

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th April, 2002

The House met at 9.00 a.m.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Departmental Committee on Health, Housing, Labour and Social Welfare on the Labour Dispute between the Government of the Republic of Kenya and the Kenya National Union of Teachers.

(By the hon. Dr. Kulundu)

NOTICE OF MOTION

ADOPTION OF REPORT:
GOVERNMENT AND KNUT DISPUTE

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts the Report of the Departmental Committee on Health, Housing, Labour and Social Welfare on the Labour Dispute between the Government of the Republic of Kenya and the Kenya National Union of Teachers laid on the Table of the House on Wednesday 17th April, 2002.

ORAL ANSWERS TO QUESTIONS

Question No.030

COMPENSATION TO CONSTABLE MURIMI'S FAMILY

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

- (a) whether he is aware that Mr. Wilfred Mugo Murimi, Police Constable No.34360, was shot and killed by gangsters on 18th November, 1996, in Sagana Town; and,
- (b) when the family will be compensated in order for the late officer's children to continue with education.

The Temporary Deputy Speaker (Mr. Imanyara): Is there no one from the Office of the President? We will come back to the Question!

Question No.131

VEHICLE FOR ATHI RIVER POLICE STATION

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

- (a) whether he is aware that Athi River Police Station has no serviceable vehicle; and,
- (b) when he will provide a vehicle for the police station.

The Temporary Deputy Speaker (Mr. Imanyara): Is there no one from the Office of the President? We will

come back to the Question!

Next Question, Dr. Kulundu.

Question No.144

ACTION AGAINST KAKAMEGA POLICE

Dr. Kulundu asked the Minister of State, Office of the President:-

(a) whether he is aware that on 12th June, 2001, a *matatu*, registration number KAM 269R, was involved in a fatal accident at Mwiya area along Kakamega-Webuye road;

(b) whether he is further aware that to date, the police have done nothing about this case and the vehicle has now been auctioned; and,

(c) what action he intends to take against the Kakamega Police.

The Temporary Deputy Speaker (Mr. Imanyara): Is there no one from the Office of the President? We will come back to the Question!

Next Question, Mr. Obwocha.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, have you noticed that all the Questioners are present? However, I beg to ask my Question.

Question No.009

DELAY IN OPENING AIRWAVES

Mr. Obwocha asked the Minister for Tourism and Information:-

(a) what is delaying the opening up of the airwaves (electronic media) in the country; and,

(b) how many radio stations have been allowed to operate outside Nairobi to date.

The Temporary Deputy Speaker (Mr. Imanyara): Is there no one from the Ministry of Tourism and Information? We will come back to the Question!

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. You will notice that whenever the President is arriving from an overseas trip, Ministers and Assistant Ministers are always absent from the House, or they come late. Could we get an explanation from the Leader of Government Business?

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, as you can see, he is also not there!

Next Question, Mr. Murungi!

Question No.147

GERMAN-FUNDED ROADS IN SOUTH IMENTI

The Temporary Deputy Speaker (Mr. Imanyara): Is Mr. Murungi not here? We will come back to his Question!

(Mr. ole Sunkuli entered the Chamber)

I can see the Minister of State, Office of the President, Mr. ole Sunkuli, coming in. So, we will go back to Question No.030.

Question No.030

COMPENSATION TO CONSTABLE MURIMI'S FAMILY

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

(a) whether he is aware that Mr. Wilfred Mugo Murimi Police Constable No.34360, was shot and killed by gangsters on 18th November, 1996, in Sagana Town; and,

(b) when the family will be compensated in order for the late officer's children to continue with education.

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, I beg to apologise for coming in late. However, I beg to---

The Temporary Deputy Speaker (Mr. Imanyara): Perhaps, you can tell hon. Members why you were late because they have been waiting for you. They have asked many Questions directed to your Ministry!

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, that has never been the practice?

The Temporary Deputy Speaker (Mr. Imanyara): What has never been the practice!

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, it has never been the practice to explain why---

The Temporary Deputy Speaker (Mr. Imanyara): Order! The Chair has the right to ask why you were late. It is not the question of practice! It is the Chair asking that!

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, the Chair seems to be harassing me!

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. ole Sunkuli! I think you have an obligation to explain to hon. Members why you were late! It is not frivolous, and it not harassment! They have demanded, and I think they are entitled to know, why Ministers are not in the House or why they are late!

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, I just happen to be late because there is a lot of traffic jam on the road. But that has never been the practice!

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. ole Sunkuli! You can now answer the Question!

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes.

(b) Mr. Murimi's claim documents were submitted to the Director of Pensions, Treasury, on 28th March, 2001, for processing and the updatment of the death gratuity.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, if you look at the Question, you will find that I am asking something about 1996. Secondly, this officer died in the course of his duty he was shot by thugs. Police officers are being killed everyday like rats. Could he tell this House what he is doing to save deceased police officers' families from the agony of following up after their benefits? Especially, have they set up an insurance fund to compensate police officers who die in the course of duty?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, could he repeat the question?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the question is: Police officers serve this nation. They are killed in the course of their duty, and you know the high rate of insecurity in this country. Their wives and children are also left suffering. Why is the Government not establishing an insurance fund to compensate all police officers and civil servants who die in the course of their duty?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, it is, indeed, true that the compensation that is given is not adequate. In future, the Government is going to consider methods in which police officers and civil servants can be compensated adequately when they die or suffer on duty.

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, when many officers die, their families suffer, and it takes too long for them to be compensated. Now, this officer died in 1996, and still his papers were taken to the Director of Pensions after the hon. Member asked this Question. Could the Minister explain why it took him so long for his papers to be taken to the Director of Pensions?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, the process did take long because by the time the deceased died, some of his papers were not in order. For instance, the deceased's death certificate and original birth certificates of the children were submitted to the police headquarters rather late. The police headquarters had to submit these to the DC, Nyeri, and all this, indeed, caused the delay.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, recently, a Deputy Commissioner, Mr. Kyanda; a Senior Superintendent of Police, Mr. Thomas; the officer in charge of Muthangari Police Station, and two Inspectors at Kasarani Police Station were all killed. Could you tell this House whether the Government has paid gratuities to the relatives of those police officers who were killed?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, that is a different question. If I am asked, I will answer it appropriately.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, arising from the Minister's reply, could he consider giving bursary funds to these children who are still at school and whose parents died while in the course of their duties in the Civil Service?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, you will realise that the Question is about bursary funds, and I think that is not strictly within my docket.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, this is a very serious problem. I asked a Question here in 1994 about an administration police officer, Mr. Omau Nyabuga, who had not been paid. As I talk now, the beneficiaries have not been paid. It is so sad that---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Obwocha! What is your question?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, since the Office of the President is fairly large - it has got so many departments - could the Minister set up a unit to take up issues concerning those who have died, and when their beneficiaries are supposed to get their pensions or their dues? Could you set up a unit to deal with these issues?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, I will draw the attention of the Pensions Department to this, so that claims are processed on time, and ensure that the beneficiaries do not have to suffer unduly.

Mr. Kiunjuri: The Minister has admitted that police officers are at a higher risk than other public servants. The Minister must be having a bodyguard who also falls under the category of endangered police officers! Could the Minister set up a department within his Ministry to deal exclusively with the payment and compensation of police officers who get killed in the course of duty? Police officers can die any time because of the nature of their duty. This particular officer died seven years ago and a child who was one year then is now in primary school, but the children of this officer are not going to school because their father died in the course of duty.

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, it is not so much a question of setting up another organ; it is a question of ensuring that the present system does actually work.

Question No.131

VEHICLE FOR ATHI RIVER POLICE STATION

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

- (a) whether he is aware that Athi River Police Station has no serviceable vehicle; and,
- (b) when he will provide a vehicle for the police station.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Athi River Police Station has an old but serviceable motor vehicle, registration No.GK E721, which is providing services. I know that it is not the most efficient of cars, and I am making plans to make sure that we provide Athi River Police Station with a new vehicle.

(b) We will definitely provide a vehicle for Athi River Police Station.

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, Athi River is the fastest growing urban centre in this country today. On the same note, the rate of crime is also soaring. I appreciate the fact that the Minister recognises that Athi River Police Station has an old but serviceable vehicle. It is the factory owners and wananchi in Athi River who pay for the repair of that vehicle. That is why we are asking the Minister to tell the House what measures he has put in place to supply a new vehicle to Athi River Police Station. We have seen new vehicles being supplied to other police stations. Could he rank Athi River Police Station as a priority area when he is providing vehicles to other police stations?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, in the next supply of vehicles, Athi River Police Station will definitely get a new motor vehicle.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, you can see that police officers are really neglected by the Government. In fact, if you go to the Parliament Police Station, you will realise that the floor is already worn out and the toilets are stinking because there is nobody to wash them. The police officers are forced to clean them. Could the Ministry set aside funds to purchase vehicles to enable the movement of police officers, now that even security in Laikipia District is under threat because of lack of vehicles for police officers in the district?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, indeed, one of the biggest problems facing my department in general, be it Provincial Administration or the Police, is lack of transport. During the next Budget, I hope this House will approve enough funds for me to buy motor vehicles for the police.

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, could the Minister provide to this House, the list of police stations which will benefit from the vehicles that will be purchased? Could he confirm that Athi River Police Station

will be among those stations that will benefit?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, when I will be moving the Vote of my Ministry, I hope I will be able to give a full list of police stations that need to be given vehicles. I have already given my word to the hon. Member that Athi River Police Station will definitely benefit from the new motor vehicles.

The Temporary Deputy Speaker (Mr. Imanyara): Next Question, Dr. Kulundu!

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, I would like to draw the attention of the Chair to the fact that I have not received a written reply. However, I beg to ask the Question.

Question No.144

ACTION AGAINST KAKAMEGA POLICE

Dr. Kulundu asked the Minister of State, Office of the President:-

(a) whether he is aware that on 12th June, 2001, a *matatu*, registration number KAM 269R was involved in a fatal accident in Mwiwala area along Kakamega-Webuye road;

(b) whether he is further aware that to date, the police have done nothing about this case and the vehicle has now been auctioned; and,

(c) what action he intends to take against the Kakamega Police.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I beg to ask the indulgence of the House and the Chair that this Question be deferred until tomorrow in the afternoon because the answer was not yet ready by this morning.

Dr. Kulundu: This Question came up last week and the answer that the Assistant Minister gave was grossly wanting. It is interesting that a week later, the answer is allegedly not yet ready.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Kulundu, he is only asking for time until tomorrow in the afternoon.

Dr. Kulundu: If it is tomorrow, it is okay.

(Question deferred)

The Temporary Deputy Speaker (Mr. Imanyara): Next Question, Mr. Obwocha!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I would like to bring to the attention of the Chair the fact that I have not received a written reply. However, I beg to ask my Question.

Question No.009

DELAY IN OPENING AIRWAVES

Mr. Obwocha asked the Minister for Tourism and Information:-

(a) what is delaying the opening up of the air waves (electronic media) in the country; and,

(b) how many radio stations have been allowed to operate outside Nairobi to date.

Mr. Temporary Deputy Speaker (Mr. Imanyara): Anybody here from Tourism and Information? We will come back to the Question later.

Next Question, Mr. Murungi.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I am sorry for coming late. However, I beg to ask my Question.

Question No.147

GERMAN-FUNDED ROADS IN SOUTH IMENTI

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

(a) what the current position is, regarding the funding of the following roads by the German Government through the KFW:

(i) Meru-Githongo-Chogoria Road;

(ii) Nkubu - Mikumbune Road;

- (iii) Nkubu - Mitunguu Road; and,
- (b) when the construction of the roads will commence.

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

(a) The German Government, through KFW, has not communicated to us, the current position regarding the funding of the above mentioned roads.

- (b) It is not yet known when the construction of the above roads will commence.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I am very disappointed with this answer. I am sure the Assistant Minister knows much more than he has told this House. We know that there was a meeting between the German Government and the Kenya Government in December last year, to discuss these roads, and certain priorities were discussed. Could the Assistant Minister be kind enough to disclose to the House what those priorities and discussions were?

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, it is true that there were discussions between the Government and KFW on 6th August, 2001. We wrote to KFW requesting them to consider improvement of the following roads:

- (i) Meru-Githongo-Chogoria Road;
- (ii) Nambale-Nasewa-Matayos Road;
- (iii) Bungoma-Buyofu Road;
- (iv) Ena-Mitunguu-Meru Road;
- (v) Marimba-Nkubu-Mitunguu Road; and,
- (vi) Meru-Mikinduri Road.

Following our request KFW mounted a field inspection in Mt. Kenya region; that is, on Meru-Githongo-Chogoria Road; Marimba-Nkubu Road; Meru-Mikinduri Road and Ena-Mitunguu Road. They gave us their first priority as Meru-Githongo-Chogoria Road and Marimba-Nkubu Road. The second priority was Meru-Mikinduri and Mitunguu-Tunyai roads. But they have not communicated to us as to when they will start funding these roads. We have written to them but they have not responded.

The Temporary Deputy Speaker (Mr. Imanyara): Eng. Rotich, I thought you were asked to tell us about the meeting you had last December?

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, last December, we asked them when they will respond and they said that they were consulting their headquarters in Frankfurt.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, is the Government aware that donors have been very concerned about the improvement of roads in Central Kenya, which is very productive? The Kenya Government, which has been dilly-dallying in getting the donor funding, hates Central Kenya, the most productive part of this country, which produces so much for repayment of donor funds. It is the Government, rather than the donors, which has been dilly-dallying in getting the funds.

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, I do not think that, that is true. It is true that Central Kenya is one of the most productive areas of this country but not the most productive. We have not been dilly-dallying in getting donor funds. It is true that we have a problem with our roads, but we have not refused to repair roads in Central Kenya.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, as a matter of fact, Mr. Gatabaki is right. The Meru-Githongo-Chogoria Road connects five different tea factories and we produce the highest quality of tea in Kenya. After this field survey, the KFW felt pity for us because of the total neglect by the Government in this area, and that is why it gave this road priority.

Could the Assistant Minister tell us what the Ministry has been doing for the last one year after KFW said that it was willing to support the construction of this road? Is he waiting for KFW to come looking for him to give him money? What has he done to go and knock at KFW's doors and ask for this money?

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, I cannot challenge the fact that, that area is productive. This is true. I am not sure whether it is the most productive area in the country, but we have not neglected any roads. In fact, if I can quote one of the roads that were completed recently by M/s Mugoya Constructors, it is in the Mount Kenya region. This is the highway which the hon. Member uses everyday to travel to his home district.

In fact, we have been holding talks with representatives of KFW and the German Government, but up to now, they have not told us exactly when they will support the construction of this road. They are willing to support the construction of the road, but have not told us when the construction work will start.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, in fact, if you look at the HANSARD of 1997, when the late Prof. Ng'eno was the Minister for Roads and Public Works, you will find that he told this House that discussions

about the construction of the Meru-Githongo-Chogoria Road were complete, and as a matter of fact, the only thing which was left was for the Government to appoint a contractor for that road. That was six years ago.

Could the Government be very open with the people of Meru and tell them that it will never construct this road so that we can stop bothering it, instead of telling lies to this House, year in, year out?

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, that could have been the situation six years ago, but what I am saying is the situation now. My Ministry does not tell lies. We do a job when we can. We do not hate the people of Meru. They are Kenyans and we serve them like other Kenyans.

Question No.009

DELAY IN OPENING AIRWAVES

Mr. Obwocha asked the Minister for Tourism and Information:-

(a) what is delaying the opening up of the airwaves (electronic media) in the country; and,

(b) how many radio stations have been allowed to operate outside Nairobi to date.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, when I asked this Question for the first time, the Assistant Minister for Tourism and Information, Eng. Manga, was just seated there without answering it. Could the Chair invoke Standing Order No.88 and name him?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Obwocha, actually, the Assistant Minister spoke to the Chair and informed me that he did not have the answer. He wants to make new consultations. So, I will defer this Question to tomorrow afternoon.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

POLICE EXTORTION FROM DAGORETI HAWKERS

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I have not received the written answer to my Question, but I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that on 27th February, 2002, at about 4.00 p.m., errant police officers from Karen Police Station, using vehicle registration No.GKA 425E, harassed and extorted bribes from the following hawkers at Dagoretti Corner:

Messrs:-

Musyoka Matheka	-	Kshs300
John Kimaru	-	Kshs300
Richard Githaiga	-	Kshs300
Peterson Munyua	-	Kshs300
James Gaku	-	Kshs300
Michael Gitau	-	Kshs300?

(b) Since police officers from Karen Police Station have persisted in harassing innocent and law abiding hawkers at Dagoretti Corner, could the Minister institute urgent investigations into these corrupt practices at Karen Police Station?

(c) What measures will he take against the officers involved in the harassment and extortion of bribes?

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, the reason why I have not given the hon. Member a written answer is because last week, this Question was asked and a written answer was given. I wanted to inform the hon. Member that the written answer remains the same.

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

I had said that the police did not receive the complaints. The hon. Member had tabled a letter here, addressed to the Officer Commanding Police Division (OCPD), Langata. Technically, the OCPD is not the person who receives reports. This incident ought to have been reported to the, Officer Commanding Station (OCS), Karen Police Station. The OCPD could not confirm from his records whether the letter actually reached him.

However, I have taken this matter seriously, and I have asked the Commissioner of Police himself to get to the bottom of this issue, so that if there are, indeed, people making reports, those reports should be recorded, and I should be able to quote their occurrence book number, when need arises. So, I have basically the same answer.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, if Ministers, some of whom I would like to regard as

serious Ministers, take the attitude that wrongs must somehow be covered to protect the name and the image of the Government, they will be doing a lot of damage to the Government and the country. There is no way in which I would stand up here, raise an issue and state facts which are not tenable.

Last time, I said that members of the Dagoretti Corner Hawkers Association (DCHA) took copies of the letter I tabled here to the OCPD and the OCS, Karen Police Station, and sought to record a statement and were turned down. So, there could be no record if police officers at the station refused to take the statement. The OCPD, Langata Division, is a very serious person. I know him because he was in Kisii. He takes things very seriously.

We are not talking about Dagoretti Corner, but about this problem across the country. Our police force has become an occupation force, which terrorises wananchi for no good reason. We want an assurance from this Government that this kind of thing will stop. The hawkers are trying to earn an honest living and they expect to have the support of this Government and not brutality from the police. The Minister must go back and get the Commissioner of Police to confirm this. The members of the DCHA can be asked to go to the police station to confirm that they went to record a statement but were turned down. I do not want to go into that, but could the Minister be in charge?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, as far as the Question is concerned, I will beg the hon. Member to let the matter rest there because I have already taken it seriously. In fact, I have informed the Commissioner of Police that this is not a matter to be taken lightly. That is why I have said that, as far as the Commissioner of Police is concerned, no statement was recorded to this effect. The hon. Member has explained why there is no written statement and I have, therefore, gone beyond the Question to ask that this matter be taken seriously.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I believe that when money is extorted from people by the police, they are not issued with receipts. There are two most notorious police stations, namely, Maua and Pangani Police Stations. For one to be an OCS in these two stations, he must pay hefty fees to his bosses. The stations happen to be the most lucrative stations where every soul which is booked there must pay money to the police. Could the Minister institute investigations into the two police stations?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, those are very serious allegations, indeed, and I will, therefore, not take them lightly.

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, this issue of extorting money from the public is not unique to Karen Police Station. As Mr. Maoka Maore said, Pangani Police Station is the most notorious one in this practice. I have written and sent a complaint to the Commissioner of Police, detailing the way the Pangani Police Officers harass Somalis in Eastleigh Estate. The truth of the matter is that, the money extorted also goes to Vigilance House. I also challenge the Minister to go with me this evening to Pangani Police Station, and he will see thousands of Somalis there and none of them is being taken to court. Some of them are already in hospital because they have really been tortured. Could the Minister take up this challenge because I believe, one day, the police will take over this country? Could the Minister take a serious action on the police officers who are perpetrating this extortion? He should not smile when answering this question, but cry here!

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, I hope the hon. Member does not think I am happy about these incidents, but it will also help us a lot if members of the public came up with specific accusations so that we are able to deal with them.

Mr. Shill: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is misleading this House! I said that, I myself, as a Member of Parliament, made complaints to the Commissioner of Police in written form, and nothing has happened. What other complaints does the Minister want members of the public to make when I am their representative?

Mr. ole Sunkuli: Yes, that is one complaint and it will be looked into. But if the police do extort money from people tomorrow, I suppose the hon. Member is saying that, that letter which he sent to the Commissioner of Police is sufficient to cover future extortions. Each of these complaints must be dealt with, so that we get to the bottom of the problem.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, during the colonial days, the police divisional commanders used to peruse the Occurrence Book of every police station on every Thursday. That rule has not been abolished in the police force! What is currently happening is that the police divisional commanders have become sluggish and they are not perusing the Occurrence Book and even the Cell Register. As result of this, the police officers have made it a business of arresting people illegally and collecting money from them every morning. Could the Minister ensure that from today onwards, he will give instructions to all police divisional commanders in the Republic to scrutinize the Cell Register and the Occurrence Book once a week?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, that, of course, is for the Commissioner of Police to do because my responsibilities are different. The hon. Member is lucky because he has been a policeman, so he knows the operational aspect of the police force. I will try to inform the Commissioner of Police that the hon. Member says

that, that practice which used to be done during colonial days must be done now.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, out of this, two issues have emerged. One is that there is a general outcry in the country about the police harassing innocent citizens. The other one is that there are particular police stations which are notorious in these harassments. Pangani and Karen Police Stations have been mentioned many times. Why did I not mention Langata or Riruta Police stations? Could the Minister, over and above what the Commissioner of Police is doing - I do not know if he is doing anything - carry out specific investigations into those police stations which have been named here and bring his findings? He should carry out investigations into those police stations and find out how they operate and what happens there! For example, Karen Police Station, when the security officers are working forms a *kangaroo* court in an open space, as you go to Lenana High School. That is where they take these people and receive the money! Those ones who do not pay are then taken to the police station. Could the Minister carry out such investigations because if these activities are not stopped, they are going to damage his name?

Mr. ole Sunkuli: Mr. Temporary Deputy Speaker, Sir, allegations made by hon. Members cannot be taken lightly. That is why I said, when I was answering Mr. Maore's Question, that these matters will be investigated and an appropriate action taken.

FIGHT BETWEEN KAKUZI GUARDS
AND VILLAGERS IN MAKUYU

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) What caused the fight between the security guards of Kakuzi Limited and residents of Gathungururu Village, Makuyu Location, Makuyu Division, on 12th and 13th March, 2002 where more than 20 persons were critically injured?

(b) Who were the perpetrators of that unlawful act and how many people have been arrested and prosecuted in connection with the incident?

The answer I received last week is the same one that I have been given today. The Minister was ordered by the Speaker to go and do further investigations and come up with the right answer. Right now, he does not have the right answer because it is the same one which I have here.

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Speaker, Sir, that is the truth because the hon. Member did undertake to liaise with either me or my officers so that both could go to the Kakuzi Farm and come back with an appropriate answer. I have not had time to meet hon. P.K. Mwangi and I, therefore, beg the indulgence of this House that we defer this Question to next week, so that we are able to get to the bottom of the problem.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. P.K. Mwangi, would it be okay with you if the Question is deferred to next week?

Mr. P.K. Mwangi: That is okay, but could he undertake that we go with him to Kakuzi Farm and Gathungururu village, so that he can verify the facts and every issue that I have here? It should not be an issue of staying here in Nairobi, and when I suggest that we go out there, the Minister says "no".

The Temporary Deputy Speaker (Mr. Imanyara): I think he has given that undertaking to the House.

(Question deferred)

ACTION AGAINST PERPETRATORS
OF KARIOBANGI MASSACRE

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

However, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Could the Minister table the list of all persons killed and injured on the night of 3rd and 4th March, 2002 at Kariobangi, in Nairobi?

(b) Could he table the list of the recipients of food and the Government grant of Kshs600,000?

(c) How many people have been arrested and charged with the killings of innocent Kenyans on the said date and time?

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, I also do not have the answer because these facts were not complete. I have facts which are not complete, and I would like to

give a very comprehensive answer to this Question. If the hon. Member can indulge us, we can answer this Question tomorrow.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Muchiri, is it okay with you if the Question is answered tomorrow?

Mr. Muchiri: Agreed, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

The Temporary Deputy Speaker (Mr. Imanyara): Next Order!

MOTION

INTRODUCTION OF PARLIAMENTARY BUDGET OFFICE BILL

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Parliamentary Budget Office Bill to establish a Parliamentary Budget Office in the National Assembly to provide Members of Parliament with Budget information to facilitate their participation in the making of the Budget and in monitoring, evaluation and implementation of public expenditure and programmes and to strengthen the role of Parliament in the budgetary process, and for matters connected therewith and incidental thereto.

(Mr. Oloo-Aringo on 10.4.2002)

(Resumption of Debate interrupted on 10.4.2002)

The Temporary Deputy Speaker (Mr. Imanyara): Who was on the Floor? Mr. Oloo-Aringo!

An hon. Member: He had concluded his contribution!

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Murungi, the Floor is yours.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a few comments in support of this Motion.

There have been perennial complaints in this House that Parliament is an irrelevant institution as far as the Budget-making process is concerned in this country. The Budget-making process has been captured by the Executive although it has tremendous, social and economic implications for this country. Budget making is not simply a question of arithmetic about how much money goes to this road, or about how much money goes to that service or the other.

Mr. Temporary Deputy Speaker, Sir, the Budget-making process involves serious questions of policy. For instance, two years ago, we allocated Kshs5 billion to the National Security Intelligence Services (NSIS); the Special Branch. At the same time, we also allocated Kshs5 billion to agriculture. So, there is an element of priority in the Budget-making process. Do we allocate so much to hear what other people are saying or do we really want to improve the economy of this country? Those questions should not be decided behind closed doors by civil servants. The question of priority and how much we should allocate to each sector in this economy should be decided by this Parliament, because as representatives of the people, we are the persons who are empowered to represent them in matters of policy making.

Mr. Temporary Deputy Speaker, Sir, we find other sectors like human rights, education and health not being addressed properly in the Budget, because we do not get an opportunity to discuss those priorities even before the Budget is prepared. Of course, we are told that the Members of Parliament, as members of the District Development Committee (DDC), can contribute to the Budget making process in our districts. But those people who know what happens at the district level can bear me witness that the DDO and a few junior officers there come up with the district budget, which is forwarded through the system. Many of the projects that they identify at the district level do not make it to the Budget because there is a cartel in the Ministry of Finance and Planning who give what they call the "red priority" to certain projects. One telephone call from State House overrides all the discussions which have taken place with regard to priorities in the Budget. At the end of the day, you will find that the Budget is just an instrument of political engineering; it is an instrument which allocates resources on the basis of tribalism, cronyism and political correctness.

A few minutes ago, I was there complaining about the Meru-Chogoria-Githongo Road which has been in the Budget since I came to this House in 1993. For the last ten years, the Budget, as far as this road is concerned, has been

purely a public relations exercise; it is a document to tell the people of Meru that their road is in the Budget, but it has never been implemented. So, we would like Parliament to play a role in the resource allocation in this country very seriously. That is the reason why we want a Budget Office; that is why we want Members of Parliament to be involved in discussions with the Executive from the very beginning. We do not want the Budget to be made a secret document and to be unveiled by the Minister in the middle of June. We want to know its content from October. We would like to be involved in discussion with the Executive. We are not saying that the Budget making process is the core business of Parliament; it is the core business of the Executive. We are saying that the Executive, under the guise of making the Budget, should not make policy. We are also saying that as Members of Parliament, it should be our duty to identify the projects which are to be funded through the Budget.

It is only the other day that Eng. Muriuki brought a Motion in this House and said that since almost all the constituencies are complaining of marginalisation, we introduce in the Budget a provision which says that 2.5 per cent of the entire Budget is distributed equally to all the constituencies in Kenya. If that is done, something will happen; we will drill some boreholes in Wajir and Mandera Districts. We will also construct one or two roads in South Imenti and give food to the Turkanas. At least, we shall feel that our scarce resources are having an impact in every constituency in this country.

As it is now, you will have a project like Kirandich Dam in Baringo--- When Mr. Maalim was the Minister for Water and there was no water in Garissa District, he had to spend Kshs700 million to construct this dam. This was the case when the Budget allocated only Kshs2.1 billion for water. Where was the Minister when all the money went to Baringo, when, in his constituency, water from River Tana was being carried by donkeys?

Mr. Temporary Deputy Speaker, Sir, we would like to be involved because we want a more rational or equitable distribution of resources in this country. The question of using the Budget as a tool for fooling the public and dumping massive papers on us on the last day so that we have no time to go through them is one way of hoodwinking Kenyans. If we have a Budget Office, the first Estimates will be scrutinised by it. The priorities will be discussed through the Budget Office. This office will also make recommendations to Parliament as to whether this is a good Budget or a bad one. You will notice that after the Budget Speech, the Press always waits for us along the corridors to ask: "Mheshimiwa, what do you think of this year's Budget?" This is the case, and yet, we have not seen the Budget before. We are hearing it for the first time. If you are keen, you will notice that most of the Members of Parliament, if they are from KANU, will say that this is a good Budget or a common man's Budget. They say this even when they have not read it and do not know what it contains. If the Members are in the Opposition, they will say: "That is a useless Budget; they are talking about things they will not implement." These are standard lines. Nobody would have read this Budget and nobody knows what its social implications are. We are saying that the Budget Office will empower Parliament; it will enable us to have adequate discussions on the Budget so that we do not confine ourselves to these generalities.

We would like to make one thing very clear. We are not taking away the powers to make the Budget from the Minister for Finance. We would like more consultation between Parliament and the Executive in the Budget making process because at the end of the day, the Budget has implications for all aspects of this country, and this cannot be left to the Executive and the donors. The other thing that we get confused about are the external resources. I think we should separate our Budget. The external resources should have their separate Budget. Let us know how much money the donors give this country and the projects that are being implemented by the Government through the donor funds. We should not mix the foreign taxpayer's money which comes through the donors with our local taxpayer's money. For example, now we know that from the taxes, we collect about Kshs200 billion. So, instead of having this deficit budgeting and financing, let us draw a Budget which only takes the money we can generate locally. Let the other items which we cannot finance be covered by the external resource budget.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support and ask Mr. Sunkuli not to oppose this Motion because at the end of the day, it is the people of Kilgoris who will benefit.

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, those who believe seriously in division and separation of power in a democratic system should never support such a Motion. This is because there used to be a time when hon. Members, including the one who has just sat down, used to say that there are three arms of the Government, namely, the Executive, the Executive and the Executive. Now, they want to create three arms of the Government which are Parliament, Parliament and Parliament. There cannot be a time when Parliament can do everything for this country. There must be three arms of Government. The primary responsibility of the National Assembly is to make legislation and ensure that proper laws are made for this country; laws which are in conformity with the democratic process of the country. If today we give Parliament the responsibility of drawing a Budget for the country, then for what reason, for instance, will people go to election to elect an Executive? For what reason will a Government be censured, if it does not have control over the making of the Budget? This Motion will absolutely create disarray in terms of the arrangement of the systems of the Government. The hon. Members must

realise that the primary responsibility of making a Budget does, in fact, remain with the Executive. Many of these things are an attempt to destroy our own democracy. Many hon. Members now have come up with the famous idea that the Executive is not good enough to allocate resources for this country. If the people of Kenya are not happy, then they have elections as one of their weapons against the Executive.

Mr. Temporary Deputy Speaker, Sir, I seriously want to urge the hon. Members that in order to keep our systems of Government flowing, as they ought to be, let us oppose this Motion. We should not allow it to see the light of day.

I beg to oppose.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, it is so sad that the hon. Minister of State, Office of the President, does not understand a simple matter like this. We are not talking about taking powers away from the Minister for Finance. But we are talking about Parliament contributing ideas to the Budget making process. The thinking of the Kenyan public outside there, for example, is that Mr. Obwocha, who sits in this House, can change the Budget of this country. On Sunday, I was listening to Kiss FM 100, and a lawyer asked one of the hon. Members, why when we sit in Parliament and make the Budget, we do not change this and that. That lawyer does not even understand that once the Budget is presented here, you cannot even change one figure or reduce it by Kshs20. You cannot even change certain legislation. The Minister reads the Budget and says it will come into effect from midnight tonight.

Mr. Temporary Deputy Speaker, Sir, all we are saying is that the hon. Members of this House need to make a contribution to the Budget making process. We need to agree that this and that should be done by the Minister. We need to give him those ideas. After all, why are we here? It is to make sure that the distribution of the national resources of this country is equitably done. We are not asking for too much. The hon. Members of Parliament want to be involved in the Budget making process.

Mr. Temporary Deputy Speaker, Sir, right now, what is our role in the Budget making process? What can we do when the Minister for Finance wants to do something? The other day, I was looking at the Supplementary Estimates. There is this famous road in Kisii District known as C21, Chemosit-Kisii Road. In the original Budget, there was Kshs200 million allocated to that road. However, that money has already been reduced to Kshs100 million, yet the Ministry of Roads and Public Works has been telling us that this road will be tarmacked. If we were involved in the Budget making process, then something like that would not have happened. In the Supplementary Estimates, there is Kshs400 million given to Kenya Railways Corporation to rehabilitate wagons. Teachers in this country are asking the Government to honour the salary agreement of 1997. How does the Government get Kshs400 million to give to Kenya Railways Corporation to rehabilitate wagons, and yet teachers do not even have anything? Mr.

Mr. Temporary Deputy Speaker, Sir, all we are saying is that the hon. Members of this National Assembly should get involved in the Budget making process so that when the Budget is read here by the Minister for Finance, it will be acceptable and reflect what the people of Kenya want. We are the people's representatives in this House and if we cannot say that road or project should be given so much money, then why are we here? I can see a battery of Ministers lined up here to vote against this Motion. But if you were to ask one of them---- For example, let me ask Mr. Nyenze: Does he have better roads in Kitui West than West Mugirango Constituency?

The Minister for Heritage and Sports (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect, I do not know whether the hon. Member is in order to pick on me at random and ask whether there are good roads in Kitui West Constituency, when he knows that there are better roads in Kisii District than in Kitui West Constituency.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I do not know whether this Minister will see the inside of this House again. I am not talking about Mr. Nyenze. I am talking about a constituency, for example, represented by a Minister. I could have picked any other Minister here. For example, I would ask whether the roads in Trans Mara District are better than those in West Mugirango.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that we need to make an input into the Budget. Even a Minister should feel that he has represented the Government well by asking, for example, that a project be included in the Budget. All I am saying is that what is required of all the hon. Members is an input to monitor and evaluate the Budget making process. As it is currently, it is impossible to do it.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Standing Orders Committee to look into the Standing Orders so that when the Budget comes to this House, we can amend some of those figures. Right now, as it stands, it is impossible to do so.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Motion and ask my brothers on the other side of the House to support it. Do not vote blindly.

The Temporary Deputy Speaker (Mr. Imanyara): I will now call upon the Mover to reply.

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, with your permission, allow me to donate five minutes to Dr. Kituyi.

Dr. Kituyi: Thank you very much, Mr. Oloo-Aringo.

Mr. Temporary Deputy Speaker, Sir, I listened to the Minister, Mr. Sunkuli, contributing to this Motion. He is one the very eloquent Ministers of this Government. He has succeeded in saying that he wants this Motion defeated, but he did not succeed in saying the reasons why it should be defeated. That is very telling; when the better ones among them say that they actually want to see this Motion defeated, but do not have any reason why it should be defeated, then it means we are not being genuine to ourselves. We are not suspending our notion that we are in Government; can we now see as Kenyans, and as Parliamentarians, the representatives of the Legislature of Kenya, vis-a-vis other arms of the Government? You cannot justify a situation where a Parliament votes that, perpetually, it will go through rituals of passing Budgets and not discussing them.

Mr. Temporary Deputy Speaker, Sir, the cornerstone of modern bourgeois democracy is the representatives of the people debating whether to allow or not to allow certain monies to be spent for certain purposes by the Government of the day. If we embrace that responsibility and are committed to developing our Parliament, we cannot continue pretending this esoteric ritual; that they bring here something, we say "ayes" and then there is a Budget. Later, we claim that we have discussed the Budget. Parliament must be involved in the budgetary process. It does not want to take away the responsibility of Government. What will Parliament do? It will open up the negotiation about the allocation of public resources. That is what we are doing. We are requesting to be given an opportunity, as representatives of Kenyans, to influence the Budget and know how resources are allocated, but not to leave it to some civil servants on the Seventh Floor of Treasury. We do not want to leave it with some individuals who would like to have the money by raising it here and there. We should empower and legitimise ourselves as representatives of the people, earning a salary from the taxpayers.

Mr. Temporary Deputy Speaker, Sir, for four years in my first term in this House, I kept railing at one phenomenon, that between 1993 and 1996, 68 per cent of the total Development Budget of the Ministry of Water Development went to one project in Baringo called Karandishda. There was nothing we could do about it. We would talk about it, but it continued. We were starving these Ministers' constituencies in order to pour money into an untenable dam project in Baringo. We are saying, allow yourselves an opportunity to break loose. As representatives of the people, there has to be a rationale in the way we allocate these resources. Break yourselves loose! Just try to put yourselves in reality, because in seven to ten months to come, you will be in Opposition. Why are you surrendering the possibility that you can influence the Government Budget when you are sitting on this side of the House?

Mr. Temporary Deputy Speaker, Sir, I am not asking for anything miraculous. The Bill Clinton randy in the autumn of 1996, the Lewinsky phenomenon, came in an impasse over American competition over tax and the shutting down of the state. That was a critical function of Parliament. I am inviting my colleagues to rise to the challenge. Please, forget partisanship and support one of our own.

With those remarks, I beg to support.

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I will be very brief. I think two points have become clear. One of them is that, an attempt was made last week to shoot down this Motion on the ground that it was not properly before the House and this has been adequately explained. This Motion is properly before the House. It was scrutinised and approved by the office of the Speaker, and balloted by the House Business Committee. The second one is that, this is not the first time that we have these attempts to block what is progress. The creation of the Parliamentary Service Commission was fought very hard in this House. If everybody agrees, there is room, and the Parliamentary Service Commission has revolutionised this Parliament. Indeed, the establishment of the Budget Office will complete the process of involving Parliament directly in the Budget process.

Mr. Temporary Deputy Speaker, Sir, as we restructure the Parliamentary Service, we have created the Department of Research and Legal Services to assist hon. Members. The Budget Office is intended to be a stand-alone department because of the importance of the Budget to this country and to the nation as a whole. It is for this reason that we feel that because of the vital importance of the Budget, the Budget office in Parliament will be a stand-alone facility in the Parliamentary Service. It will consist of experts, economists, fiscal and budgetary officers whose credentials will be equal to those in the Treasury. I think this is the fear; that the Government would like to keep hon. Members ignorant. That, indeed, that is the way to manipulate the Budget process. This is what has led to theft and corruption. I am convinced that this Budget Office is the first step to involving hon. Members in the scrutiny of the Budget process, and also in ensuring that we eliminate theft and corruption in this country. The Budget Office will give information to various Committees of this House, hon. Members of Parliament and the Ministry of Finance. This office will serve all Committees of the House, and then we shall compel the Minister to report to this House quarterly during the year, both in the Budget process itself, as well as in the implementation of programmes.

Mr. Temporary Deputy Speaker, Sir, it is not the first time that we are advocating to have what is equivalent to the Estimates Committee. The Estimates Committee, which we shall now call the Budget Committee, will examine all estimates of revenue and expenditure, all money Bills and money clauses, and, therefore, assist hon. Members to

know the many implications of the Bills that they bring to this House. I would like to urge this House to vote for the creation of a statutory Budget Office, because this is in line with the democratization that we are undertaking as part of the Parliamentary reform.

I am convinced that when we have that Budget Office, even the Government will benefit. For example, as I sit here now, we have created the Department of Legal Services in the Parliamentary Service. This will assist hon. Members with the drafting of Bills. Now you can see there is a plethora of Motions seeking leave of the House in order for us to have hon. Members bring Bills. The Budget Office will function in the same way as the Department of Legal Services is going to assist the hon. Members. It is for that reason, therefore, that we have created a department of research in the Parliamentary Service, to be manned by qualified officers. This is intended to assist hon. Members to have support services for the work that they do.

With those few remarks, I beg to move.

(Question put and negatived)

DIVISION

(Question put and the House divided)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! It is now time to receive the results of the Division.

(Question negatived by 52 votes to 34)

AYES: Messrs. Donde, Gatabaki, Gitonga, Imanyara, Kamanda, Keriri, Khamasi, Kihara, Kimani and Dr. Kituyi, Messrs. Kiunjuri, Kombo, Dr. Kulundu, Messrs. Kuria, Maore, Muiruri, Muite, Eng. Muriuki, Murungi, Messrs. Mwalulu, Mwangi P.K, Mwiraria, Nyagah N., Obwocha, Oloo-Aringo, Omamba and Dr. Omamo, Messrs. Omingo, Opore, Parpai, Eng. Toro, Messrs. Wafula, Waithaka and Wanjala.

Tellers of the Ayes: Messrs Kamolleh and Obwocha.

NOES: Messrs. Achola, Affey, Awori, Ekirapa, Dr. Godana, Messrs. Gumo, Haji, Kalulu, Kalweo, Kamolleh, Keah, Kenyatta, Khaniri, Kitur, Kiangoi, Kochalle, Kofa, Kosgey, Lengees, Lotodo J.D, Maizs, Eng. Manga, Dr. Masakhalia, Messrs. Maundu, Mohamed, Mokku, Morogo W.C, Moroto, Muchilwa, Mudavadi, Musyoka, Ms. Mwachai, Mrs. Mwewa, Messrs. Nassir, Ndambuki, Ngala, Ng'eny, Ntutu, Nyenze, Obure, Okemo, ole Ntimama, Prof. Ongeru, Messrs. Poghishio, Prof. Saitoti, Messrs. Salim, Samoei, Shidiye, Sunkuli, Dr. Wamukoya and Mr. Mutiso.

Tellers of the Noes: Messrs. Dr. Kulundu and Mutiso.

Abstentions: Nil.

Mr. Obwocha: The Noes have it!

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Hon. Obwocha, you are grossly out of order to announce the results of the Division! You know what you have just done is contrary to the Standing Orders. So, I caution you.

Hon. Members the Ayes have 34 and the Noes have 52. Abstentions are nil and, therefore, the Noes have it.

(Applause)

Next Order!

BILL TO ALTER CBK (AMENDMENT) ACT COMMENCEMENT DATE

Mr. Donde: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Central Bank of Kenya (Amendment) Act, 2000, to alter the commencement date of the said Act.

The Vice-President and Minister for Home Affairs (Prof. Saitoti): On a point of order, Mr. Temporary

Deputy Speaker, Sir. In matters related to this Motion, hon. Members will recall that last week, the Attorney-General was directed by the Chair to come with a Statement to clarify the ruling of the court on this matter. He was directed to come and make that Statement in the House today. The Attorney-General is ready to come and make that statement this afternoon. In the light of that, I would like to seek the indulgence of the Chair that this Motion be slated for next Wednesday so that it will have taken into account the actual ruling of the court.

Mr. Donde: Mr. Temporary Deputy Speaker, Sir, I have heard that, but before I say something, I will ask hon. N. Nyagah to shed some light on this issue.

The Temporary Deputy Speaker (Mr. Imanyara): No! Under what circumstances would you like hon. N. Nyagah to issue a statement on your behalf?

Mr. Donde: Mr. Temporary Deputy Speaker, Sir, I do not sit in the House Business Committee and I would like a few issues to be clarified. I had requested hon. N. Nyagah to clarify this issue.

The Temporary Deputy Speaker (Mr. Imanyara): Go ahead, hon. N. Nyagah!

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, the clarification that I would like to bring forth is that the Motion is right as it appears on the Order Paper. We discussed that issue in the House Business Committee which was chaired by the Leader of Government Business and also in the presence of the Speaker. We have also had some discussions this morning with hon. Donde, the Minister for Finance and the Leader of Government Business and we looked at the way forward. Since there has been this guarantee on the part of the Government, that the Attorney-General is going to come forward and issue a statement in this House on the ruling of the court on this matter, we concurred that we would rather defer this Motion to next Wednesday rather than starting with the debate.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Donde, is that the position?

Mr. Donde: Yes, Mr. Temporary Deputy Speaker, Sir. I would like to concur with what the Leader of Government Business has said. Indeed, this Statement was supposed to have been made yesterday and I did come with the correct decree which was to be tabled. However, I was not able to do so yesterday and the Attorney-General also did not do it yesterday. In view of the fact that we need to get the decree officially altered before we discuss the Motion, I would like to request that the Motion be deferred to Wednesday to enable the Attorney-General to table the right decree this afternoon so that we can carry on.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! We will defer your Motion to next Wednesday.

(Motion deferred)

Next Order!

RE-INTRODUCTION OF THE SHAMBA SYSTEM

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

THAT, considering the high degeneration of forests; noting that drought persistence has been greatly aggravated by forest destruction; and further noting that the termination of the *shamba* system in the 1980s has adversely affected Government's afforestation efforts; this House urges the Government to re-introduce the *shamba* system to assist in the preservation and conservation of forests.

Mr. Temporary Deputy Speaker, Sir, it should be noted that, in the history of this country, conservation of forests has been achieved through annual crop cultivation by local communities in the forests. Secondly, the *shamba* system has been there since time immemorial. Our Act, Cap.365 of 1942 clearly states the encroachment of forests should not be allowed. The *shamba* system used to exist whereby farmers were allowed to cultivate the pieces of land after the felling of trees. After three years, after they had grown trees, they were moved from that portion of land to another portion. After the farms were cleared and prepared, people could apply fertilisers in those farms and trees could grow once again. This was regulated by the Government. Farmers were allowed to do so. The Government even went a step further to allow these farmers to build villages, schools, health centres and instal piped water and, therefore, the general infrastructure was taken care of.

Mr. Temporary Deputy Speaker, Sir, Section 5 of Cap.365 states:-

"There should be various prohibitions that no persons shall expect under the licensing of the Director of Forests, to be allowed to clear, cultivate, break up land for cultivation or for any other purpose."Section 15 of Cap.365 states:-

"The Minister may make rules regulating the use and occupation of land in a central forest or forest

area for the purpose of resident cultivation, commercial or industrial purpose."

The above section gives the Minister the right to regulate, and control the manner and circumstances through which the permit to enter forests may be issued. I am also taking into consideration the Forest Bill (2000) which is already at the Cabinet level. It has taken six years to bring this Bill to the House noting that our forests are still declining.

Mr. Temporary Deputy Speaker, Sir, the National Development Plan of 2002/2008 has nothing to do with forests considering how they are being endangered. If you look at the Forest Workers Group Report, it indicates clearly that we have only 2 to 3 per cent of forest cover remaining in this nation, while the minimum requirement is that we have 10 per cent of forest cover to enable the sustainability of our economy. It should be noted that the KWS report indicates that 75 per cent of that existing forest is already under no tree cover. This means that only 1 per cent of this nation is under tree cover. What will be the implications? The implications are that this country will no longer be able to meet its food requirements. There will be acute shortage of water, food and global warming attributed to the clearing of forests. The tourism industry will also decline.

Having noted all this, Mr. Temporary Deputy Speaker, Sir, last year, the Government went ahead to excise 170,000 acres of the remaining forest. This is really destructive. The decision to excise forest is also in conflict with our national legislation. If you look at the National Environmental Action Plan of 1994, it is not in line with the excision of our forests. Already, we have 2 to 3 per cent forest cover and this is the same forest that we want to excise. This is endangering our nation. It will also endanger the future generations. We are asking the Minister to invoke his powers and allow farmers to go back to the forest and cultivate land. Already, we have a system in place; that is, non-resident forest cultivation. But these farmers are uncertain of their survival. Any time, the Government or the forest officers can move in and remove them from their farms. We are asking the Government to license these people to cultivate in the forest. We are not asking the Government to allow these farmers to destroy the forests. They should not encroach on indigenous forests. We have trees that we are planting for the purpose of timber, paper, and other products from the forests and they must be harvested. We are requesting the Government to allow these farmers to prepare the land and once the trees are harvested, they plant more trees. We should also encourage them to plant more indigenous trees for our forest cover.

Mr. Temporary Deputy Speaker, Sir, today, the rivers are drying up all over the nation. We have cultivated even at the river banks. We have experienced drought, especially in Laikipia, for the last three years. What are the reasons for this? Today, if you boarded an aircraft at Wilson Airport and had an aerial survey of our forests, you would be surprised that there is nothing existing. There is no way we shall talk of development by the year 2020 without considering these factors. They are fundamental factors. The environmental encroachment in this country will affect the climate and weather patterns of the world. We are asking the Kenyan Government to go back to the United Nations Environmental Programme (UNEP) and make sure that we have forest cover in this nation. If we are not going to do that, I can assure this House that in the next 30 to 50 years; this country will have no forest cover. This means that Kenyans will continue to be thirsty, hungry and poor unless men of goodwill, who have the future of this nation at heart, come up with programmes to help. Let us not be selfish and we should not fear. Let us set politics aside. When I talk of *shamba* system, I know that it is affecting so many areas. It covers Mt. Elgon, Marmanet, Nandi Hills, Mt. Kenya Forest, Aberdares and all these regions. We know for sure that half of our food production, especially in those regions comes from the forests. So, let these people have confidence that when they send their children to Form One, they have another four years within which to work in the forest. The Government must come up with a master plan whereby the *shamba* system can be monitored clearly. The farmers should be informed that it is not a right, but a privilege from the Government to till those plots of land. They should vacate them after every five years after the trees are ready for pruning.

Mr. Temporary Deputy Speaker, Sir, the Government should provide seedlings. Today, if you go to the forests, there are no tree nurseries. The Government came up with a programme called "Golden Handshake" and all forest workers were "handshaked". This means that our forests were also shaken and we no longer have forests. We do not have nurseries in the forests and there are no water pumps to pump water to the nurseries. Therefore, we do not expect Kenyans to rehabilitate the forests.

After that, the next programme came in; that is, retrenchment and the remaining workers were retrenched. To my surprise, when I went to Nanyuki Forest Station, I discovered that there are less than ten workers. The Government is bringing in the KWS wardens to guard the forests. What are we guarding? There are no forests. The same KWS indicated that 75 per cent of the forests are not under tree cover. What are we defending, a non-existent forest? Let the Government take into consideration, once again, the effects of the retrenchment exercise. It means that we do not have workers in these forests and we cannot plant trees there. It is high time we approached the international community and other donors to allow this Government to employ more forest workers. It is high time this Government came up with ways of rehabilitating these forests. We are not doing anything and we shall only play politics and not head anywhere. Let the Government monitor the *shamba* system effectively. It has been there since 1942 and it only ended

in 1988. These people used to live harmoniously cultivating their farms.

In brief, Mr. Temporary Deputy Speaker, Sir, I am requesting the Minister to invoke his powers and set in place rules and regulations. The Director of Forestry should license these farmers to do the actual farming in the forests for the next five years.

With those few remarks, I beg to move and I request Mr. Muite to second the Motion.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, this is a Motion that I expect the Minister will welcome and not oppose. Ultimately, this country needs a policy on land ownership and land use. That is what is going to clarify matters in due course.

But this Motion is an interim measure of what can be done while hopefully one day, there will be in this country a government that can develop and evolve a policy on land ownership and land use. We hope that as we negotiate this new constitutional dispensation, the issue of land will be looked into. The issue of forests and land grabbing is part of the whole picture. You will recall that the *Mau Mau* war was fought because of the land question. What has been happening to our forests and public land is truly atrocious. We hope that this is one of the issues the new constitutional order is going to address exhaustively. We cannot have a constitutional settlement without going into the details of land laws, including the issue of grabbing of forest land and public utility land. These are issues which are crying out for attention.

Mr. Temporary Deputy Speaker, Sir, one does not understand why the Government abolished the policy of the *shamba* system in the 1980s. We heard then that a particular community, which used to cultivate in the forests, posed a security risk. It was said that its people were going to be trained and form a guerrilla army to be used to overthrow the Government. Such fear must have been utterly unfounded. The Government may have felt insecure in the early 1980s. You will recall the attempted coup of August, 1982, which was a direct result of making this country a *de jure* one-party system. So, there may have been such fears, unjustified as they may have been. However, are such fears still there today?

This Government has a contradictory policy on poverty eradication. When you talk about poverty eradication, you must examine every issue which can assist members of the public to feed themselves. There were few policies which were working as effectively as the *shamba* system. Unlike indigenous forests, man-made forests must be harvested once the trees are mature. If you do not harvest them, you lose. Trees in man-made forests must be harvested on maturity to provide timber, firewood and other products. Once you harvest the mature trees, you must replace them. The *shamba* system that was started by the colonial government at the turn of the 20th Century worked very harmoniously up to its abolition in the early 1980s.

Very many people, who now hold high offices, including some hon. Members of this House, were educated because their parents were beneficiaries of the *shamba* system. What happened then was that once trees in a certain section of a forest matured up, they would be harvested, and then individuals allowed to cultivate some crops in that area at no cost to the Government. Farmers would grow maize, beans, potatoes and other crops for about four years and thereby grow enough food for their subsistence needs and sell the surplus. So, there was no hunger. In the fourth year, the farmers would be supplied with tree seedlings to plant in the *shambas* they would be cultivating.

When the trees grew to a level where it was no longer possible to grow crops, the farmers would be removed to a different area of the forest where mature trees had been harvested. So, the cycle would go on very harmoniously and effectively. Why did the Government abolish this system, which enabled the people to grow enough food for their subsistence needs and for sale and, therefore, to educate their children and even meet their medical expenses? Why were these people kicked out of the forests and turned into squatters in their own country? Ironically, the Government claims to pursue policies that will enable it to eradicate poverty. What a contradiction! So, I would urge the Minister to seize the earliest possible opportunity to reinstate the *shamba* system. The situation in this country has changed significantly since the 1980s. The situation of the early 1980s no longer obtains. The Government should, therefore, reinstate the *shamba* system and resettle all the squatters, so that they can begin to plant crops in areas where mature trees have been harvested. The Government can actually use the *shamba* system as a stop-gap measure as it develops a policy on land use, ownership and forest conservation.

Mr. Temporary Deputy Speaker, Sir, even if we develop a policy on land use and ownership, we must accept as a nation that there will never come a time when every Kenyan will own a piece of land. So, I would appeal to the Government to stop this populist policy of destroying forests in an effort to settle the landless people in the country. To begin with, the manner in which forest land allocation is being done is tantamount to abuse of power. Rather than settle landless people on such forest land, the Government allocates it to people who already own hundreds and even thousands of acres, so that they can have even more land.

I challenge the Government to table a list of the beneficiaries of the forest land that has so far been allocated to people. I am sure that such a list will read like a list of who-is-who in this country, in terms of politically well connected individuals. So, the poor and landless people remain unsettled as those who already have plenty of land are

being given more land in Government forests. These are the issues which I said should, in the long run, be sorted out through a comprehensive policy on land use and land ownership, as part of our constitutional settlement.

Mr. Temporary Deputy Speaker, Sir, one of the objectives of a constitutional reform is to present a country with an opportunity for a new beginning. We cannot have such a new beginning by sweeping under the carpet contentious and sensitive issues. You have to put such issues on the table and debate them. You may even have to have acrimony in order to ultimately agree. The land question remains one of the very sensitive issues in this country. We are not going to have a new beginning in the new constitutional dispensation until an audit is carried on all the people who have benefitted from illegal allocations of forest land. These people must return such land, so that where it is possible to give it to the poor, that can be done.

A complete audit has to be done to identify those who have benefitted from land grabbing of both forest land and public utility land in urban areas; this should be part of the country's constitutional settlement. We must not forget that the tribal clashes of 1992 were partly triggered by land issues. Some people took the position that there are Kenyans who should only remain in their ancestral land, and should get out people from other parts of the country. These are issues which must be addressed in the new constitutional dispensation, including resettlement of people, payment of reparations, fairness and justice. There has to be a tribunal as part of the new constitutional settlement to look into these matters.

The issue of land use and ownership is complex and sensitive, and cannot, therefore, be wished away. In the meantime, let the Minister take the interim measure of re-introducing the *shamba* system, so that our people can cultivate some crops to address the issue of hunger and unemployment.

With those remarks, I second the Motion.

(Question proposed)

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion.

From the outset, I would like to state that I support the Motion. I am interested in this Motion because I live around a forest, and it is very unique. The Kakamega Forest is the only surviving tropical rain forest in this region, and it is under the threat of extinction. I have been waiting with a lot of interest to see the Forest Bill being presented to this House by this Government. Unfortunately, there are no efforts whatsoever in bringing this Bill here. I think we require an explanation from the Minister concerned as to why he is delaying in bringing this Bill to this House. This is because what is contained in the Bill is what will be the best for this country, if we want to improve forest cover in this country.

There is a memorandum of understanding between the Kenya Wildlife Service (KWS) and the Ministry of Environment and Natural Resources. I would like to let you know that the KWS personnel require re-training because these are the most brutal civil servants that you can ever come across in the Republic of Kenya, who are dealing with maintenance and preservation of forests. I believe the KWS Act needs to be relooked at because that Act has completely disregarded the populations living around forests. For example, since time immemorial people who live around forests used to go to the forests and fetch firewood from there. When this Act came into existence, the old *mamas* living around forest areas could not even fetch firewood from the forests. When these *mamas* go to collect firewood - that is what they used to do since long time immemorial - they encounter brutality that you can never imagine from those officers of the KWS. I think we need to look at this Act very carefully. Compare what the forest cover was in this country when we got Independence and what it is now. The forest cover has been harvested. There has been very little about afforestation.

It is a shame that our Colonial masters were able to look after our forests, and after they left it is now us who are destroying the same, making our country more or less like a desert. The only method that the Colonial Government used to sustain afforestation was through the *shamba* system. There is no way you are going to plant tree seedlings just in the bush and expect them to survive. The *shamba* system used to be like this: People would cultivate crops, plant and weed trees and make sure that, at least, we have forests in those areas. Now, what is happening is a shame. The people who have abused the *shamba* system are the officers who are in charge of the Forest Department. They encourage encroachment even into dense areas of the forests. The allocation of the *shamba* system is very poor because, in fact, they do not give it to the deserving people. All they do is to give it to people who have got money and are able to bribe them. It is high time that, that was looked into so that---

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

[The Temporary Deputy Speaker

(Mrs. Kittony) took the Chair]

(Applause)

Madam Temporary Deputy Speaker, I was saying that it is important that the allocation of the *shamba* system must be looked into very carefully because the people who are allocated these shambas are not the deserving cases. It is the people with money who are able to bribe those officers in order to get those plots for cultivation or even sell it to the people who are unable to influence those officers. If you looked at our budgetary allocations in our Estimates, for this particular Ministry, it is a shame. That is why we have been talking here about this Parliament being able to scrutinise those figures and come up with some ideas on what we need to do. The budgetary allocation in the Estimates on the Forest Department is shameful. They are given so little to an extent whereby the little that they are given cannot achieve much. It is necessary to make sure that the Ministry is properly financed to be able to create more nurseries for trees for us to extend our forest coverage. Until that is done, we shall go on harvesting and not planting trees. So, it is important, first, for this Minister to come to this House and ask for more money to be able to put up more nurseries, produce seedlings and employ people to do afforestation. Madam Temporary Deputy Speaker, recently, the Government degazetted huge chunks of land for excision. I happen to be in the Departmental Committee on Agriculture, Lands and Natural Resources which went round and looked at what was being said as a formalisation. We came to discover that most of the areas which are being degazetted are dense forests of this country, yet we are being told that they are already covered and people are settling on it, which is not true. We need a Government that is transparent. Why should they come here and present wrong information to this House? We saw with the UNEP and Friends of the Forest that the Government was degazetting dense forests of this country. What do they want to achieve? What does this Government want to achieve? They are not listening to anybody, even if they are told that. Do they want to turn this country into a desert?

Water catchment areas are some of the areas which are being gazetted for excision. What is the rationale? At least, we need to have some people in this Government with humane mind who will think about our generations in future. We cannot have people who have got deaf ears; who do not listen to any advice because we are just going to create deserts and destroy our water catchment areas, just because some people want to enrich themselves.

Kakamega Forest, as I said, is the only tropical rain forest that is still existing. About 90 per cent of that forest is in Shinyalu Constituency. We have been taking care of that forest and the Government has now started encroaching on it. Why should we preserve that forest when other people are destroying theirs? If other people are degazetting their forests because they want to settle in them, we shall also wake up and destroy all the trees in Kakamega Forest so that we can settle in it. Why should we be the only ones who can preserve our forest, when other people are destroying theirs?

It is important for the Government to understand that forests are not for particular communities. They are for the benefit of this country and the world at large. It is important for this Government to know that a forest is a natural resource that has been given to us by God and we must preserve it.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you very much Madam Temporary Deputy, Speaker, for giving me the opportunity to contribute to this Motion. I would like to contribute to this Motion with a view to supporting all the great ideas about the protection of forests.

As a matter of fact, I do not think this is a Motion for the Government or the Opposition side to support. All the citizens of this country, small and big, should come out fully and protect forest cover in this country. If we do not support the protection of forests and the planting of trees, then we are headed for a very serious destruction and we will make this country a desert. Sometimes, we talk about desertification and saving the land from being a dessert. We need to work together because this has nothing to do with the politics of this land. It has to do with the saving of this country from becoming a dessert! It is for the sake of our posterity that we must do this. If we do not do it, then history will definitely judge us for ever, whether we are in the Government, the Opposition or just mere farmers outside there. We all have a serious responsibility to protect our forests.

Every country which needs to have water flowing and the rains falling should have at least 10 per cent of forest cover. We have come down to only 3 per cent and that is serious. At the speed we are moving in the indiscriminate destruction of our forests, it is apparent that in the next five years, we will have cut down all the 3 per cent forest cover that we have and that is going to be an ecosystem disaster for this country!

Madam Temporary Deputy, Speaker, I have made contributions inside and outside this House with regard to the Mau Forest. The Mau Forest, as it was a few years ago, was the biggest indigenous forest in this country. But now, we have a problem because it has been invaded by people who want to make quick money and do not care about the future of this country. They do not know that most of the rivers and streams originate from Mau Forest. Whether it is

West or East Mau Forest, we have got a water, shed area. Most of the rivers in West Mau Forest drain their waters into Lake Victoria. These include, Sondu-Miriu, the Mara and other rivers. These are very important rivers for the economy of this country and the general life of the people of this country. There is a very big story now between the Government of Kenya and the Japanese Government. They want to construct a huge hydro-electric power station up there. I know that the locals are complaining about the dust that is being raised by the tractors, bulldozers and so forth. But the issue is not the dust! The issue is that, that river will dry because people are right close to the source of Sondu-Miriu. They are definitely destroying the forest there. The Mara River has now become a little stream and yet, it flows all the way across the Maasai-Mara Game Reserve to the Serengeti plains. Both the Serengeti and Maasai-Mara are "sisters!" In fact, our brothers across the border are already complaining that we are destroying the forest up there and the Mara River is getting very small. The lives of wild animals in the two game reserves are in jeopardy because they cannot get enough water to drink. Although most of the rivers on the western side of the Mau Forest are flowing into the Lake Victoria, some rivers like Makania-Enterit have dried up. The amount of water going into the lake has decreased and the flamingoes are having problems. They are moving into Lake Natron. These are some of the things that we do not see. If we do not take care, we are going to create a situation that is going to be economically against us and the wildlife that we are supposed to look after.

Madam Temporary Deputy, Speaker, we have even allowed small people like foresters and others in the districts to destroy our forests. These people would like to make a little more money. I am not biased against anybody but I am talking about the Mau Forest which is situated in my constituency. Right now, there is a lot of destruction going on. I would have preferred a situation where farmers grow trees on their own farms. But what is happening in Narok North now is that, fake permits are being issued by the Provincial Administration in conjunction with some local forest officers under the pretext of the *shamba* system. But the people who get those permits do not even have farms in that district. The people given permits come from somewhere else and they go right into the forest using those fake permits because they are signed by the District Commissioner or the District Forest Officer. This has been going on and it is criminal! Some of these things must be stopped by the foresters and other top people who are supposed to control some of these people like the District Commissioner, Narok, who is being used now, to issue these fake permits for forest destruction. This is done under the pretext that, somebody is clearing his *shamba*.

Madam Temporary Deputy Speaker, we have got a situation here and that is why I am speaking here; we have to save Mau Forest. Some people in power, within or outside the district, have decided to own parts of Mau Forest. There is already a problem because some parts of the forest are being allocated. They have now constructed roads inside the forest to facilitate illegal settlements in those areas. They are using millions of shillings to open up roads in the forest, which we do not know where they lead to, but definitely they are meant to facilitate people who are harvesting cedar, podo and some of the indigenous trees. They are exporting some of these products from Nairobi here.

This is a serious thing and we should try and stop every small element which wants to destroy the forest. These millions of shillings, as I said the other day, would have been used to refurbish and open up the Mau-Narok Road, so that farmers can take their wheat and barley to the market. Most of these millions of shillings are being used to construct roads into the forest, which lead to nowhere; they just help illegal, crafty and fraudulent people who are going into the forest to destroy our heritage.

We should all be serious and make sure that we support the Bill that will be brought to this House. We should also support Motions like this one, because it is not for the good of an individual, the Opposition or the Government, but is for our national survival. If our forest cover has come down from more than 10 per cent a few years ago to just 3 per cent, then this is a serious affair that we must all start to address very seriously. All the relevant authorities must come together and advise. Forest destruction, whether in Mau Forest, Mount Kenya Forest or Rikia Forest, must come to an end.

I have got a lot of sympathy for this Motion and with those few remarks, I beg to support it.

The Assistant Minister for Finance and Planning (Mr. Marrimoi): Thank you, Madam Temporary Deputy Speaker, for giving me a chance to contribute to this very important Motion.

The environment must be protected. I support this Motion because I come from Cherangany where we have very important water catchment areas. The environment must be protected by whatever means. The *shamba* system is a very important system. I know it is still existing, but it has some financial problems. It is a very good system, but has to be checked because if we do not do so, people will encroach on indigenous forests. I am opposed to the *shamba* system when it is used to destroy indigenous forests which are water catchment areas. So, a policy should be put in place to ensure that the *shamba* system will only target areas which are good for it. Those areas which are good for the *shamba* system should be set aside for it.

We need to protect our forests. We need to protect our indigenous trees so that we do not end up bringing in exotic trees, which are dangerous. The officers concerned should come up with an elaborate policy to ensure that important forests are protected. We need water in this country. We need to know which areas were destroyed through

the *shamba* system so that we can replant indigenous trees. So, tree nurseries should be introduced all over Kenya and should target the water catchment areas. That is my concern. If we do not do that, people who are targeting exotic trees which are good for timber, will destroy our forests. For example, in the case of Embobut Forest, I disagree completely with somebody who brings in exotic trees because it is dangerous. We need water in Kerio Valley and along Lake Victoria area. My constituency is the source of many rivers, for example, Embobut River, Arrow River, Moiben River and all the other rivers which supply water to Eldoret and Webuye Municipalities. If we do not plant trees, then how will our future be? I am really concerned about the environment. We need now to come out clear about our environment.

Madam Temporary Deputy Speaker, I am opposed to the issue of turning these areas into residential areas. People who are allowed to practise the *shamba* system should live away from the forest. They should only be allowed to go into the forest, do whatever they want to do and move out of the forest. The *shamba* system should be non-residential. If we let these forests be turned into residential areas, then we will be endangering our environment. I support this Motion, but I want to state that a policy must be put in place to check the *shamba* system. I know that people will now start felling down trees and enriching themselves, but extension officers should ensure that people do not cultivate along the water catchment areas.

With those few remarks, I beg to support the Motion on condition that these *shambas* will not be residential.

Mr. Imanyara: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion.

I wish to congratulate the Mover because I think this is one of the most important Motions that have been brought before this Parliament. I can see the former Minister for Lands and Settlement nodding in acknowledgement. So I am sure he will support the Motion. I hope that he, and other Members of the Government, will support this Motion because it provides a way forward in dealing with this issue.

What is happening throughout the country, not just in Mount Kenya, Nandi and Mau Summit, is that the lack of a coherent Government policy with regard to the system has provided an opportunity for corrupt deals. What happened in 1980s when this system was abolished by the Government, probably for good intentions, was that the administrators took it upon themselves to exploit the opportunity created by selling land in the forests. For example, in my constituency, during the 1992 general elections, elections were fought solely on the basis of *shambas* which were being allocated by one of the candidates in Mount Kenya. This is happening all over the country.

The Provincial Forest Officers (PFOs) do not do anything else. They have the maps of this country. They look at the maps and then look for middlemen and buyers in this country and appoint agents. This is happening in Meru where one local councillor is the agent of the PFO. They take advantage of lack of a Government policy to sell parts of the forests. In fact, the *shamba* system was never abolished. It was just changed and this created an opportunity for corruption. So, the passage of this Motion will legitimise the *shamba* system and, hopefully, reduce the avenues for corruption that we see accompanying the exercise of land allocation in the entire country.

Madam Temporary Deputy Speaker, what is happening in this country and particularly in the whole of Meru Central, shows that the Government has abdicated its responsibility of settling people and those people have become merchants. So, when the Government, through the Minister for Environment the other day, degazetted 2,000 acres of forests for settlement of landless people in the area, but instead of settling the landless people, the excuse was that, it was to provide 2,000 hectares of forest for squatters who have been squatting on Government land for many years. Therefore, the Government gazetted the excision of 2,000 acres of forest in Meru. Instead of settling squatters who have been living there for ages, various District Commissioners in Meru have been taking money from various local peasants through the DC's office, where receipts are issued in the name of Government for a settlement of people, but there is no settlement that is taking place. So, poor peasants who can hardly afford Kshs1,000, were first asked to contribute Kshs1,000 by a DC known as Mr. Cheboi, before he left Meru District, under the guise of selling Government forest land. All he did was to disagree with a particular person at the Forest Department Headquarters. He was removed from Meru and another person, Mr. Kerario, was brought to Meru, who tried to enter into that matter and legitimize it, at least, to settle people. He requested that a list be prepared and when it was prepared, he was transferred.

Now they have brought Mr. Calistus Okello, as the District Commissioner, Meru. He is following the footsteps of Mr. Cheboi, without asking what happened to the money that was raised by the previous DCs, Messrs. Cheboi and Kerario. Mr. Calistus Okello is also demanding money from the same people! Now they are being asked to pay Kshs4,900. These people are holding receipts that have been issued by the Government in its effort to settle them. The Government creates the impression that it is settling landless people, but it is selling land to the landless people.

If this Motion is passed, it will create an opportunity for us to point out to the people that, anybody claiming money under the guise of settling the landless people in any part of Kenya is committing a criminal act. We need to go back to the system that recognises those people who are tending the forests. This is because we know that, right now, as a result of the Government handing over the responsibility of the forest to the Kenya Wildlife Service (KWS), there

is total confusion in the forest areas. If you go to the forest officer in that region, they will tell you that the Government has handed over the responsibility to KWS. If you go to KWS, they will tell you that our responsibility is simply to guard the forest; but in the process, both teams are collecting money from the people.

Madam Temporary Deputy Speaker, if we were to pass this Motion, and if today, the Government said, yes, as a stop-gap measure, in the manner that Mr. Muite suggested, before the Government formulates a policy on forests and settlement of people, we are introducing this policy and issuing guidelines on how the people have to be settled in these *shambas*, then we would be dealing with the problem. We will be assisting the people who are being exploited by the Government officials in parting with money in all parts of the country. They are enriching themselves because this money does not go to the Treasury, neither does it help the Government. All we are doing is creating avenues for people to fight to be posted to areas where there are forests because they know that those are areas where they would abuse the office under the guise of settling the landless, but collecting money in the region.

Madam Temporary Deputy Speaker, I would like very strongly to urge the Government to consider transferring the Provincial Forest Officer, Eastern Province, because this person is responsible for massive destruction of forest in Mt. Kenya region. It is not the people of the area who are destroying the forest, but it is the Government officials, in collusion with the Chief Conservator of Forests in Nairobi; the Provincial Forest Officer and the Provincial Administration. When we met with the District Security Committee and the DC, we agreed that because the forest needs to be tended, a local committee needs to be appointed to oversee who are the genuine squatters in the region to be settled, a letter came from the Provincial Commissioner disbanding this committee because the Provincial Administration is playing an active role in the destruction of our forests. The directives come from the PC's office in Embu to various district commissioners in Eastern Province. What is happening today is that, we are institutionalizing corruption. We talk about fighting corruption and introducing legislations in this House to fight corruption, but you know the manner in which corrupt deals are taking place is through Government directives. A delegation visits His Excellency the President and they talk about the Nyayo Market where there are over 500 people! Last week, they were outside this Parliament demonstrating against the local District Commissioner who is charging them twice the money they have already paid and sending chiefs to evict them from areas they have settled for ages, without giving them an alternative. What are we doing? Are we creating wealth or are we eradicating poverty? Are we dealing with the problem of insecurity when we are removing people who have lived on a piece of land for 50 years without offering them an alternative? I thank the Mover of this Motion for seeing the need to address a very pressing issue.

Madam Temporary Deputy Speaker, we know this is a campaign year, and we know that many promises will be made, like it was done in 1992 and 1997. But I think time has come for Kenyans to be told that they must reject these false promises that they will be getting land from the Government or the President in exchange for their votes, only for them to be sent chiefs and police officers to evict them, as if they do not belong to this country. Today in this country, foreigners are more secure in land ownership than genuine Kenyans. A case in point is just next here, at the Institute of Primate Research, where an American woman who came to this country as a researcher, and under the guise of conducting research in this country, has acquired the Karen Blixen premises; bought property in this country, opened a hotel and wants the business of the Institute of Primate Research to be conducted on a private property that she owns in Karen and the Government has agreed. The Government gives this woman a work permit to kill one of the foremost research institutions in this country under the guise of opening opportunities for investment.

Time has come for Kenyans to say that, first and foremost, this country belongs to Kenyans. Any effort by the Government or Government, officers to bring outsiders here to feel more secure than ourselves who were born and bred here and have nowhere to go, must be rejected. It is for that reason that I ask the Minister to not only acknowledge the problem posed by the absence of land policy in the form of forest region, but also to accept, as a matter of urgency, this *shamba* system to be introduced now and not tomorrow.

With those remarks, I beg to support.

Mr. Mutiso: Thank you, Madam Temporary Deputy Speaker, for according me this opportunity to support the Motion moved by Mr. Kiunjuri on the re-introduction of the *shamba* system.

The *shamba* system in the present context is in line with the developments in other parts of the world, as far as integrating agriculture and forestry is concerned. I tend to differ with Mr. ole Ntimama in his reservations about the re-introduction of the *shamba* system. It will be recalled that this country has about 3 per cent of its land under forest cover. This does not mean that this country cannot increase the forest cover without necessarily jeopardising the areas set aside for the growing of forests.

Madam Temporary Deputy Speaker, if we borrow the historical development of the *shamba* system from other parts of the world, I believe the most conspicuous example would be given during the period of President Roosevelt, when he introduced the Omnibus Bill in the development of the Tennessee area in the United States of America.

Madam Temporary Deputy Speaker, what we call the *shamba* system today is nothing but modern farming

which is practised, in the nomenclature name of "market gardening". I believe that in this country we have the machinery and the mechanism which can improve on the current *shamba* system, if it is introduced without necessarily causing deforestation and desertification of this country.

I would like to say that the Motion before us is very important as far as the land issue and use is concerned. Time and again, in this House, Members of Parliament from various parts of this country have complained about shortage of land in various parts of the country. The problem of squatters - the people who do not possess land - has also been exemplified in this House in a manner which has also showed us that there is need for a new strategy, policy or way forward to solve landlessness once and for all. I believe that as much we might be able to increase the productivity of this country, commoditywise and through other methods, we might be unable to increase the size of land which is a gift of nature. I believe it is incumbent upon the Government to formulate a policy which will alleviate the problem of land use and landlessness without necessarily resorting to shooting down an important Motion like this one.

There are three clear cases in the area which I come from - Ukambani region. There is an important forest which was a powerhouse as far as food and resource production in our region was concerned. I remember in 1990, the citizens of this country who used to farm around the Kyulu Hills and produced other resources like timber were evicted from there. Since that time, thousands of families have been rendered landless. These families have been living in marginal areas and in conditions which defeat imagination.

Way back, the same policy was used to displace people from Kenze Forest. These people used the forest in a manner which was beneficial to the community. I believe that to defuse the pressure of landlessness in this country, it is important that we reintroduce the *shamba* system. I would like to point out that we have the mechanism to do this. For example, we have the International Centre for Forest Research and Agro-Forestry. This centre promotes the use of land for both agriculture and growing of trees. If we shy away from re-introducing the *shamba* system merely because, just as Mr. Imanyara has said, of a moral hazard of a particular officer - he has mentioned the Provincial Forest Officer--- Will we shy away from re-introducing the *shamba* system so as to solve the problem of landlessness just because this House cannot formulate a policy and check on it?

Madam Temporary Deputy Speaker, I urge my fellow Members and the Minister to re-introduce the *shamba* system as it was practised way back in 1980. I believe we will do a big service to this country if we do this. We have Kilome, (Vontheke?) and Ilima Forests. These forests will serve Mumela, Kilome, Muvaleni and other areas, where people live in abject poverty. Besides that, the *shamba* system will also create the much needed employment and resources that this country lacks.

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

Mr. Muiruri: Madam Temporary Deputy Speaker, I would like to start my contribution by paying special thanks to the Mover of this Motion, Mr. Kiunjuri. My constituency, which is Gatundu North accommodates one of the biggest forests in Central Province. This forest is called "Kieni". There are so many rivers, such as Kiama, Karumindo, Ndarugu, Chania and many others which flow from Kieni Forest. I would like to inform this House that River Chania is the main source of water to all the people who live in Nairobi, leave alone River Ruiru.

Kieni Forest has been destroyed totally. Trees have been cut down without the Government taking any step whatsoever to ensure that the forest is protected. The people who are behind all this belong to the Provincial Administration and forest officers. The people, including Members of this House, who have been to Blue Post Hotel have seen the Chania Falls. During the dry season, there is not even a drop of water in Chania Falls, and this has been caused by River Chania supplying water to the people who live in Nairobi. The dam which has been constructed there ensures that very little water flows back to the river, which makes it dry. I would like to say that the people who live in Nairobi will not have water if we do not protect Kieni Forest.

My constituency also accommodates Ngethu Water Works, which process the water which comes to Nairobi to ensure that it is clean before it is pumped.

Madam Temporary Deputy Speaker, there are over 5,000 people living in Kieni Forest. Many of them were displaced during the tribal clashes that hit some parts of this country. They did not have any other place to go, so they settled in that forest. These are Kenyans who want to do inter-planting to ensure that Kieni forest is taken care of. However, those people are usually terrorised by officers from the Forest Protection Unit. This is a militia group of forest officers who move around the forest with guns. They beat up innocent people and rape young women under the pretext of protecting the forest. Who destroys the forests in this country? It is not those people who live in the forest, but it is the Provincial Administration and the forest officers. As Mr. Imanyara said a few minutes ago, I know Kieni Forest has been allocated to well politically-connected individuals. These are rich people who pay money to forest officers. In that process, they have acquired large chunks of land in the forest. For example, over 5,000 hectares of land have been allocated to a very prominent family in Gatundu.

Madam Temporary Deputy Speaker, if we do not protect our forests, what will happen in the future? Our

country will be a desert. I feel this Government should wake up and realise that trees are very important to the environment. I do not know why a Motion like this should come from this side of the House instead of the Government side. The Government should come up with a policy whereby trees are planted along all the major roads of this country. They should also come up with a policy that will compel land owners to plant some trees. At least, we should make sure that 10 per cent of our land is covered with trees. This is what the Government ought to have overseen before even this matter was brought before this House by the hon. Member.

Madam Temporary Deputy Speaker, what will happen to this country if we continue destroying our forests? The Kieni forest, for example, has been destroyed and yet the Minister is not taking any action to ensure that we have enough seedlings in this country. It is sad that the Government is simply watching helplessly as our forests are destroyed. We should plant trees in all Nyayo Tea Zones because we have enough tea in this country. Those Nyayo Tea Zones should be done away with so that we plant enough trees.

Madam Temporary Deputy Speaker, instead of allowing these small militia groups to terrorise our people, we should allow our people to do inter-planting in the forest land. I am saying this because I am on the ground and I know what is happening. The people who are in that forest - and I have taken the Minister and the Forest Conservator there - live in abject poverty. They should be allowed to plant trees under this *shamba* system. If you went to Kieni Forest and saw those people, you would really sympathise with them. They are not like ordinary human beings; they live under terrible conditions. Their children do not even go to school. They live in shanties which are destroyed by elephants now and then. All they want is *shambas* to plant their crops as they continue to take care of our forests. They would be able to feed residents of Nairobi with vegetables.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): On a point of order, Madam Temporary Deputy Speaker. Did you see how Mr. Wanjala walked in? He was conversing with another hon. Member and he just crossed over to this side without bowing at the Bar.

The Temporary Deputy Speaker (Mrs. Kittony): Order! Mr. Wanjala go back to the Bar and bow!

(Mr. Wanjala went to the Bar and bowed)

Proceed, Mr. Muiruri.

Mr. Muiruri: Madam Temporary Deputy Speaker, I hope you will give me two more minutes because of the behaviour of my colleague.

So, those people who are living in abject poverty. This Government should reintroduce the *shamba* system. If they are allowed to cultivate, they will be able to feed themselves and the whole of Nairobi and Thika District with vegetables.

Waters from Chania River passes through my constituency. It is a pity that my people, who protect it, are not allowed to use it. People in my constituency do not benefit from that water. I hope the Minister will allow my people to use it free of charge because the residents of Nairobi are paying for it. The Minister should ensure that our people enjoy that water because they are the ones who protect it. I believe, in this country, something must be owned by somebody. That water belongs to our people and they should be allowed to use it free of charge. If the Government is benefiting from this water, why not allow my constituents to benefit as well? If the cement from Athi River Factory is being paid for, why not water from Chania River?

Madam Temporary Deputy Speaker, with those few words, I beg to support.

The Minister of State, Office of the President (Mr. J. Nyagah): Madam Temporary Deputy Speaker, thank you for giving me this opportunity to support this Motion before the House. I come from a constituency that depends on the waters from Mt. Kenya Forest.

*[The Temporary Deputy Speaker
(Mrs. Kittony) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, during last year's drought, there was continuous power rationing in this country. Therefore, I had first-hand experience of the problems that will result if Mt. Kenya Forest is interfered with. That is why I am supporting this particular Motion. The *shamba* system worked very well in the past. It was well-managed and it simply allowed our people to plant trees and after three or four years when the trees grew to certain levels, they would move on to other areas. That meant the Forest Department was assured of people to take care of their seedlings and trees. This allowed for continuous cutting of trees by the Forest Department because there was

continuous replacement. That is the system that we need to go back to so that we can guarantee this country adequate rainfall and water supply. Along the way, the Nyayo Tea Zones were introduced. This, as we all recall was supposed to stop further encroachment on the forest by the people who live around the forest. Although the Nyayo Tea Zone programme covers particular areas, it should go together with the *shamba* system so that if the two systems are properly managed, they would guarantee rainfall and growth of trees in and around those forests.

Mr. Temporary Deputy Speaker, Sir, one of the problems we have had is the lack of responsibility on the part of by some of our officers. It is necessary that, as part of the constitutional review exercise, forests be handed over the local communities. If the local people are given those forests, it would be their responsibility to look after them. They would know that if they messed with those forests, there would be no rainfall, and there would be a more responsible attitude towards cutting down trees that is taking place. But when they are managed by officers from other areas who know that if they are caught misbehaving the maximum punishment that can be meted out to them would be a transfer-- That does not make them responsible officers in terms of looking after the local interests. I hope people who will give their views to the Ghai Commission will make good presentations. In my area, I know we will do that so that resources such as forests can be given to the local people, who can look after the local forests on behalf of the rest of the people. My friends from Kirinyaga and Embu districts have in the past misused the forest resources, the effects of which are being felt in Gachoka where the rivers have dried up. I know if we made them responsible, they would look after the forests for the sake of all of us.

Mr. Temporary Deputy Speaker, Sir, I hope in the next Budget, the Forest Department will be given a substantial amount of money in order to develop seedlings. At the moment, we know that there is a shortage of seedlings. Parliament should support the Ministry of Environment to get sufficient resources so that they have seedlings to plant. Then through the *shamba* system they would plant them and take care of them. That is the only way, in the interim, while awaiting the new Forest Bill, we can overcome the problems that we are currently facing.

It is no doubt that the population pressure has messed up our forests. It is the responsibility of the people who live along the forests to come up with a system to ensure that, on behalf of the rest of Kenyans, they can take care of the forests, as the population pressure grows. In fact, if I were a donor country today, I would support afforestation programmes, because that is the only way we can guarantee our heritage, rainfall and power supply. Imagine a situation where we can become exporters of timber products? In order to discourage the cutting of trees, the Government has reduced custom duty on imported timber and timber products in the last two years. If we can get the point of the *shamba* system that we are talking about today, and we have sufficient trees, I can foresee a situation where we should be exporting timber and timber products and earning substantial foreign exchange. Many countries have done it, but we need the support of everybody, including our donor countries who have interest in our environmental development.

Mr. Temporary Deputy Speaker, Sir, as I have just said, it is critical for all forces to pressurise the Minister for Finance to find sufficient funding for the Ministry of Environment and Natural Resources. If we continue at the rate that we are going today, there will be no environment to talk about. But once we have developed the *shamba* system along the lines that everybody has supported, it is critical that we do not allow people to live permanently in those forests. What we need is a non-residential system where people who live near the forests - the priority has to be given to people who live around the forests - to move into the forests in the morning, cultivate their agricultural products, look after our trees in the process and go back to their homes in the evenings, so that permanent structures are not established in the forests. The minute we establish permanent structures, that would mess up the programme that we are talking about. But a system that is non-residential is what we require. Therefore, I would urge the appropriate Ministry, as it implements the policy, to control the non-residential part of the programme to ensure that people move in and out. I am sure it can be done. I am sure that if we work together with the Provincial Administration, the Ministry and the local communities who know that there are some benefits, it can work. It should and will work.

With those few remarks, I beg to support.

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Thank you very much, Mr. Temporary Deputy Speaker, Sir. Before I respond, I would like to give Mr. Keah two minutes.

The Assistant Minister for Transport and Communications (Mr. Keah): Thank you, Mr. Assistant Minister! I have been here since 9.00 a.m. and although I am not complaining about the Chair, I feel that I have been denied a chance! But I thank the Assistant Minister for giving me those two minutes. I will be very brief.

First of all, I support this Motion and I think that it is timely. I want to observe that there are a number of lapses in terms of good practices that have been making this country rich in the past. I would like to give an example of one of those lapses. The implementation of the *shamba* system is happening even today where people are allocated some farms in the forests. But it is the corrupt elements that we do not condone. We want, through this Motion, to say that those practices should totally end.

I support this Motion because of a number of reasons. For example, we have the *Kaya* forests which are

being decimated through those malpractices. We want to ensure that those *Kaya* forests are not decimated but preserved.

Mr. Temporary Deputy Speaker, Sir, by passing the Motion and implementing it in a proper way, we would be solving a number of problems. First of all, the tree population will increase. Secondly, food productivity, at least, for the three years that those trees would be growing up, will also increase. Indeed, that will alleviate poverty because when those trees are harvested, some income will accrue to those individuals. I want to say further that there is need to harmonise some of our Acts relating to forests and land like the Land Act, Forest Act and the Agricultural Act. We should not forget the fact that we are signatories to major international conventions such as the CCD---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Your time is up!

The Assistant Minister for Transport and Communications (Mr. Keah): In trying to say that we support the cause, we are also members of international conventions such as the GEF and the CCD, among others.

I beg to support the Motion.

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to respond. I am not really opposing the Motion, but the residential system of forest cultivation. The non-residential system is the best one that we have come up with as a Ministry. Drought in the East African region has been interspersed with years of floods and good rainfall. Therefore, droughts cannot be entirely as a result of forest destruction. I also wish to inform the House that the *shamba* system, as practised by the residential cultivators prior to 1987, was found to have serious shortcomings, among them uncontrolled growth of squatters. Consequently, the system was temporarily suspended from 1988 due to misuse, but was gradually re-introduced in 1997 in various districts in the country in the form of non-residential cultivation,---

Non-residential cultivation is now being practised all over the country under strict supervision to ensure that it does not result into negative impact that led to the suspension of the *shamba* system in 1987. Non-residential cultivation has been found to be the best system of forest plantation established, with benefits accruing to both the Government in terms of reduced costs of plantations established and the cultivators in terms of cheap land for food production. Through the NRC my Ministry is able to achieve an annual plantation target of 4,000 hectares. So, we are not trying to discourage this *shamba* system, but we came to realise that the best system is the NRC. If we try to encourage resident cultivation people might take an advantage of being squatters in a Government forest and the Government will have a rough time planting trees.

Mr. Temporary Deputy Speaker, Sir, I strongly oppose the *shamba* system.

Thank you.

Mr. Kiunjuri: Thank you, Mr. Temporary Deputy Speaker, Sir. May I first of all take this opportunity to thank all the Members of the House who collectively, except for the Responder, supported this Motion which is of great importance to this nation. We have realised, for the first time, that Kenyans can take responsibility. We have seen that both the Opposition and the Government sides of the House can team up on matters concerning this nation. There is no other way that this country shall move forward, both economically and politically without taking care of the future generations. It is good that we have all realised that history will judge us harshly if we shall not be able to take care of the generations to come. It is very unfortunate that it will occur during our days. We shall not die without seeing this country either being fully rehabilitated with forests existing or having brought it down completely. It has taken us a very short time to make this country a desert. At the same time, it can take us a very short time to make this country have a forest cover of over 40 per cent.

Mr. Temporary Deputy Speaker, Sir, by so saying, I would recommend the following: That this Government surrenders the forests to the local community; allows them to manage the forests and allows them to cultivate and take care of the forests. For example, I was born in a forest and I have lived close to a forest for the whole of my life. I love the forest the same way I love this nation. So, anytime we destroy our forests, we destroy this nation. My love for this nation, and the forest, cannot allow me to see that happen. So, let these people own the forests, let them be jealous about the forests and they will be able to contain the forests.

Mr. Temporary Deputy Speaker, Sir, secondly, let the Government set aside funds for the rehabilitation of forests. Let this year's Budget include funds for rehabilitation of our forests. Let the Ministry, for the first time, be serious. Let it know that anything happening to our forests is affecting our nation.

Mr. Temporary Deputy Speaker, Sir, you can remember that the whole of last year the whole nation went without electricity. As a result, the general development, as the Minister for Finance reported here, realised a minus 3.7 economic growth. In other words, there was no economic growth in this nation. Why did it happen? We did not have water. People could not generate hydro-electric power. Secondly, we have experienced a food shortage for the last four years. The residents of Laikipia, the whole of North Eastern Province and Ukambani are suffering from food shortage. Why? This is because we cannot maintain our water sources and catchment areas. This is also affecting the whole global system. The *El Nino* rains and the global warming being experienced now are as a result of destruction

of forests. Kenyans should realise now that once we destroy our forests, we are not only destroying Kenya's weather pattern, but the world's weather pattern. This issue should be taken into consideration. Once we destroy our forests we destroy the whole world. So, we must avoid this.

Mr. Temporary Deputy Speaker, Sir, we should realise that today there are no funds which have been set aside for District Forest Committees. The other day we set up the District Roads Committees (DRCs). However, we do not have any committee dealing with forests. We should be able to rehabilitate our forests.

With those remarks, I beg to move.

(Question put and agreed to)

(Applause)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, for the convenience for the House, since the Mover of the next Motion had indicated to me that he was not ready, it is now time to interrupt our business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.20 a.m.