electric Power Station.

Mr. Temporary Deputy Speaker, Sir, but even more importantly, you have noticed, over the past five years, the new phenomenon of frost bite in tea plantations in Nandi and Kericho districts. The micro-economic regulative power of forests is most important to keep away frost in tea plantations. A direct consequence of the destruction of the Nandi Forest and the Mau South West Forest will be the increased recurrence of frosts in tea plantations, and the destruction of the livelihoods of many peasant Kipsigis and Nandis. Is the Minister for Environment thinking about this, or he just sees land to be used for political abuse? Is this Government thinking of scorched-earth retreat, or it is thinking about posterity?

(Applause)

Mr. Temporary Deputy Speaker, Sir, when a leadership has been given the privilege of governance, it is supposed to bring back with profit what we gave them. Apart from telling us that there are more people and more schools today, they should be able to tell us that they did good to reverse the desertification of our country; that they did good to expand indigenous forests which had been in reversal; that they did good to ensure steady supply of timber, which is a critical fuel in peasants' holdings and an important construction material in the country. But what do we see? We see official plunder through degazettement, and unofficial plunder through looking the other way while the well-connected rape and destroy our forests.

Mr. Temporary Deputy Speaker, Sir, the crisis of Mt. Elgon Forest, which is now translating into seasonality of usually perennial rivers, is not a crisis of resettlement and degazettement. It is a crisis of the plunder of trees that are 100 years old through "correct-connection". This is a plunder that will cause desertification by the rather strange long-term harvesting of Elgon Teak by the Rai Ply Company of Eldoret, when no other company in this country has ever been allowed to harvest Elgon Teak in Mt. Elgon. Two-thirds of the most important longest surviving teak has now been raped before the eyes of Government.

Mr. Temporary Deputy Speaker, Sir, this Motion here does not even seek to punish this Government. It is asking it to act more responsibly than it has done before. It is not a Motion that they should have any excuse to oppose.

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

(Question proposed)

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to this important Motion before the House. I stand to support this Motion because we, as Kenyans, cannot afford to have our forests destroyed. The destruction of our forests and other environmental areas will undermine the survival of this nation. We have very important rivers in Thika District flowing downwards to the Indian Ocean. These rivers are: Chania, Thika, Ruiru and Ndarugu, among others. Their source is in Kinale, Kimakia and Kamae forests. As we are speaking here today, those forests are in danger because, despite a Government ban on illegal logging in all forests in the country, nothing has happened on the ground. I think the directives of this Government fall on deaf ears. Either we have a Government whose officers obey its directives, or we do not have a Government at all.

I do not see why we should have a Government whose officers defy circulars and notices. So, either the Government is serious about the conservation of forests or not. Right now, there is a conflict which has been brought by those conflicting Government directives between the leaders and squatters living in these forests. If there is a squatter who has lived in the forest and the Government now comes up and says that it wants to give him that land to be settled there in order to make it his property, and then a leader or a politician goes to the same fellow and opposes that directive, then that is bringing a lot of confusion.

Mr. Temporary Deputy Speaker, Sir, everybody knows that the land issue is my pet subject and there is no way we are going to allow our forests to be destroyed in the guise of settling landless people. We want both. The landless people are our people and the forests are our property. I have said more than ten times that there is a lot of land in this country which is lying idle. I thank hon. Nassir because he is one of my supporters in that all idle land should be put to use to avoid destruction of forests.

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

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

There is also a lot of land today which is still owned by foreigners and suffice it for me to say that Kenya is the only country in this world where land is given to foreigners on a freehold basis. Go to any other country as a foreigner and if you want land to carry out something, it is only going to be leased to you either for ten, 20 or whatever years you want. Kenya is the only reckless country that does not care about its own most important resource called land. So, we must wake up and repossess all the land that is owned by foreigners in this country and settle the landless people. We are not going to allow the Government to excise our forests in the guise of settling the squatters when we know that there is land that we can repossess from Whites who refused to leave this country at Independence and are still claiming that, that land is theirs on a freehold basis.

Mr. Temporary Deputy Speaker, Sir, that is why the hon. Dennis Akumu and myself are forming a commission called "The Kenya Land Claims Commission" like the one in South Africa. This commission will go round this country and establish all land that is lying idle and owned by foreigners. We will have that catalogue of all those pieces of land. This is so that we can have a basis of arguments that this land is lying idle; it belongs to the White man and we must claim it back to settle our own people. Currently, the available arable land in this country is already overcrowded by population explosion. Our country can no longer carry the population. That is why you find people moving towards the forests to try and settle there because the available land cannot handle the exploding population.

Mr. Temporary Deputy Speaker, Sir, the Whites laugh at us and that is why I support Robert Mugabe in Zimbabwe. He has woken up even after 20 years of Independence and said: "My people must be settled in the land that is God-given to us." We are telling President Moi and his Government here to wake up and declare that all the land that is in this country belongs to Kenyans by right from God. There is a girl from Germany called Kuki Gallman who owns 98,000 acres of land alone. She is not even a woman but a girl! Just because she is a White girl, this Government finds it prudent to protect her when the Pokots, Samburus and Tugens go to graze their cattle there. It is a very big shame when those people go to graze their cattle on her land and then she sues them in a court of law.

The Government must wake up, and we must tell it that it either does what it ought to do as a Government and if it does not, then we are going to take action. We are giving notice very soon of our intentions because we have a double problem. We have a population explosion and our forests are at stake. So, the Government must come up with a policy and that is what the hon. Member is talking about; that is creating a task force to implement even what the Government itself sees as a need to carry out.

Mr. Temporary Deputy Speaker, Sir, it is a great pity that if you looked at the squatters, you will find that they are poor and they are the ones who fought for the Independence of this country. When they were busy in the same forests, hiding there to fight the Whiteman, all the good land that they had left behind was all taken by the chiefs, their sons and everybody else. When the Independence war ended and they came out of the forests, they found there was no land. So, these fellows just went back to where they had been accustomed to live and fend for themselves. The people who are living in these forests are Mau Mau freedom fighters, together with their sons and daughters. Instead of the Government giving them land elsewhere, it wants to excise those forests at the expense of the whole country and pretend that they are settling these people there.

Mr. Temporary Deputy Speaker, Sir, it was a great pity that immediately after Independence, there was some fighting, even within the Kenyatta Cabinet, where some members wanted the Mzungu to relinquish the land that he had sat on, while others wanted that land to remain with him. What was the point of attaining Independence if the

fighters were fighting for both the land and Independence? We only attained Independence by the Black man ruling but the issue of land, which was why these people had gone to the forests, was never addressed at all. That is why we even we have a problem in the current Constitution, which was negotiated and drafted in Lancaster House in London. That Constitution never talked about the land issue. When the document finally came to Kenya and was handed over to the Government, it was not talking about land. That is why there is that disparity. That is why we are saying that even the current Constitution that is being written and talked about by Prof. Ghai and his Commissioners, whether they go to State House and "eat ugali" or what; if they are not going to address the issue of land, landlessness, settling the landless people in the idle land and also repossessing the land owned by foreigners, it will be a useless document again and we are going to slap the faces of those Commissioners with that document.

The issue of land is very important and it must be addressed now in the current Constitution. Our people must own their land. We do not want to see Whitemen walking in Nairobi and driving big cars and owning hundreds of thousands of acres.

With those few remarks, I beg to support.

Mr. Wamae: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity.

*(Messrs. Choge and Mwakalu
stood up in their places)*

The Temporary Deputy Speaker (Mr. Poghishio): Order, all of you! I have something to say first, before you come in.

Hon. Members: Relating to the Motion?

The Temporary Deputy Speaker (Mr. Poghishio): Yes, and already three people have spoken from this side in a row. So, naturally, it will not be fair to have another Member from the same side.

Mr. Wamae: But I caught your eye first!

The Temporary Deputy Speaker (Mr. Poghishio): You will still get your chance when your turn comes. Mr. Choge!

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. arap Choge): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

A lot has been said by hon. Members from the opposite side of the House and they have raised very important points. When we talk about agriculture, we must talk about rain and water. In the absence of rain, we cannot get food because we need rain to grow our crops in this country. But forests have been destroyed and yet we know that forests help the wind to move faster. When you look at the world weather map, you can see how the wind blows from Europe, through Africa to South Africa and so on. Those winds are either dry or wet. We normally get wet winds when we have forests around us.

Mr. Temporary Deputy Speaker, Sir, the destruction of our forests in this country is very alarming. The excision of forests will never solve land problems in this country. We must learn how to live, with the forests instead of cutting them down in order to live, otherwise, we are creating another Sahara Desert. We are fuelling the expansion of Sahara Desert which is moving so many miles every year towards the south. Very soon, we will have "Pokot" and "Sudan" climates in Kenya because the desert climate is moving very rapidly southwards because of the destruction of forests. The only area where I think an excision of forests would take place is where there is an exchange of land. If human beings are living in a very rocky area or on land that cannot be tilled, or where it is impossible to construct roads, they can easily exchange that part of the forest with their barren land so that they can be given good land in the forest because human beings and trees are quite different.

Mr. Temporary Deputy Speaker, Sir, a lot of forests have been destroyed especially along River Nzoia and along the Cherangany Hills. Sooner than later, you will have River Nzoia drying up. There is also a lot of destruction of forests along River Yala in Nandi District. People ploughed and destroyed seven kilometres of forests in South Nandi and people are busy digging in the forests to harvest trees. Forest officers are the ones who are harvesting trees and crops and the Government never gets anything. Indeed, civil servants are actually responsible for all this. It is neither the politicians nor the Ministers in those areas who harvest or get anything from the forests. The destruction of the forests should actually be blamed squarely on civil servants in this country. The Government is getting blamed every now and again because of bribery, corruption and so on. I am standing here as an Assistant Minister to state that I have not been corrupt, but I am being blamed now because of somebody else who made a mistake. When a forest officer allows a forest to be burnt so that he can lend that land to some people to plough and plant crops and then charge them some fee, it is a serious matter because the Government does not get that money. It is only the forest officer who knows about that.

Mr. Temporary Deputy Speaker, Sir, the Government continues to get the blame for no good reason at all. So, we have River Yala, which is eventually going to dry up, although right now we are thinking of getting electricity from Rivers Yala and Nzoia in the future. The Pokot and Marakwet people have not been planting crops or anything because they never got any settlement schemes. The Cherangany and Pokot Hills are potential areas because they have very good and fertile land. However, people are moving into those forests and destroying them. If they continue doing so, very soon River Nzoia will dry up and our hopes of getting electricity from those two big rivers in Western Kenya in the future will completely fade away.

Mr. Temporary Deputy Speaker, Sir, the Ministry must hold forest officers responsible for the destruction of forests. They should explain why forests have been burnt and people allowed to go into those forests. They should also say why fees which are charged in those forests never reach the Government. These people, who are also thieves, steal timber in the forests. Indeed, the timber never reaches the Ministry. They have banned saw mills in the forest, but still a lot of trees are being cut down and timber is being stolen from the forests. Therefore, the Government is not getting any revenue.

With regard to water, it is actually the officers from the Ministries of Water Development and Lands and Settlement who are employed to do this job. For instance, if you grow up in Kapsengere Village, attend primary school in the same place, then join Kapsengere Secondary School, and thereafter join Nairobi University; when you graduate from university and get employed in the Ministry Natural Resources, you will be very raw. Indeed, you will not know anything about water, although you must have learnt about it in school. You should be able to know that a river should form the boundary of two converging pieces of land. So, the boundary should be right in the middle of two converging pieces of land. Now, people are diverting and destroying streams. These civil servants, and even Ministers, see these things happening and yet the blue gum trees are not being planted and the water catchment areas are being destroyed. I am saying this because I get very much annoyed to see these things happening the way they are happening. Indeed, I am sure even the Chair sees them happening.

Blue gum trees are not being planted although streams are being destroyed as if we will die tomorrow! This is a very serious thing to happen in our country. If you go to Kikuyu, Maragoli and parts of Nandi, you will see that the streams have dried completely. During colonial times, we used to say: "All right, so many metres from the centre of the stream, the river or the swamp should be a water catchment area." But now, the people who are in the rural areas are buying water from those streams although they used to get free water. This is because of the mistakes that have been made by the surveyors who do not follow the saying; "the centre of the stream shall be the boundary of the two people whose land meets at the river." The person who has a house right up on top of the hill and comes down to water his animals has got to pay a fee to be allowed to water his animals because that stream is already in somebody's land. That fellow has got no free access to water as we and our fathers used to have before.

Mr. Temporary Deputy Speaker, Sir, hon. Ndicho has mentioned something about free land or idle land. There is no idle land in this country. Even in Maasailand, the owners of the land are there and are grazing their animals. Even the Kalenjins are doing the same.

With those few remarks, I beg to support the Motion.

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the words "prepare the five-year strategic plan" appearing in the third and fourth lines and inserting in place thereof the words "to finalise the master plan"; by deleting all the words immediately after the word "vegetation" appearing in the fifth line and inserting in place thereof the words "and that the National Environment Management Authority supervises the rehabilitation of the forests in accordance with the National Environmental Management Co-ordination Act".

The Motion should, therefore, read as follows:

"THAT, considering the alarming rate of destruction of the natural resources, particularly forests which are on the verge of extinction; noting that the country is faced with imminent desertification, this House urges the Government to finalise the master plan for forest rehabilitation, protection of rivers and dry land vegetation; and that the National Environment Management Authority supervises the rehabilitation of the forests in accordance with the National Environment Management and Co-ordination Act.

Mr. Temporary Deputy Speaker, Sir, I beg to move.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I do stand here to second the amendment. Before I go very far, let me say that the amendments which have been proposed by the Assistant Minister for Environment and Natural Resources do not in any way change the spirit of the Motion. If anything, the amendments have only been brought in merely to correct certain errors which may be in this Motion. Essentially, what the Assistant Minister has stated here is that instead of the five-year strategic plan for forest rehabilitation, which is

contained in the body of the main Motion, he would like that to be replaced with a "master plan". The reason why that is being brought in is because the Government is already in the preparation of a master plan. I would like to inform this House that, that preparation is almost finalised. I am sure that hon. Members will appreciate that there will be no need now to actually set aside a master plan when it is almost finalised, and embark on another thing. In fact, I would like to say that the issue is that of semantics. Because the master plan is being prepared, I would like to urge the House to accept that "the five-year strategic plan" be replaced with a "master plan" and, therefore, finalise it as quickly as possible.

Mr. Temporary Deputy Speaker, Sir, the next aspect is that, indeed, the National Environment Management Authority is contained in an Act of Parliament. We debated the Bill dealing with conservation, rehabilitation and management and passed it. So, essentially, what is actually being brought in the new Motion is that the essence of the Motion remains the same, but instead of the five-year strategic plan, we have replaced it with a master plan which is almost complete, to ensure that the Act of this House can continue to be effected as provided. Basically, that is the thing. Otherwise, there is no disagreement between the Mover of this Motion and the Government. This Motion is absolutely important, not only to protect the remaining forests from being destroyed, but also--- I think that, that is one thing that we cannot argue about. Neither, for that matter, is there any argument over the fact that we need to rehabilitate the forests. We need a major afforestation programme, and that is what the plan will contain.

There is no doubt at all that in this country, as it is in many other countries, we have to do everything possible to protect every tree we have. Whatever remains of the forests, we have to do so. We do so for a number of good reasons. First, we know very well that by conserving our forests, we can retain the water. I would like to say that we preserve water by conserving the forests. Secondly, we know that if all the forests are destroyed in this country, we are likely to experience drought. We do not want to do that.

If anything, I wish there could be a clarion call in the form of a slogan all over the country that we must preserve our forests, all our trees and water catchment areas. This task cannot be done by the Government alone. I think all of us must work together in the preservation of the environment. While we are talking about forests, the subject of environment is fairly wide, but there are many other environmental assets that we also need to be casting our eyes upon. One of them is the general environment. If you go into the City of Nairobi, and this is also happening in many trading centres, the first thing that you will see is filth. You will see mountains and mountains of rubbish or refuse which are not being collected. You will also see dirty streets. You will also see that where trees and flowers were planted, for example, in the City of Nairobi, they are no more.

This is a beautiful City. The beautiful City of Nairobi could very well be preserved if, indeed, the rubbish is collected and the gardens are properly looked after. I wonder how the Nairobi City Council (NCC) and the local authorities in our trading centres do not see the need to clean the streets. Have we, therefore, as Africans, come to accept that dirt is part of us? How come that if you go to other countries out of Africa, the first thing you see are clean cities, streets, gardens well attended to, and yet, every morning, when I come to my office, by the University Way, I normally see many men and women with slashers cutting the grass; when I go back to my house for lunch, I do not see those people, but they are always there the next morning? Some supervision is required, but fundamentally I do believe that we also need a change of attitude in this country. This is not an issue between the Opposition and the Government. All of us should develop an attitude of maintaining a clean environment. That is very important. We also need to develop the attitude of rejecting dirt. We must demand that our City and trading centres must be clean. We should demand that those who have been elected to local authorities must clear these streets. I do not think it will cost that much money.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been following the Vice-President's presentation very closely and I do appreciate a lot of points that he is making. Is it really in order for the Vice-President, who has been in the Government for over ten years, to criticise the Government policy of allowing garbage to pile up in cities and give the responsibility to the attitude of the people? The Government should have taken the initiative to ensure that local authorities are run properly. Is it a question of attitude or it is the Government's responsibility?

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, that is the kind of attitude I am saying that we must move away from. The hon. Member knows very well that the Government does not run the local authorities. The local authorities run by themselves. The Government does not run the City Council of Nairobi. We have elected councillors and they come from different political parties.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghiso): It had better be a point of order.

Prof. Anyang'-Nyong'o: Is it really in order to say that the Government does not run local authorities when the Minister for Local Government appoints the Town Clerk who is the chief executive officer of a local authority?

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I do not want to educate my very

good friend, however educated he is, about the Local Government Act. He knows clearly what it stipulates. He knows exactly that the council consists of elected and nominated councillors who actually direct the policy and supervise the implementation. Much more important, we need a change of attitude even among the hon. Members. Let us agree that we want clean cities, trading centres and, much more important, a clean environment. We have to educate our own people right from the time they are in school that even throwing rubbish in the streets is wrong.

We have a scenario which I have seen among many people. You will find some people walking along the streets. They will then go along the side of the street and they are not even ashamed of peeing. It is a terrible sight! This is an attitude that we must reject. It can only be rejected through education. This is not just with regard to rubbish and other problems of the environment, but it also concerns controlling what is emitted by our own industrial factories. For example, I have seen a lot of rubbish and chemicals discharged into the Athi River. In the long term, you would not know what kind of effect this will have on the health of the people. All these habits should be discouraged. Those officers who have been given the duty to enforce environmental laws should do their job. As a House, let us talk to our people to ensure that we preserve the environment. It is important for us to ensure that there is clean air, and we should change our attitudes.

I want to second this amendment because all it does is to smoothen out the "rough corners" in this Motion.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

Mr. Wamae: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. There is not much difference between the amended Motion and the original Motion except to say that a master plan be finalised. I intend to support the amendment as proposed.

Mr. Temporary Deputy Speaker, Sir, we all know what damage has been done to our forests, the environment and rivers. It is the future generations which will pay the consequences for this at very high costs. I hope that this master plan will include the following: The indigenous forests must be protected and must not be touched. They must be preserved. Secondly, we must have a forest area with exotic trees like pine and cyprus as we have always had in the past. This is the area where we will have a controlled and regulated forest which will be exploited for timber. However, the trees will be regularly replenished through re-afforestation to ensure that there is always a forest in existence.

The problem has arisen in that for nearly 20 years the plantations were being exploited, but there was no planting taking place. This is because the Government did not have the funds to employ the workers in the forests, and there were no seedlings being produced. Thirdly, the people who were being called "squatters" in the forest and who were controlling the shamba system were removed from the forests in 1989. In the case of my area, they were removed in 1989 and thrown by the roadside and some of them are still there. The Government must remove them from the roadside and give them a place to live on. This must not necessarily be within the forest, but the Government must give them land to live. They are only about 500 families. If they are given two acres of land each, this will add up to 1,000 acres. We are not talking about all these large pieces of land being claimed by the Government as going to the people who are squatting on the roadside. That number does not add up.

The third aspect of forest control is that we should encourage every person with land to have a section with woodland. Let us say about 5 per cent of every land in Kenya should be made a small forest so that, that family has a source of firewood and trees which can also purify the area. In the end, we will have more land under forests than the 2 per cent we already have by encouraging planting of trees in the rural areas. Every farmer must have a section with forest.

Thirdly, we must stop this greed for land. I do not agree that 167,000 acres are occupied by people and the Minister for Environment is only regularizing that settlement. That is not correct. There are new pieces of land which are being proposed to be excised and settled. This is why there is so much conflict among the people because the Minister for Environment is not honest when excising land. We do not agree that there are 167,000 acres already occupied. Some of this land is new. It is forest land that the Ministry wants to excise, but they are not coming out clean. We must stop this programme until they become transparent. Could the Ministry of Environment and Natural Resources and the Ministry of Lands and Settlement produce a list of those people who are said to be settled on this land?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order! Order! We are not giving the hon. Member a chance to contribute. Please, let us consult in very low tones so that we can follow what he is saying.

Proceed!

Mr. Wamae: Thank you, Mr. Temporary Deputy Speaker, Sir. We would like that list to be produced so that the question of doubt and suspicion can be removed. If they are excising new land, they should stop it. No land should be excised until people in the neighbouring areas have been consulted. There should be no secrecy in excision of forest land. It is our natural resource and the people in the neighbourhood of those forests should be consulted. In the case of my area, I do not want Hombe Forest to be excised without consulting and giving us the list of all those people who will benefit. These are very important matters because the people who will suffer more from the frost when we cut the forest are the ones neighbouring the forest. What has happened in Nandi where tea has been affected by frost? It will happen in a big scale if we continue cutting down our forests. We will lose tea exports and this country will be poor. Why do we want to make our country poor just to benefit a few individuals to own land in the forest area? Why can we not be more interested with the preservation of what we have and protect our tea and coffee?

If we destroy the forest, we will destroy coffee, tea and pastures. We will have no rivers and hydro-power. Why do we have to take these measures? It is, therefore, very important that within a very short time, a master plan on management of the forest is brought to this House as a Sessional Paper for approval. This should be done as soon as possible. We do not want to wait. We have already seen the greed of the people in the proposal to excise Karura Forest and other forests. If this greed is not stopped, what are we going to leave for the future generation of this country? Where are our people going to be? There is no country in the world which has such a small forest area as 2 per cent. Most of them have 5 per cent and above. Our forest cover is only 2 per cent and we seem not to be interested in preserving that area.

I would also like to comment on the issue of curios. Wooden curios must also be stopped. The Akamba people who do curios must be found a way of producing toys from plastics or other materials which are replaceable. But for them to continue cutting trees in Thagwa and Thego Forests for curios will cause deforestation. That also must be stopped.

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has made a very serious and malicious allegation, that the Akambas are cutting trees all over the country in search of curios. Could he withdraw it?

An hon. Member: But they cut trees!

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir, I do not want to prove the obvious. They are cutting *mitamayu* trees in Thagwa and Thego Forests which are used in the production of wooden curios. They are cutting indigenous trees and naturally also destroying the forests.

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

The Temporary Deputy Speaker (Mr. Poghio): Order! Order, all of you! Mr. Wamae, the offensive phrase that the Member is protesting has to do with the words; "Kambas cutting trees". So, you may need to withdraw that.

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir, I withdraw the word "Kamba" and say "people who produce wood carvings of any type." I believe that will satisfy my colleague. Whoever they maybe, if they are using wooden curios, they must be stopped because, eventually, we will have desertification. Those trees take a very long time to grow and we must find a better way of producing toys and curios from plastics and other materials which are replaceable. If we do that, we will preserve our forests.

With those few words, I support the amendment.

*(Question of the first part of the amendment,
that the words to be left out be
left out, put and agreed to)*

*(Question of the second part of the amendment,
that the words to be inserted in place
thereof be inserted, proposed)*

*(Question of the second part of the amendment,
that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Question of the Motion as amended proposed)

The Temporary Deputy Speaker (Mr. Poghio): Hon. Members, I have received a further amendment from

hon. Karua.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I would like to move a further amendment on this Motion, that the words " within six months" should be inserted after the word "finalise".

Mr. Temporary Deputy Speaker, Sir, the purpose of this amendment is to give a time frame within which the Government should finish the master plan. We note that the Government is saying that the master plan is almost ready. The Government, of late, has been reactive instead of proactive. Every time Members of Parliament bring a Motion to the House, the Government responds by saying, "we are doing it". What we have noticed on the ground is that the Government is busy causing desertification by excising forests and, therefore, we need to give a time frame within which this master plan must be completed. Noting that we have been told that this master plan is underway, a period of six months is more than adequate. If the Government can finish the mater plan within a day, that will be okay. But they must not go beyond the time limit of six months.

Mr. Temporary Deputy Speaker, Sir, if the Government is sincere, and I would wish to believe that they are, then this amendment should not be opposed by the Government because it is helping them to set a time frame to achieve what they have set out to achieve - to bring a master plan for the preservation of our forests. We have lacked an environmental policy relating to the preservation of our forests. What we have seen is a systematic destruction of our forests. This matter is urgent! If this master plan is not finalised within a very short time and in any event within six months, we will end up with a desert in this country.

As we discuss this Motion now, the Government, in defiance of a court order, continues to demarcate the Hombe Forest in Nyeri, and many others. In my view, the Government has failed to offer leadership in the area of conservation of our forests. Instead, leadership has been left to the Green Belt Movement and civilians. Parliament is trailing a poor third in the conservation of forests. By plotting a time frame, Parliament will be reclaiming its position of leadership and ensuring that the Government does what it is supposed to do. This matter is urgent. We have experienced changing weather patterns which have partly to do with the manner in which we have destroyed and attacked our environment. I think all those who are sincere in ensuring that we preserve our environment for our own benefits and for posterity will support this amendment. Hon. Mwakiringo has kindly agreed to second it.

With those few remarks, I beg to move.

Mr. Mwakiringo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to support the amendment. The extent at which deforestation is taking place in this country is at an alarming rate. We would want the Government to bring the master plan as quickly as possible; if possible, even if they finish it today or tomorrow, let them bring it here. This is because forests act as a regulator for water flow. To avoid such a calamity, we would want that master plan brought quickly to the House.

We have created artificial desert in this country due to deforestation. The excision of forests is going on at an alarming rate, and you know that those forests have indigenous trees which local people use for medicinal purposes. The way they are being cut will affect the lives of so many people. We have had water shortages in the past. Also, we have had shortage of electricity because of lack of water, and we would want those forests that are earmarked for excision to be stopped immediately. The people living along those forests have been there for ages. The forests have continued to be conserved by the local communities, but the Government finds those people to be useless and excises the forests. That is very wrong.

We would want that act to stop because if the Government is committed to poverty eradication and seeing to it that people do not depend on Government relief food, then, forests must be conserved so that we have enough food. We can have enough food in the country if enough water is supplied from the forests to our farmers. We are saying that settling squatters in forest lands will not solve the problem of landlessness. The Ministry of Lands and Settlement has got what we call the "Trust Fund," from which land can be bought and used to settle squatters. That fund should be used.

With those few remarks, I beg to support the proposed amendment to the Motion.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, you are aware that the amendment to the amended Motion seeks to insert the words "within six months" after the word "plan" appearing on the fourth line. I would like to dispose of that particular amendment, that the words to be added be added.

(Question, that the words to be added be added, proposed)

(Question, that the words to be added be added, put and agreed to)

(Question of the Motion as further

amended proposed)

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you, Mr. Temporary Deputy Speaker, Sir. I have no quarrel at all, with the Motion as amended. I support it fully so that it does not appear as if this side of the House is in a hurry to destroy the forests of this country. Enough time should be given to the Government and the planners to formulate a proper policy regarding the protection of the forests of this country.

In all these amendments, we are only playing with words. The most important thing is for all of us in this House, outside this House and even internationally, to know that if we do not protect and preserve the forests, we will be destroying the future of this country and the future of our posterity. Our economy will never recover if we continue to destroy the forests that we have today. The benefits of settling people in the forests and what we will lose in the destruction of these forests cannot balance. We had better be careful with what we do with these forests. We will be blamed. We should leave a legacy in this country. Our children will come and blame us for having totally destroyed the forests, making this country a desert, with no rain or rivers flowing.

Mr. Temporary Deputy Speaker, Sir, I support this Motion fully. We should go slowly, plan properly and bring the necessary Bill to this House. We should make this debate transparent so that people inside and outside this House can participate in it. I agree entirely that, normally, we should consult people living around these forests, so that they can know what is happening. If, for example, some people are brought to settle in certain non-local areas, they probably will have no regard for the people living there. They could destroy the whole system of life and dance while the local people are suffering. If, for example, Mau Forest is destroyed today, people 90 kilometres down stream will be suffering because there will be no water. So it is not only people who are around the forests who will suffer, but also people who will be living 100 kilometres downstream.

I can give an example of forest destruction which can be seen by everybody today. We have Lake Nakuru which is the home of thousands, if not millions, of flamingoes. We now have a problem because the small streams that flow into Lake Nakuru are almost dry. There is not much water going into Lake Nakuru. In a few years' time, we will be having a problem because the flamingoes will emigrate to other areas such as Lake Natron in Tanzania, unless the Enderit River and other streams are preserved. We have to start planting trees along the banks of these rivers. Even if some people have been settled in some of these areas, we should go there and plant trees on the sources of these rivers and along the banks in order to maintain the flow of water into Lake Nakuru. It can be seen by everybody that sometimes the flamingoes have no water and they are emigrating to Lake Natron. They have come back a little bit to start breeding there because of the rains that have just come, but we will lose the flamingoes and the tourism industry along that area.

Mr. Temporary Deputy Speaker, Sir, I spoke and wrote an article and put it in the media saying that we must protect Mau Forest. This is a very serious issue. Mau Forest is one of the biggest indigenous forests in this country. We must thank not only the Maasais, but all the people who have preserved the environment in this country. Preserving our forests was our culture. It was not only the Maasai culture, but the culture of the Kikuyus and everybody else living along the forests. If we do not preserve Mau Forest, then we will have the problem of losing the wildlife in the Mara Game Reserve. This is a very dangerous situation because the Mara Game Reserve, right now, is getting thinner and thinner. There is very little water going down Mara River and the lives of the animals in the game reserve will be totally jeopardised. The lives of those animals depend on that water.

Then we should not forget our brothers in Tanzania. Mara is just a small area of the whole vast Serengeti area which stretches across the border into Tanzania. In fact, we would probably be creating a lot of problems between us and our neighbours, which we do not want to do. We would like to be together with our neighbours in the preservation of tourism and the environment. So, it is a very serious affair. We should go along and open up those things. Those things should not be done in secrecy or favour of any ethnic group or anybody else. There is no question of ethnicity here. There is no question of party loyalty at all. We should all think above party lines. When we come to make this country a desert for our children; when we destroy this country, there is no question of the parties. It is a question of all of us getting united and coming together to preserve the forests, including the people themselves. Most of the forests have not been preserved by the governments that were there before. They were preserved by the people themselves! We should actually enjoin them in the preservation of the forests and, definitely, the Government has got the powers, technology and the money. But I think we must enjoin the public and take their views, individually or collectively, to see whether that is a wise thing to be done. Personally, I am completely opposed to the excision of forests in some of those areas.

Mr. Temporary Deputy Speaker, Sir, without going too far, I support the amendment that we give the Government the next six months.

Thank you.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion very strongly.

I think it is an extremely important Motion. I am grateful to my dear friend, hon. ole Ntimama, for saying that this is a Motion in which we must have a common course and have no distinction as to political parties whatsoever.

Mr. Temporary Deputy Speaker, Sir, our environment is our biggest resource. If we destroy our environment, this country is doomed. The economy of this country is, first and foremost, dependent on its people. Its people are its biggest asset. Our tourism and agriculture depend on our people. If we do not look after our environment and people, we will be doing a great deal of disservice to ourselves and posterity.

Mr. Temporary Deputy Speaker, Sir, at this point in time, I would like to recognise the work that Prof. Wangari Maathai and the Greenbelt Movement have done, in continuing to champion the course of the environment. I would have wanted this House to sit for a minute in silence, to remember all the trees that have been "murdered" in this country! We are responsible to observe a moment of silence in memory of those trees, which have been "murdered" by our own people. I would have gone ahead to ask this nation to pronounce a *fatwa* on those who are bent on destroying our forests. I would appeal to our Moslem brothers to champion the *fatwa* and say that anybody destroying the environment will definitely be visited by a *fatwa*.

Mr. Temporary Deputy Speaker, Sir, as we speak today, as hon. ole Ntimama has said, our forests are being destroyed through the excisions. Right here in Nairobi, beside the racecourse, there is a forest. I have evidence that, that forest has been parcelled out to some very responsible people in this nation, and I wonder how responsible they are. Mr. Avant Singh has been given 30 acres there to develop some residential houses, complete with a supermarket and everything else. But that is Nairobi's most important greenbelt. In that same area, Mr. Gedion Moi has also been given some 10 acres. In that same area, another Asian company called NK Brothers has also been given 30 acres!

The Temporary Deputy Speaker (Mr. Poghisio): In case you want to---

Prof. Anyang'-Nyong'o: Yes! I have evidence, if you want me to bring it! I did not know that this Motion was coming today.

The Temporary Deputy Speaker (Mr. Poghisio): Then, order, Prof. Anyang'-Nyong'o! You know the rules!

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Although I support the amendment and the Motion, is it in order for the hon. Member to accuse those people who were allocated land? Why does he not accuse those who allocated the land to the allottees instead?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Ndilinge!

Proceed, Prof. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I think we should speak loudly and clearly against those people who are destroying our forests. Let us not destroy the forests of eastern, western and southern Mau to settle the Ogieks. I know that the Ogieks need to be settled, but let us not destroy the forests to settle them. There is another way of settling the Ogieks. Let us not destroy the Marmaret Forest to settle the Turkana immigrants and the Nandis. There is another way of settling those people.

This morning, we had a Question by hon. Sambu asking the Government to take over Chemilil Sisal Estate, which is over 6,000 acres. Let us use the land that is already being used to settle those who need settlement. That is what the British did when they were leaving. When the British were leaving, they gave the Commonwealth Development Corporation and the World Bank some money to give loans to the Kenyan Government to buy mixed farms so that Africans could be settled on them. The land being used inefficiently was bought for the settlement of those people who did not have land.

The British, in their good senses, at least when they departing, told us: "Leave your forests intact. Your forests are your resources; they are your riches. Use the land that is inefficiently being used at the moment as mixed farms to settle people on." So, let us not use the forests today to settle people. There is another way of settling people. We certainly know, as hon. Kituyi said this morning, that these forests are vital not only for our water resources, but also for the generation of electricity. I am in possession of a very important document prepared by the Kenya Forests Working Group. The group has prepared a detailed document showing exactly where forests are being excised and telling us the danger of that excision. It has a good table detailing this and telling us exactly---

The Temporary Deputy Speaker (Mr. Poghisio): Could you table the documents?

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I am going to table the documents. These are not my personal property. They are a property of the nation, and the National Assembly will receive thus them.

(Prof. Anyang'-Nyong'o laid the documents on the Table)

Mr. Temporary Deputy Speaker, Sir, before the National Assembly keeps these documents, let me quote from them. It is extremely important to listen to those people who are concerned about the environment and get facts from

them. Hon. Kituyi, my former student, is an anthropologist. He has done a lot of research among pastoralists. So, he knows something about the environment and the use of land by pastoral people. When he shows concern about the excision of forests, he is arguing from information.

South-Western Mau Forest Reserve is the upper catchment area for Sondu River. We know that, that river feeds the water that goes to Sondu/Miriu Hydro-electric Project. That project is going to put into the national grid 60 megawatts of electricity. If we want to avoid another power rationing in the coming years, we must not only develop the Sondu/Miriu Hydro-electric Project, but must also protect the environment which makes that project possible. We must protect the environment which will make it possible for us to get that 60 megawatts of electricity into the Kenya grid of electrical generation in the coming years.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, debate on this Motion will continue for 15 minutes next week. Prof. Anyang'-Nyong'o will have his remaining three minutes, and the Mover will reply to it then.

Having said that, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.