

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 4<sup>th</sup> July, 2013

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table: -

Annual Financial Statement of the Kenya National Examinations Council for the year ended 30<sup>th</sup> June, 2012.

Annual Report and Accounts of Kenya Literature Bureau for the year ended 30<sup>th</sup> June, 2012.

Report of the Auditor-General on the Financial Statement of the National Oil Corporation for the year ended 30<sup>th</sup> June, 2012, and the certificate therein by the Auditor-General.

Report of the Auditor-General on the Financial Statements of the SACCO Society of Kenya for the year ended 30<sup>th</sup> June, 2012 and the Certificate therein by the Auditor-General.

Report of the Auditor-General on the Financial Statements of Kenya National Trading Corporation for the year ended 30<sup>th</sup> June, 2013, and the Certificate therein by the Auditor-General.

*(By hon. A.B. Duale)*

Report of the Departmental Committee on Environment and Natural Resources on Statements sought pursuant to Standing Order 44 (2) (c) on the management wrangles at Tana and Athi River Development Authority (TARDA)

*(By hon. (Ms.) Abdalla)*

Report of the 21<sup>st</sup> Ordinary Session of the Assembly of the Heads of State and Government of the African Union on 25<sup>th</sup> to 27<sup>th</sup> May, 2013 at Addis Ababa, Ethiopia by the Departmental Committee on Defence and Foreign Relations.

*(By hon. Gethenji)*

**Hon. A.B. Duale:** Pursuant to Standing Order 44(2)(a), on behalf of the House Business Committee, I rise to give a Statement regarding the business appearing before

the House next week. On Tuesday, 9<sup>th</sup> July, 2013, the House will consider for debate the following three Motions: -

(i) A Motion by the hon---

**Hon. Speaker:** Leader of Majority Party, is it a Statement that you are giving under Standing Order No. 44?

**Hon. A.B. Duale:** Hon. Speaker, Sir, I am so guided, I am sorry.

### NOTICE OF MOTION

#### MANAGEMENT WRANGLES AT TARDA

**Hon. (Ms.) Abdalla:** Thank you hon. Speaker, Sir. I beg to give notice of the following Motion: -

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on Statements sought pursuant to Standing Order 44(2)(c) on the Management Wrangles at Tana and Athi River Development Authority (TARDA), laid on the Table of the House today, Thursday, 4<sup>th</sup> July 2013.

**Hon. Speaker:** Hon. Members, the Order Paper I have indicates that one hon. Charles M. Nyamai, MP is supposed to give notice of some motion. The Member called Charles M. Nyamai, MP. He is not here. The Motion is dropped!

Next Order!

### STATEMENT

#### BUSINESS FOR THE WEEK COMMENCING ON 9<sup>TH</sup> TO 11<sup>TH</sup> JULY 2013

**Hon. A.B. Duale:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order 44 (2)(a), on behalf of the House Business Committee, I rise to give statement regarding the business appearing before the House next week. On Tuesday, 9<sup>th</sup> July, 2013, the House will consider for debate the following three new Motions, among others: -

(i) A Motion by hon. Sunjeev Kour Birdi urging the Government to build multi-dams and ensure that they are allocated equitably around the country, while complementing the existing dams and establish other measures for water harvesting, especially during the rainy or flood seasons for sustainability.

(ii) A Motion by hon. Nyamai urging the Government to spearhead the establishment of a national unified identification system that harmonizes all personal bio-data.

(iii) A Motion by hon. Kajuju urging the House to establish an *ad hoc* Committee to comprehensively investigate and inquire into all matters relating to Khat (*Miraa*), consider and review all research findings and make recommendations to the House within 90 days.

Finally, the House Business Committee will meet on Tuesday, 9<sup>th</sup> July, 2013, at the rise of the House to consider business for the rest of the week. I now wish to lay the Statement on the Table of the House.

*(Hon. A.B. Duale laid the Statement on the Table)*

## REQUESTS FOR STATEMENTS

### INCREASED BREWING/CONSUMPTION OF ILLICIT BREWS

**Hon. Nyumu:** Hon. Speaker, pursuant to the Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the increase in brewing and consumption of illicit brews around the country.

That appears to be happening despite the enactment of the Alcoholic Drinks Control Act, 2010, which has brought a degree of sanity and order in the regulation of the sale and consumption of alcoholic drinks in licensed bars and outlets. I wish to request the Committee to urgently investigate this matter.

**Hon. Speaker:** Chair of the Committee on Administration and National Security, do you want to give an indication of when that could happen?

**Hon. Abongotum:** Hon. Speaker, we will give the Statement in two weeks, if that is okay with the Member.

**Hon. Nyumu:** That is okay, hon. Speaker.

### EVICITION OF SQUATTERS

**Hon. Bedzimba:** Thank you, hon. Speaker, for giving me this opportunity to request for a Statement. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the rampant cases of squatter evictions especially in Kisauni Constituency and in the larger coastal area and the country in general.

In April, 2013, the National Land Commission directed that no eviction of squatters or the landless occupying public or any other parcel of land shall take place until the Commission develops guidelines and the necessary laws for eviction. I, therefore, wish to request the Committee to urgently inquire into the many cases of ongoing squatter evictions throughout the country with a view to make a Statement to the House of its findings as soon as possible.

**Hon. Speaker:** You want this to cover the entire country?

**Hon. Bedzimba:** Yes, hon. Speaker.

**Hon. Speaker:** Is there anybody from the Committee on Lands?

**Hon. Kihagi:** Hon. Speaker, I am a Member of the Committee on Lands and I undertake to communicate this to the Committee through the Chair.

**Hon. Bedzimba:** Hon. Speaker, I need to have a timeframe within which I will get the answer. This is very serious because the evictions are going on and we need the Statement very soon. Maybe, if the Member can undertake to give a timeframe, then I can agree to it.

**Hon. Speaker:** I want to correct you. You are not going to get an answer. In fact, so many of you have spoken to this issue. You are expecting an answer from the Chairman of that Committee on evictions being done in the country. What capacity does the Chairman have to give an answer? He can only give a report.

Indeed, we are just about to begin discussing something and we want to point out some of the difficulties that we are putting ourselves in by continuing to make requests for those Statements. But you are at liberty, hon. Bedzimba, to also appear before that Committee with this request, so that as a Committee, you can sit and agree on the period within which the report on this issue can be tabled before the House for the House to debate. If you are seeking the Chairman of the Committee to help you to stop the evictions, then this obviously is the wrong venue because that is a matter for the Judiciary. It is the only one that can deal with issues of issuing orders against evictions. So, we really need to make up our minds about this matter and how we are going to deal with it. Obviously, the Committee is not going to help you not to have the people evicted.

Even if it is being done against the law, that is not the mandate of the Committee. But I would encourage you to have a sitting with the Committee to see how best the Committee can come up with a report, with your input, about how best those matters could be addressed, so that Parliament then, addresses itself on a policy direction as opposed to issuing a report that says “do this or do not do this”. Very soon, we are going to put the House in a situation whereby some things we have resolved to be done in a particular manner will not be done. We do not want to act in futility. So, hon. Bedzimba, I would request that you take the earliest opportunity, even if it is tomorrow – that is if the Committee is sitting tomorrow - to appear before them, so that you can agree on modalities of how the report can be made.

**Hon. Bedzimba:** Agreed, hon. Speaker.

**Hon. Speaker:** There is a Statement to be delivered by hon. Abongotum.

#### MEASURES TO ASSIST RAPE VICTIMS IN DANDORA

**Hon. Abongotum:** Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c) I wish to give a Statement on issues raised by the hon. Member.

On Thursday, 6<sup>th</sup> June 2013, hon. Rachel Shebesh rose on a point of order requesting for a Statement on the recent rape incidents in Dandora, where it is alleged that teenage girls are lured by a 15-year-old girl into a racket which, at times, lead to the death of some of the victims.

The hon. Member informed the House that a group of teenagers calling themselves “*Jeshi*”, in collaboration with a popular club in town, drug and rape girls in that particular area. She sought to know the measures the Government has employed in order to arrest criminals and provide assistance to the rape victims and their families.

She further wanted to be informed of the measures that have been taken against the club. Lastly, she requested to be informed of the steps that the police have taken in implementing the Sexual Offences Act by setting up a gender unit in every police station.

I wish to respond as follows: -

Sometime in December, 2012, Ms. Monicah Waithera, the Assistant Chief of Dandora Sub-location B, received information from members of the public that a 12-year-old girl by the name of Carol Akinyi was being used by a gang of youth to lure her agemates to attend jam session discos in certain clubs in Nairobi Central Business District (CBD) after which, she would arrange the girls to be raped by gang members. The Assistant Chief carried out inquiries and summoned the following minors: - Carol Akinyi, a student at Highway Secondary School, Jackline Wanja, student at Kinyago

Secondary School and Monicah Wambui, a Class Eight drop-out at Ronald Ngala Primary School.

She interrogated the minors in the presence of their mothers and they confessed to have been attending the jam session discos and taking alcohol. They, however, denied having been involved in the luring of their colleagues in the raping ordeals. The Assistant Chief later released the girls to their mothers after warning them to desist from indulging in immorality.

Hon. Speaker, the following measures have been put in place to address this matter: -

- (i) Enhanced foot patrols by the police in the affected areas.
- (ii) Community policing forums have been stepped up and have resulted in improved reporting rates of such incidents to the police.
- (iii) Where rape incidents have been received, due and proper investigations have been carried out and suspects arrested have been charged in a court of law.
- (iv) Public awareness campaigns on sexual violence have been organized by community-based organizations, Non-governmental organizations and area administrators.

Following the media exposé by *Kiss* and *Citizen* televisions, investigations are being carried out by county criminal investigations officers on the allegations of involvement of some clubs within the CBD and some public service vehicles plying the CBD and Dandora area. The Government has also held workshops to create awareness amongst police officers on the Sexual Offences Act besides setting up gender desks in every police station not only in Nairobi, but in the whole country. Those desks are manned by female police officers.

Lastly, according to police records in Dandora Police Station, no rape incidents involving the alleged gang have been reported for investigations. However, since the beginning of this year, more than 10 incidents were reported and action has actually been taken. I, therefore, wish to table this Statement.

Thank you, hon. Speaker.

*(Hon. Abongotum laid the Statement on the Table)*

**Hon. Speaker:** Next Order!

## MOTIONS

### ESTABLISHMENT OF DISASTER MANAGEMENT AUTHORITY

THAT, aware that dozens of families in the country especially in Isiolo County have been marooned by floods; concerned that the flooding menace has led to immense negative impact on the economy which *inter alia* include widespread destruction of property, crops and infrastructure such as bridges and roads hence curtailing the movement of people and goods from one place to another; deeply concerned that flooding has led to outbreak of waterborne diseases in some parts of the county; this House

urges the Government to speedily establish a Disaster Preparedness Authority to handle issues of such magnitude, and hasten the rehabilitation of all the infrastructure destroyed by the floods.

*(Hon. (Ms.) T.G. Ali on 2.7.2013)*

*(Resumption of Debate interrupted on 3.7.2013)*

**Hon. Speaker:** Hon. Members, with regard to the Motion by hon. Tiyah Galgalo, debate on it had been concluded but the Question could not be put because there was no quorum in the House.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, aware that dozens of families in the country especially in Isiolo County have been marooned by floods; concerned that the flooding menace has led to immense negative impact on the economy which *inter alia* include widespread destruction of property, crops and infrastructure such as bridges and roads hence curtailing the movement of people and goods from one place to another; deeply concerned that flooding has led to the outbreak of waterborne diseases in some parts of the country; this House urges the Government to speedily establish a Disaster Management Authority to handle, prepare and create awareness of disasters, including the rehabilitation of all facilities and infrastructure destroyed by floods.

ADOPTION OF REPORT ON IMPLEMENTATION  
STATUS OF COURT RULING

THAT this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on Statements sought pursuant to Standing Order 44(2)(c) regarding the Implementation Status of the Court ruling in Petition No. 8 of 2013; failure by the Attorney General to release payment to one Otieno Mak'Onyango as awarded by Court; and Government's commitment to the International Criminal Court (ICC), laid on the Table of the House on Tuesday, 25<sup>th</sup> June, 2013.

*(Hon. Chepkong'a on 3.7.2013)*

*(Resumption of Debate interrupted on 3.7.2013)*

On this Motion, I am informed that hon. Chanzu was on the Floor. He has a balance of eight minutes.

**Hon. Chanzu:** Thank you, hon. Speaker. I was saying that the issue of Teachers Service Commission (TSC) is very paramount now. It is important that we have the body

in place so that we are able to deal with the issues that are happening now and affecting the teaching fraternity. It is important that the three commissioners are appointed as soon as possible so that TSC is fully constituted in terms of quorum and is able to transact its business, including looking into the welfare of teachers and their recruitment. I support that aspect of the Report.

There was also the issue of payment in the Report, concerning the former detainee and Member of Parliament, Otieno Mak'Onyango. The decision by the court that he be paid is long overdue. We have had many detainees. We need to get rid of the historical injustices that happened in this country. Whatever was committed by the Government that time should be taken care of by the Government of today. That is because we are still the Government of Kenya. I support the idea that the Attorney-General's Office should have budgetary provisions of the amount of money that the court ruled he should be paid. The amount was Kshs20 million-plus.

Other rulings have been made with regard to the former detainees, for example, hon. Imanyara. That goes to prove that those cases should be handled. Perhaps, what the Committee ought to have recommended is that the cases be looked into now that we have the Truth, Justice and Reconciliation Commission in place. They need to look into those cases so that the Government does not incur additional expenses like court charges. That way, we will open a new chapter.

Hon. Speaker, I support the Report.

**Hon. Speaker:** Hon. James Opiyo Wandayi

**Hon. Wandayi:** Thank you, hon. Speaker, Sir. I wish to make some comments regarding this particular Report, the main reason being that, I am one of the Members who had sought certain clarifications from this Committee. Pertaining to the issues that I had raised, I am not satisfied by the Report as it is before the House. I say that because when I raised my issues sometimes back, I was doing so in very good faith and with the believe that the Committee would go and carry out interviews, do some research and come back to the House with a detailed and comprehensive report, particularly, on the matter of International Criminal Court (ICC).

I find in the Report a memo from the Office of the Attorney General concerning comments that had been attributed to Kenya's Ambassador to the United Nations (UN). The comments were calling for the termination and not even referral of the ICC cases back to Kenya. The Ambassador to the United Nations was quoted having called for the ICC cases to be terminated.

There has been no answer that is satisfactory on that particular matter. The Report simply agrees with the Attorney General that, that particular issue can be adequately addressed by the Ministry of Foreign Affairs which, of course, as we know, is dealing with the case. But the Committee had the mandate to go and enquire from the Ministry of Foreign Affairs about their position on the Ambassador's comments, which were totally uncalled for. The Ambassador was purporting to speak on behalf of the ICC suspects, really, which is not part of his mandate as Kenya's representative to the United Nations.

When the Attorney General talks of Kenya's preparedness to try the ICC cases in Kenya, he goes ahead and talks about the political, legislative as well as the democratic landscape having changed since the promulgation of the new Constitution. It is Government's belief that the Kenyan courts can handle those cases. One is left

wondering: If that is the case then, why has it taken this long to prosecute those minor cases related to the post election violence, which took place almost seven years ago? As we speak, there are thousands of Kenyans still living in Internally Displaced Persons (IDP) camps in an independent Kenya. The question is: If the Government is ready, and if the courts have the capacity to try the ICC cases, can we know for sure the stage of the investigations of the minor cases pertaining to the post election violence of 2007/2008? Secondly, can we know when exactly the prosecution of those minor cases will commence?

The Attorney-General talks of the country intending to create an international crimes division of the High Court. Really, it does not require the creation of such a division for the Attorney General to try the very numerous minor cases related to the post election violence of 2008. I find this Report shallow and unsatisfactory.

On the question of the Government's position, I asked: What is Government's position on the Resolution of the 21<sup>st</sup> Ordinary Session of the African Union (AU) held on 26<sup>th</sup> May, 2013 in Addis Ababa? The answer given by the Attorney General - and which the Committee has happily adopted - is that, the decision was collective. We all know that the decision at the conference was collective but my question still remains: What is Kenya Government's position regarding the referral of those cases back to the country? That resolution resulted in the comments by Kenya's Ambassador to the UN, which the Committee has been unable to expound.

**Hon. Speaker:** Yes, hon. Chepkong'a.

**Hon. Chepkong'a:** Thank you, hon. Speaker, Sir. I stand on a point of Order. I like the way hon. Wandayi is seeking to prosecute his position with respect to this issue. Unfortunately, for him, we gave him an opportunity to come and interrogate the Attorney-General. He was back to Kisumu when he was supposed to have been here. But, is hon. Wandayi in order to allege that the Attorney-General did not say anything, when he has provided a very comprehensive Statement on his request, contained in this letter dated 14<sup>th</sup> June, 2013, as summarized in the Report which we have tabled in this House?

Would he not be misleading this House to claim that the Kenya Government has no position when clearly, it has stated that it has signed the Rome Statute, it continues to pay its dues as required by the Statute and it has shown all commitments? In fact, when the Attorney-General came, we saw that he was at pains to show that he has always co-operated with ICC, and there has never been a time when he has compromised his position with regard to the assistance that he has given to ICC. So, I think hon. Wandayi is out of order on this question for misleading the House according to Standing Order No. 107 in which then, he should withdraw. Thank you.

**Hon. Speaker:** Hon. Wandayi.

**Hon. Wandayi:** Thank you, hon. Speaker, Sir. Really, what I am saying is that, even though the Attorney General has attempted to address the issues that are raised, I am not convinced by the position he has given the Committee, which the Committee has happily adopted.

When the Chairman of the Committee asked me to come and attend the session, really, I was away and that is not a crime. But, then, the Committee did go ahead and interviewed the Attorney General and, for sure, the Committee is composed of Members of Parliament from both sides of the House. I am sure the interrogation was adequate.



Really, without belabouring the point, what I am saying is that, even though we know that the AU Resolution - the Resolution of the 21<sup>st</sup> Ordinary Session in Addis - was collective, what I would have expected the Attorney-General to say, through the Committee, is that the resolution is collective, but the Kenya Government's position is that it supports it. It supports the referral of the ICC cases back to Kenya.

Again, we find a contradiction because, in the end, the Attorney General is saying, when he was concluding that the ICC as envisaged by the Rome Statute is a court of the last resort - which again is obvious and everybody knows that - the Kenyan cases were not referred to the ICC by chance. They were taken to the ICC by Kenya itself. So, really, to state the obvious is to say nothing for sure.

What I am saying is that the matter of hiding behind some collective responsibility of the African Union is really harming us as a country. Why do I say so?

**Hon. Speaker:** Hon. Kajuju is on a point of order.

**Hon. (Ms.) Kajuju:** Thank you, hon Speaker, Sir. I stand on a point of order. Is the hon. Member in order to allege that this country is hiding behind the Resolution of the African Union Summit, which I attended in Addis Ababa, and the resolutions there were upheld by all the Heads of State in the African Continent? So, is the hon. Member in order to allege that the Republic of Kenya is hiding behind that Resolution when, in actual fact, he has not challenged the Resolution by the African Union Summit?

**Hon. Speaker:** Let hon. Wandayi Opiyo contribute.

**Hon Wandayi:** Hon. Speaker, Sir, I thought I was communicating in very plain language that my issue from the outset was to understand Kenya Government's position on that Resolution. Therefore, I expected the Government to say that the Government of Kenya stands by that Resolution or is a party to that Resolution. It should not say that, that Resolution was collective.

**Hon. Gethenji:** Hon. Speaker, Sir, I advise hon. Wandayi to take some time and read the Report that I have just tabled not more than 30 minutes ago. This is because he is referring to it a lot and I am sure he has not taken time to photocopy the document and read it. In that Resolution in the Report from our Committee which, incidentally, no statement has been sought from our Committee, it is clear that all the African Heads of State - as my colleague, hon. Kajuju has stated - adopted the Resolution of the African Union including our Head of State. I urge that rather than taking this House on a wild goose chase and rumours, he actually takes time to read the Report and the Resolutions of AU that are contained in the document I have just tabled so that he can be informed and advise the House accordingly.

Thank you, hon. Speaker, Sir.

**Hon. Wandayi:** Thank you, hon. Speaker, Sir. For sure, you know that the Motion at hand has got no relationship with the Report he has tabled in this House.

To conclude, and without dwelling on semantics, the fact still remains that this Report is not satisfactory, in my view.

**Hon. Members:** Have you read it?

**Hon. Wandayi:** Of course, I have read it, hon. Speaker, Sir. That is why I am talking about it.

Finally, the Attorney-General talks about the Kenya Government having formed a Cabinet Committee to co-ordinate the International Criminal Court cases. I would have expected the Committee to come clear on this matter and tell us who the members of that

Committee are. That is because the first time we had a Cabinet Committee on the ICC was during the Grand Coalition Government. Since the Jubilee Government came to power, there has been no reference to that Committee. Therefore, can the Chairman of the Committee go back and bring us the names of the Cabinet Secretaries who formed that Committee which is being referred to by the Attorney-General?

The cases at the ICC are denting our image as a country. It is fine when we talk about the AU having made some resolutions. However, when we face the consequences, we face them as a country or as Kenya. Recently, you saw for sure that we were snubbed by the President of the United States of America (USA). When we are snubbed by the President of the USA, we are snubbed as Kenya and not as the AU. Therefore, we suffer the consequence of our own actions.

**Hon. Kabando wa Kabando:** On a point of information, hon. Speaker, Sir. The hon. Member is my friend and I seek to give him some information, if he can kindly allow me.

**Hon. Speaker:** Do you want the information? Give him the information.

**Hon. Kabando wa Kabando:** Hon. Speaker, Sir, in July, 2008, the US Secretary of State rendered a public apology to the people of Africa and, particularly, South Africa because in July – that was exactly 18 years and five months - the great icon of anti-apartheid crusade, Nelson Mandela Madiba, was still on the terror list of Americans and so, was the Foreign Minister, who was another icon of anti-apartheid crusade. The issue of the ICC that is engulfing us all the time, despite the denials that the Grand Coalition Government or the previous regime had actually not endorsed in collectivity--- It is good to inform my colleague that a Motion was brought to the House in the Tenth Parliament and was overwhelmingly passed. The Motion stated that Kenya should withdraw from the Rome Statute because Jendayi Frazer said that the ICC is an institution that has increasingly become a punishment beacon for Africans but, selectively, not applied to those who even proclaim not to visit Kenya because of the ICC cases and they are not signatories.

I want to inform the hon. Member so that, as he moves forward, he should know that the sovereign will of AU and the Republic of Kenya – as particularly applied on 4<sup>th</sup> of March, 2013 - supersedes any other consideration; and that we can continue with the procedural process just for the respect of the international conventions. It is the same Americans who were denying Nelson Mandela, 18 years and five months ago, the global respect. That, in itself, is a statement that they are on the wrong and we are on the right.

*(Applause)*

**Hon. Speaker:** So, you are accordingly informed.

**Hon. Wandayi:** Hon. Speaker, Sir, I want to thank hon. Kabando wa Kabando for saying what is in the public domain. When the Kenya Parliament passed a resolution that the Government should withdraw from the Rome Statute, if the Government agreed with Parliament, it should have gone ahead and applied for the withdrawal from the Rome Statute. There are procedures to follow when you want to withdraw. You cannot withdraw from the Rome Statute *en mass* as Africa. You can only withdraw as Kenya, Uganda, Zimbabwe or Tanzania.

Therefore, the position of the Kenya Government in so far as the ICC issue is concerned is quite ambivalent. It is not clear to say the least. On one hand, you hear that we are committed to the ICC process or the Rome Statute because we are signatories and, on the other hand, you hear people going through the backdoor and castigating the ICC. Through the backdoor, they call for the Kenyan cases at the ICC to be terminated or be referred back to the country. So, what is the true position? Does the Government want the cases to come back to Kenya or does it want the AU to lead it in that campaign?

Hon. Speaker, Sir, if you watched the debate that ensued in Addis Ababa, you should appreciate that most of the countries that spearheaded the call for the Kenyan cases to be referred back to this country had vested interests in the matter. Therefore, as a country, we must be very careful. So, I call upon the Chairman of the Justice and Legal Affairs Committee to go back and interrogate this matter a little bit further and come back to the House with a more coherent position of the Government of Kenya pertaining to the ICC matter.

With those remarks, I beg to oppose the Report in totality.

**Hon. Speaker:** Yes, hon. Ibrahim Abdi Sane.

**Hon. Sane:** Thank you, hon. Speaker. When the Industrial Court ruled against what the Kenya National Union of Teachers (KNUT) wanted, the first people to cry “contempt of court” ---

**Hon. Speaker:** Hon. Sane, can you clarify whether you are on a point of order?

**Hon. Sane:** Not at all, hon. Speaker. I want to contribute to the Motion.

**Hon. Speaker:** Did you not contribute yesterday?

**Hon. Sane:** Hon. Speaker, with your guidance, it is a matter which is so serious.

**Hon. Speaker:** I am sure that you have studied your Standing Orders, hon. Sane. If that were to be allowed, this House would become another funny place. Since you have already contributed to the Motion, be contented with what you said so that I can give a chance to another hon. Member to also contribute.

**Hon. Sane:** I stand guided, hon. Speaker.

**Hon. Speaker:** The hon. Member whose name appears next is Isaac Mwaura, but I do not seem to see his image in the Chamber. That is what some hon. Members have complained about. There are some hon. Members whom we always recognise, who come here, place their requests and go to visit some other places. Surely, that is not fair. You are denying your colleagues a chance to contribute to the debate.

Hon. Members, even as we review this Report, I want us to consider a few things. The recommendations of this Report are three. One is on the TSC matter, to which this House expressed itself in the Tenth Parliament. So, if you want this kind of resolution to be adopted, you must, concurrently, move another Motion to revoke the earlier resolution of this House. It is important that the Office of the Clerk informs committees when they are faced with such difficult situations.

The second question is that of the Kenyan cases at the ICC. As it has just been stated, again, the Tenth Parliament expressed itself on it. So, we have to consider the resolution of the Tenth Parliament on this matter. We will look like a House without rules of procedure if we make a decision one way today and make it in a different way the next day, without correcting what was decided in the past. Of course, the second recommendation, which the Committee wants us to adopt, is the most interesting one. On the matter of Otieno Mak’Onyango, the Committee’s recommendation is that the Cabinet

Secretary for Interior and Coordination of National Government will soon be invited to appear before the Committee to explain how they will make good the judgement on the payment. That is a recommendation of the Committee which the House is being asked to adopt. What if the Cabinet Secretary does not appear before the Committee? What will happen?

Maybe, the people who drafted the recommendation, on behalf of the Committee, did not apply themselves sufficiently. So, please, Clerk's Department, you can do better. Some Members of the Committee may not even have looked at this Report. The issue that has been raised with regard to hon. Mak'Onyango is that a judgement awarded him compensation. The issue is that he has not been paid. So, how can the recommendation that this House is being asked to adopt be that the Cabinet Secretary will appear before the Committee to make good the payment? If that were to be the case, then the House would not be expressing itself with finality. The House should actually express itself with finality. I hope that hon. T.J. Kajwang' agrees with me. So, even as we discuss this Report, since there is no time limit, there may be need for us to consider adjourning this debate at some point, so that the Committee can review some of its recommendations and come back to tell us if this is really what they want the House to adopt.

Hon. Members, I have taken the liberty to do this because no hon. Member appears to have noticed this anomaly, so that he can draw it to my attention. So, I have decided to use Standing Order No.1 to give that direction on this matter.

Hon. Kimani Ichung'wah, you have the Floor.

**Hon. Chepkong'a:** On a point of order, hon. Speaker.

**Hon. Speaker:** Hon. Chepkong'a, let hon. Kimani Ichung'wah begin to say what he has to say and then you can rise and say what is not in order. As you know, nothing can be out of order on a direction given by the Speaker. I am sure that you have read the Standing Orders.

**Hon. Ichung'wah:** Thank you, hon. Speaker. Unless, according to the hon. Member, my rising is out of order. I rise to support the Motion by the Committee. Your direction on possible amendments is quite in order but I would also beg your indulgence because many of the Reports that have come to the House---

**Hon. Speaker:** Hon. Ichung'wah, there is a point of order by hon. Chepkong'a.

**Hon. Chepkong'a:** Thank you, hon. Speaker. I have taken into account what you have just said. I find it extremely awkward. Of course, noting that this is the first Report we have brought to the House, pursuant to the new order, I would like to confirm that when hon. Members raise such matters, we face difficulties in terms of how to go about them. Particularly, with regard to the one for the Cabinet Secretary for Interior and Coordination of National Government, we did not know whether that is the right docket for us to deal with because it does not fall under the Justice and Legal Affairs Committee's purview.

Therefore, in the light of what you have just stated, I wish to take the liberty, on behalf of my Committee, to withdraw the Report, so that we can bring it back when we have done the right thing.

With those remarks, I withdraw the Report.

**Hon. Speaker:** Yes, hon. Kajwang'.

**Hon. Kajwang':** Thank you, hon. Speaker. Just to ventilate more on the point of order raised by the Chairman of the Committee, it is a good point to learn. As we receive

Statements by way of Committee Reports, I want to ask that Committees be guided on how to report on Statement requests by hon. Members, particularly where a Departmental Committee gets more than one Statement request at the same time, to ensure that hon. Members enjoy their entitlement of having responses to their Statement requests directly. For example, if three or four Statements are combined in one Report, individual hon. Members will not have the chance to interrogate their specific issues, or there is the chance that the debate may be “swallowed”. In this particular Report, for example, the ICC matter may be more exciting than the Mak’Onyango case. The Member who sought the Statement on the Mak’Onyango case would be entitled to ventilate on it, and that kind of thing. So, I am asking if it would be in order for the Speaker to direct the Chair of the Committee in what manner and in what template they will report on three or more Statements that are asked from one department. Two, they can separate those Statements in different reports so that each report is discussed on its own merit and decided on its own merit.

Hon. Speaker, Sir, the second thing, as you have rightly said, is that this is a House of action. It must result into some enactment or some positive action that makes the object of its recommendations effective. Like a court of law, there would be a prayer or an order which is directing some action to be done. So, in that direction, perhaps, you will also indicate to the Chair of the Committees that a recommendation should bear a very positive direction targeting an object or a subject of the nation of Kenya to do something or to abstain from doing so that the Motion could become effective and can be implemented.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Well, hon. Kimani Ichung’wah, do you still want to contribute? I am still seized of the application by hon. Chepkong’a.

**Hon. Ichung’wah:** Hon. Speaker, Sir, I stand guided but I would truly be in support of what hon. Chepkong’a has said; to drop the Motion and, maybe, debate it later. However, in relation to what hon. Kajwang’ has said, it is quite in order because when we mix-up issues like the one of hon. Mak’Onyango and the International Criminal Court, I think also Members get lost as to which one to support. I would really be in support of hon. Mak’Onyango being paid but, the question of the ICC, as you know in this country, has been used to further political interests. Those who claim that our Government is not committed to the ICC or the Rome Statute basically just do that for political reasons.

However, away from the Motion, I feel quite disturbed by recent assaults on this House one, from the Senate – the other House. I do not know whether it is Lower or the Upper House and most recently, from people probably who are very nostalgic of their times in this House, especially on the question of the media centre. That is because that issue has been addressed in this House and the Speaker has given a ruling. We are all aware of the problems that we are facing as a House. Just this afternoon, we have been balloting for offices and some of the offices that Members of this House have been allocated are not more than stores. Personally, when I visited the office that I have been allocated, it is a server room at Kenyatta International Conference Centre (KICC) and, therefore, I feel very disturbed. Those people who are nostalgic about their times in this House would be coming to the precincts of this House and issuing or purporting to issue directives to our very good Speaker as to how we will conduct the business of this House and who or whom should not be allowed in Parliament. I have got nothing against the

media because they have got every right to conduct their business, but we must also be cognisant of the fact that all the media houses operating in this country, except Kenya Broadcasting Corporation (KBC), are private business institutions working for a profit. Therefore, nobody should be coming from out there. I know, probably, because they are used to directing members of their parties from outside, they should not imagine that they can come to Parliament to direct not just members of the Jubilee Government, but our own Speaker as to who he should allocate what office and where within the precincts of Parliament.

Hon. Speaker, Sir, I think we stand guided by your good office because all the affronts that are directed to this honourable House are too many. The day before yesterday, it was the Speaker of the Senate talking about Bills that have got absolutely nothing to do with the county governments. He was purporting that you should be consulting with him or with the Senate on those Bills. The Micro-Finance Bill, Appropriations Bill, Supplementary Estimates Bill and VAT Bill are matters to do with the national Government. They have got nothing to do with the county governments. We, therefore, need the Office of the Speaker to be very firm in not only dealing with that other House, but also with this other--- I want to say that when you call people old men, they have got a problem with it as much as they are old. But, please, let us be firm. Let us accommodate the media, but they can work from anywhere within Parliament. But nobody should push us.

**Hon. Nuh:** On a point of order, hon. Speaker, Sir. Is the hon. Member in order to mislead the House that there are strangers who have come to this Parliament and have been talking about the media centre and other places when he, himself, went to meet his partly leader at State House using State resources? So, is it in order for the Member to mislead the House and inform Members here that nobody has authority to talk about the media centre as though it belongs to him?

**Hon. Speaker:** What is the issue? The issue is about--- Sorry, we are still trying to do the technical work on the---

*(Laughter)*

You know, we are completely in very difficult times because of this new dispensation. So, we must be able, as proposed by hon. Kajwang', to guide how we are going to deal with the issues to do with Committee reports arising from requests for Statements, particularly because it is making it--- It may easily put us in some situations where we become a laughing stock. We are the House that has teeth. We are the House that can bite.

*(Applause)*

Therefore, we must be careful what procedures we adopt for ourselves so that we do not lose our teeth. I do not want to go beyond that because those who have teeth have them and those who do not, they just do not. It is a fact.

*(Laughter)*

**Hon. Ichung'wah:** Hon. Speaker, Sir, it is true we are the House that has teeth to bite. It is also true for *Mheshimiwa* that we are also the party in power and, therefore, we have no business meeting in the small dining room. When we want to meet our party leader, we go to his house. He resides in the "House on the Hill" and we have got no apologies to make to anybody for that.

Hon. Speaker, Sir, lastly, I would also want to say that many of those reports are not getting to Members in good time and, since the Jubilee Government is a very digital Government, I would recommend that Chairs of Committees circulate the reports through e-mails to Members.

**Hon. (Eng.) Gumbo:** On a point of order, hon. Speaker, Sir. Is the Member in order really to imply that a partisan party meeting can go on in a property which is owned by all Kenyan taxpayers? He is not aware that---

*(Hon. Nuh consulted loudly)*

**Hon. Speaker:** Hon. Junet, kindly allow hon. Eng. Nicholas Gumbo, an experienced Member than you, to state his case. He does not require your support from where he is sitting. Hon. Gumbo.

**Hon. (Eng.) Gumbo:** Hon. Speaker, is the Member in order really to imply that on a property which is owned by every Kenyan taxpayer, you can hold a partisan political meeting in it? What does that got to do with the independence of this House? Is he in order really?

**Hon. Speaker:** Well, but hon. Gumbo, everybody is allowed here but not other places. It would be wrong for me to begin conducting business for other people. Hon. John Mbadi.

**Hon. Ng'ongo:** Thank you, hon. Speaker, Sir. I think the allegation made by hon. Kimani Ichung'wah, who is new but really learning fast in this House, needs to be challenged.

Hon. Speaker, Sir, I think we need to understand that State House is not a house of someone. It is a House of authority for this country. State House belongs to the people of Kenya and His Excellency President Uhuru Kenyatta occupies that House because he is the Head of State. He is the President of the Republic of Kenya. Therefore, demeaning that House to call it "his house" is actually, to say the least, absurd.

**Hon. Speaker:** The hon. John Ng'ongo, I think you may be mixing a few things. You talked about the President calling something or the Member calling that somebody else's---

**Hon. Ng'ongo:** No! No! Hon. Speaker, Sir, it is the hon. Member who has referred to that House. I am not debating and discussing the President. It is the hon. Member who is referring to State House as the "house" of hon. Uhuru Kenyatta.

Hon. Speaker, Sir, the house of hon. Uhuru is close to State House, but it is not State House. He moved out of that place to occupy State House because he is now the President of the Republic of Kenya. I think we need to be very clear. State resources are State resources and conducting bi-partisan parliamentary group meeting, whether you call it what, is actually illegal and misuse of resources. That is a fact and you cannot take it away. You can do it with impunity but it will remain an abuse of office.

**Hon. Speaker:** Hon. Members, remember you are learning this new governance structure. I would like to invite you to look at the practice in White House where the President can invite whatever side of the political divide, depending on the issue he wants to debate. That happens regularly and you cannot quarrel or argue with me because on this one, I am above board.

**Hon. Member:** He invited --- (*inaudible*)

**Hon. Speaker:** It is! You know the President can invite any leader or any group of politicians to the place which is his official working place. So, tomorrow, if he decides to invite one side of the divide and the next day, the other side of the divide, there is absolutely nothing wrong with that!

*(Loud consultations)*

Let us do what we must do here. I think the rest of what happens out there, let us not take much of our time on it. I am sure - I do not want to give you the history of how many people have recently visited President there because you know them. So, why should it exercise your minds really at this point?

**Hon. A.B. Duale:** Hon. Speaker, Sir, I think we have a very serious agenda. On the issue of the House that the current President occupies on the Hill on behalf of the Kenyan people, the former Prime Minister was also in order to come to Parliament and meet his parliamentary group. He is also in order because he is the leader of that coalition. I want to inform my good friend, hon. Ng'ongo that, barely one month ago, the leadership of this House- from both sides - was in the House at the Hill, on behalf of hon. Members here.

Hon. Speaker, Sir, the Head of State occupies and uses State resources as funded by this House and hon. Ng'ongo can wait for the Auditor-General when he presents his report to this House. That is because State House has a State Comptroller who is the Accounting Officer. I wish him well as he prays a lot so that his leader becomes the next occupant, in four years' time, if the Kenyan people so wish. I think we have a better and serious agenda than discussing our leaders. We respect the Head of State, the leader of the CORD Coalition and I think that those 349 hon. Members should work on a policy. For the interest of our people, every hon. Member in this House has a leadership and that leadership must be respected. That coalition must be respected. We have come to this House to work for the people of Kenya.

Hon. Speaker, Sir, for now, the occupant of the "House on the Hill" is none other than hon. Uhuru Kenyatta. The able leadership of CORD is under the former Prime Minister Raila Odinga. I think the Chair has given good direction on that. Let us use our energy, intellect, mind and the rest to scrutinize, do oversight, represent and legislate. Let us not discuss our very good leaders who have served our nation and who are also serving our nation now.

**Hon. (Ms.) Ng'ang'a:** Hon. Speaker, Sir, I am rising to make my comment on the discussion that is going on over the meeting at State House. The discussion lacks merit because we have no material before this House to actually discuss any meeting whatsoever. That is because we need to even substantiate what we are alluding to, that there was a party meeting and its illegality at State House. I think hon. Members must learn fast. I think we are bordering on discussing the conduct of the Head of State and



that really cannot be allowed on the Floor of the House, particularly when my good friend, hon. Ng'ongo, has no material on the subject. He is an experienced hon. Member, as he has stated here. He has been re-elected. How does he entertain a discussion on State House and Head of State that is bordering on discussing the conduct of the Head of State without substantiating his claim? It lacks merit. In the first instance, I agree with your direction and I think we should rest the discussion there.

**Hon. Angwenyi:** Thank you, hon. Speaker, Sir. I rise to support the Motion.

**Hon. Speaker:** Which one?

**Hon. Angwenyi:** The Report, hon. Speaker, Sir.

**Hon. Speaker:** The Motion which is there is---

**Hon. Angwenyi:** The withdrawal of the Motion.

**Hon. Speaker:** I see.

**Hon. Angwenyi:** Hon. Speaker, Sir, this demonstrates that we have got Chairmen who are able to determine when to fight and when not to fight; Chairmen who are able to know whether they have got the weapons or they do not. This Report was faulty in the sense that it had mixed a number of issues into one report and, therefore, it could not allow proper discussions.

Hon. Speaker, for example, there is Report on ICC. I heard one colleague say: "Oh! We were snubbed by somebody who would have come to Kenya to turn us into gay people, when we have been happy." That somebody who does not subscribe to ICC can come and tell us about ICC. That we should listen, we are far beyond that! That is what our forefathers fought for. I know where you come from. That is what Achieng'-Oneko fought for.

So, let us support the withdrawal of the Motion. It can be brought here in a proper manner and we can discuss it.

With those few remarks, I support.

**Hon. Speaker:** Hon. Members, as you all know, under Standing Order No.58, the Question on this Motion had already been proposed after secondment. Therefore, the request by hon. Chepkong'a, the Chairman of the Committee on Justice and Legal Affairs, can only happen with the leave of the House. That leave can only be granted through a vote.

*(Question, that the Motion be withdrawn,  
put and agreed to)*

*(Motion withdrawn)*

#### RESOLUTION ON NON-SIGNING OF ECONOMIC PARTNERSHIP AGREEMENTS

THAT, aware that since the signing of the Cotonou Agreement in the year 2000 the Government has been negotiating Economic Partnership Agreements (EPAs) with European Union (EU) together with other member States of the Eastern African Region; further aware of the concerns raised by the Eastern African Region on the contentious aspects of EPAs, including offering undue advantage to products from other markets at the expense of growth of local and regional industries; further

taking cognizance of the adverse effects that EPAs are projected to have on Kenya's economy particularly on agriculture and manufacturing sectors; aware of an amendment to the European Union's Market Access Regulations (1528 of 2007) whose effect is that the 18 countries which have not signed or ratified the full EPAs, most of which are from Sub-Saharan Africa, Kenya included, will henceforth be removed from duty free, quota-free access to the EU markets; further aware that once removed Kenyan products will, from October 2014, cease to enjoy the duty free, quota free tariffs in the EU market and that the national economy is estimated to lose more than Kshs10 billion in that year alone; this House urges the Government not to sign the EPAs in their current form until all contentious issues raised by the Eastern African Region and Kenya, in particular, are addressed and that the Government continues to explore trade negotiations with the European Union.

*(Hon. (Dr.) Laboso on 3.7.2013)*

*(Resumption of Debate interrupted on 3.7.2013)*

**Hon. Speaker:** Who was contributing? The Motion that is before the House is on Order No.10 on the Cotonou Agreement and the Economic Partnership Agreements. Hon. Abdul Rahim was on the Floor and he has a balance of nine minutes. He is absent not desiring to be present. Is there any other Member?

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Speaker, I hope my number is guiding me correctly, that it is the Motion by hon. Laboso.

**Hon. Speaker:** Exactly.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Speaker, I rise to support this Motion. I will be very brief. I will not go to the content of the Motion which hon. Laboso has very ably put. Indeed, there are some issues that I support in the EPAs and there are some that I do not support. The more fundamental issue that I want to raise is that this House passed the Treaty Making and Ratification Act that I moved in the last Parliament and that Act is very clear about the process of treaty making and ratification. Under Articles 7 and 8, it provides that in the making of a treaty, it has to come through Parliament. Parliament must approve before the country ratifies. If, indeed, any Ministry purports to make any treaty without reference to Parliament and without coming before Parliament, then it is a nullity *ab initio*. I know hon. Members have raised a lot of substantive issues both for and against delay in the signing and ratification of those agreements. But those substantive issues can be canvassed more once the law that purports to ratify that treaty is brought before this House.

I, therefore, thank hon. Laboso for bringing to our attention this. I urge the Ministry concerned to bring that law before this House, so that we can choose whether we want to ratify the agreements or not. Even as we ratify, whether we ratify with reservations on some clauses is important.

Otherwise, with those few remarks, I beg to support.

**Hon. Kabando wa Kabando:** Hon. Speaker, first, I would like to congratulate hon. Laboso who was recently hoisted as the co-President of the African, Caribbean and

Pacific Joint Assembly with the European Union. I want to laud the way she presided over the Joint Assembly meeting in Brussels, Belgium, recently, and to state to the Members of this House, and indeed, the constituents that produced her, that she is a star at the global level being a co-President in charge of an assembly that brings those very many nations from ACP-EU together. It is a major achievement that captures an important record. So, Dr. Laboso strides very proudly for Kenya, East Africa and, indeed, for this continent in a way that makes us very proud.

The question of EPAs which I had the advantage of discussing in the initial meeting of 2008 - a lot of thanks for the opportunity to be with hon. Laboso and hon. Abdikadir Aden and also hon. Kembi Gitura - is a very detailed issue. I am very sure that very few Members have interrogated this. In fact, the report of the recent deliberations has not been tabled before this House. We need to engage with the Ministry in charge of Trade and Agriculture. We also need the relevant departmental committees, particularly the one in charge of Agriculture that produces the bulk of the segments of our exports, so that Members of this House will have the opportunity to understand the global effects of the market, the dynamics of the trade and why the ACP countries are very concerned generally with the skewed arrangement. This is particularly because we are focusing towards using agriculture and other productive sectors in the developing nations to benchmark properly and ensure that the economies of those nations grow and create jobs and wealth. This is through realizing and understanding how the producers survive and the kind of suffering that has gone particularly to the small-scale producers.

This Motion comes very handy because it is calling upon the Government not to sign those agreements before the necessary preparations are done. We need to be seized of this matter as a House. What has happened in the past, and this Motion helps even those other Committees, is that we have delegations discussing very important issues at the regional, continental and international level. I have seen, particularly in the last Parliament that those reports are just presented, discussed casually and adopted by the House. But if you call the attention of the individual Members, and more critically Members of those relevant Committees, which checkmate the Executive and watchdog on the resources so allocated, they will barely have the capacities.

Therefore, in the process of building those capacities, we would wish, as a delegation, and I say this because I have consulted with the other colleagues and I can see hon. Abdikadir nodding across the Floor, to have a first in terms of tabling a report with very detailed communication and the executive summary that would make the Members understand what this assembly is about, namely, the ACP-EU and what the EPAs are about. If you go to any capital of Europe like London, Berlin and Brussels, you will have coffee, tea or some other product that is branded as a product of French or the English. But it is simply because we produce our bulk raw materials for value addition across the seas. Those are issues that need to be redressed and overhauled, so that our own strength is used to strengthen the citizens of the ACP republics.

Therefore, I support this Motion and thank Dr. Laboso for the timely submission of this request so that consciousness can carry the day as we engage with other nations. I strongly support.

**Hon. F.K. Wanyonyi:** Hon. Speaker, I support this Motion. I do not have the details of the issues that were raised by the East African countries, but I talk as a Kenyan.

First of all, the EU, for example, is panicking because of the current situation in the sub-saharan region of Africa, which is attracting a lot of investments from the East.

The Europeans are punishing us. When Obama came to Africa, I was following his speech in South Africa. It is like he is trying to make up for the time he lost. I see a problem in Europe and I cannot blame the African states, particularly Kenya. Here in Kenya, we are exporting jobs. You and I know that we export cotton. The market price of export cotton is Kshs180 a kilo. When you import fabric from Europe, the price is almost 580 per cent and yet, the cotton that is used is the one we exported. There is a tendency by the West to panic. It is good because this could enable us---

Hon. Speaker, days are gone when a Permanent Secretary and a Minister would sit in a hotel in town to sign a treaty with somebody and then come to announce to us what they have done. I do not understand the issues the East African countries are raising. Let us address the issues the EAC is raising in connection with this issue before we allow a country to sign.

I was looking at figures and realized that the Chinese infrastructure investment in Africa is over US\$20 billion. What was Obama bringing in South Africa? I think something close to US\$10 billion for energy production. However, that is what South Africa is producing. It is so little and yet they are asking to quickly sign the treaty. We have nothing as a country to lose if we refuse to sign. I urge this House to support this Motion. After all, look at the major exports in Kenya. Who are our major trading partners? Is it Europe? No, it is not Europe. In fact, it is just our neighbours here, for example, Uganda. We do more business with Uganda than with UK. We do more business with Afghanistan although they are at war than with France or Germany. Let us open our eyes and do things right so that we create jobs for our youth and develop this country.

The answer to our problem today is East; not the Europeans. Okay, they set us off, but I do not think that is an issue. The best we can do is take our time and look at the issues that have been raised by our sister states in the Common Market for Eastern and Southern Africa (COMESA).

You can also notice the imbalance of trade. It has always been in favour of the Europeans at the expense of our own sweat. We have to open up. I will be very happy to learn that my coffee can get to Afghanistan or Saudi Arabia or India. That is because I know I will get something in turn.

I beg to support this Motion and I think we should not sign this treaty.

**Hon. Angwenyi:** Thank you, hon. Speaker. First, I want to thank Dr. Laboso for coming up with this Motion. It is one that this House needs in order to address issues of development and trade. Europeans have been on us since 1885. For those who have read some history, you will remember Bismarck. He was sitting somewhere in Germany dishing out parts of Africa. Since that time, they have sat on us. They determine what we can export and import. They also determine the prices.

Kenya is a rising star in this part of the world. The way to do it is to work with our neighbours. England does not produce one leaf of tea, but it is a daily exporter of tea in the world. They managed to create a factory overseas to package our tea, the Kenyan tea - in fact, Kisii tea. They built a factory in Abu Dhabi and yet Abu Dhabi does not produce even a leaf or any of our vegetation. So, we export our jobs to England and when

they cannot handle it, they export it to Saudi Arabia. Those are some of the issues that we must address.

This Motion gives us a chance to ask the parliamentary committees to look at various treaties that touch on our trade, especially imports and exports. Like my colleague has said, we export our cotton at a very low price and yet we import finished textile from Europe at a very high price. We import their used clothes, *mitumba*, and the value of imported *mitumba* is more than Kshs5 billion. Imagine if we were to invest that money in Kenya how many jobs we would create.

We need to relook at some of the partnerships like the African Growth and Opportunity Act (AGOA). It has been there for more than 10 years, but I bet very few hon. Members here know what it contains. I do not know whether we meet the AGOA thresholds or not. We have the World Trade Organization (WTO) which sets parameters of trade in the world. However, very few people in Kenya, including Members of Parliament, know what it does. Let us take cue from Dr. Laboso and raise those matters. Let us be alert to our economic rights when we are being oppressed by people who have been doing so since 1885.

With those few remarks, I beg to support.

**Hon. Aden:** Hon. Speaker, may I take this opportunity to join my colleague hon. Kabando to congratulate hon. Dr. Joyce Laboso for the very good manner in which she represented our nation as co-president in the ACP-EU Joint Parliamentary Assembly. Having been privileged to be part of that delegation, I can tell you that our country was given a deadline within which to sign the agreement. I thank hon. (Dr.) Laboso for bringing this Motion to this House. This is because not very many Kenyans or Hon. Members in this House are aware of this very important agreement which, as a country, we were given a deadline of next year to sign. However, bringing this matter to the limelight is important because Kenyans will be able to contribute towards the economic well-being of our country through the leadership that sits in this House. We are also able, as a team that represents our country in that forum, to gather very important points raised on the Floor of this House or recommendations that will come as a result of this Motion in order to advance our case or argue for our country in that platform.

Hon. Speaker, Sir, I support that we do not sign the EPAs in their current form. This is because they will put our country in an unfair platform. It is unreasonable to think about Kenya being on a platform that can compete with the industries in Europe, or with a highly mechanized and developed agricultural system in Europe. Signing this agreement will, indeed, mean that our products will get subjected to the same duties and treatment as others. Knowing that Kenya is a young economy, this will put us in a very disadvantaged position.

My suggestion to hon. (Dr.) Laboso is that we should go further than this Motion that is being discussed on the Floor of this House. By the time the resolution to discuss this Motion is made – I might have been out of the House when the debate started and maybe it has been discussed – we should subject it to the relevant Committee so that we can get a Report that we can adopt. That Report will come from the Kenya National Assembly and it will create a platform on which Kenya's firm position can be made.

Laws that are signed, including the EPAs, as envisaged in our Constitution, indeed, become part of the laws that bind us. It is very important that we subject the

EPAs to thorough scrutiny up to the Committee level and bring them back to the Floor of this House so that we can come up with a very strong position as a country.

Being a Member of that particular delegation, I do not want to say much. Indeed, it has been a great pleasure to listen to the Members' contribution and the outcome of this discussion will enrich this Motion.

Hon. Speaker, Sir, I rise to support this Motion. Thank you.

**Hon. Francis Waititu:** Thank you, hon. Speaker, Sir. I also rise to support this Motion. I was in the House when hon. (Dr.) Laboso was moving this Motion. We gained a lot as she moved the Motion. She pointed out how we will lose about Kshs10 billion if we sign the EPAs.

This made me reflect on where I was working before and that was in the coffee industry. I have been a group manager in the coffee industry for many years. I saw Kiambu go into real estate because of the low prices that coffee fetched and as a result, farmers could not make ends meet. This is because fertilizer and the chemicals we used to spray in our coffee farms were imported. We could not afford to pay the workers even when we produced coffee and took it to the Coffee Board of Kenya for sale. This is because the European Union (EU) gave us very many requirements that had to be met in our coffee farms before they could buy it. There was also the issue of value addition.

Hon. Speaker, Sir, they wanted to come to the farms to see how clean the workers were when they were picking coffee. This made us to hold many meetings in Kiambu County when we were trying to meet them. When the EU officials came and met us in Nairobi, they told us that if we wanted to sell them our coffee, then they should give us conditions which we should meet. For example, they wanted to see the stores, see the coffee farms and the uniforms that workers wore when picking coffee. That experience has made me to support our Deputy Speaker when she moved this Motion. Most of us have learnt a lot about the EU and I thank her for being a co-president who understands what the EU is doing in our country.

This also puts us in a better position to go to State House and let the President also understand what the EU is doing. We also invite our other Members of Parliament to accompany us. They are free if they have an issue they want to take to the President. So, everybody is free to do this. However, those Members can come and we take them there especially when they have important issues such as the one where a country will lose Kshs10 billion if we sign the EPAs in their current form. We can think what we can do with that money. We can even pay the teachers because one of the issues we spoke to the President was about the teachers' strike. He was happy because we told him that the teachers have to be paid. This is the kind of money that people should be talking about rather than talking about laptops and other things.

Hon. Speaker, Sir, I support this brilliant idea of our Deputy Speaker.

**Hon. (Eng.) Musau:** Thank you, hon. Speaker, Sir. I rise to support this Motion and also thank the Mover, hon. (Dr.) Laboso. The EPAs is the last tactic for the survival of the West. As a country, we should be very careful when signing those agreements.

Kenya claims to be industrialized, and we wish to be fully industrialized as soon as possible. If you look at the definition of "industrialization", you will find that "it is extensive organization of an economy for the purpose of manufacturing". In other words, when we say that we want to be industrialized, we say we want to manufacture.

Hon. Speaker, Sir, if we allow those agreements that are not favourable to us, then what are we doing to our local manufacturers? In addition to that, we also need to look at this agreement holistically. Killing our manufacturing and our goods is killing our jobs.

I think they have time and time again been unfair. The unbalanced trade practices with the West have to a large extent been contributing to the payment difficulties being experienced by most African countries. There have been restrictive quotas and prohibitive tariffs against African products which have led to endemic poverty.

Hon. Speaker, Sir, it is because of some of those agreements and unfair trade agreements that you will find a European doctor coming and practising in Kenya while a doctor from Kenya has to go back to class in Europe in order to practise in that continent.

Hon. Speaker, therefore, it is my opinion, with your guidance, that once passed, some of those Motions should stand committed to the relevant Committees, so that they do not become matters of Members of Parliament just appearing on television transacting business just for the sake of it. I also want comprehensive follow-ups and reports on Motions that we pass, so that we can know what has become of them. I am particularly encouraged by this Motion, as amended, because it seeks a resolution of this House. However, when the House resolves to do something through a Motion, it should lead to a Bill for the particular action to be taken.

With those remarks, I fully support the Motion.

**Hon. Speaker:** Yes, hon. Manson Onyongo Nyamweya.

**Hon. Nyamweya:** Thank you very much, hon. Speaker. I rise to support this timely Motion.

I would like to thank the Mover, hon. Joyce Laboso, for bringing it to the House. In the last Government, I happened to be an Assistant Minister for Trade. What is coming out is that the main purpose of the EPAs is the European Union trying to tell Kenya: "If you do not sign those agreements, we shall move our businesses elsewhere because export tax is being imposed on our products." I want to say that, that is not true. There are very basic facts. I am appealing to the technocrats in the Ministry of Trade, the Ministry of Finance and the Ministry of Agriculture to be very realistic and establish facts as they are, before accepting to be threatened by anybody; that people who have invested in this country can wake up one morning and move away with their investments. This country has tremendous advantages for investors.

The biggest advantage that we have as a country is our labour force. We have the most productive labour force in the world. Starting from the casual labourer working in the farm, coming to the middle-level manager and the senior-level manager; we have the best manpower that you come across in the whole world. That is why if you go to Ethiopian flower farms, you find Kenyans working there. If you go to Uganda, Tanzania, Zimbabwe or Zambia, you will find Kenyans working there. If you go to any sector, you will find Kenyans working out there. Before an investor thinks of moving his investments from Kenya to another place, he must, first and foremost, consider labour productivity.

Hon. Speaker, even if the tariffs of between 5 per cent and 10 per cent were to be imposed, the advantages would still outweigh the effects of those tariffs because, firstly, Kenya has the most productive labour force available in the world. Secondly, this country allows free movement of foreign exchange. If someone comes into the country with US Dollars today, he can leave with them tomorrow. There is no country that has free foreign exchange movement like Kenya. In our neighbouring countries, there are restrictions

relating to movement of foreign exchange. Therefore, let us not be threatened that investors will move out. I call this red herring. Where will they be moving to?

Another important asset in this country is infrastructure. Kenya has the best infrastructure in the entire East African region. We have a good road network and international airports. Somebody cannot just wake up one morning and say that he is going to move away because some civil servants in Kenya are trying to impose fees on their investments, without analysing the actual facts on the ground. Are you telling me that an investor who came to this country and developed a firm, provided it with electricity, started an irrigation project and put up buildings on it can move elsewhere and leave behind such investment, simply because there is a 10 per cent tax charge? Some of the companies have been in this country since the 1960s. So, the story of investors wanting to move away from Kenya is part of behind-the-scenes machinations aimed at ruining the East African Community (EAC). Those people have picked on Kenya, which belongs to the EAC. We are also members of COMESA. Currently, there is talk of Southern African Development Community (SADC). There is talk of a bigger market.

Hon. Speaker, I am happy that the President is championing the campaign for the development and promotion of economic partnerships in the East African region. He recently went to Burundi. The other day he was in Uganda. The question we should ask ourselves is: "What is our trade volume at the moment?" Sixty per cent of our export trade is in the EAC. The EU market accounts for only 40 per cent of our export trade, and this percentage is decreasing continuously. The reason as to why our exports volume to the EU is decreasing is very obvious – the economies of the EU countries are shrinking. Therefore, we should be thinking African and East African, so that we can grow our economies in this region. My concern is on infrastructure. Let us have a motorable road to Addis Ababa and a superhighway from Mombasa to Rwanda and Burundi. Let us go where there is economic growth. We do not have to go where there is no economic growth. Ethiopia's economy is growing at 9 per cent, Zambia's at 7 per cent and Zimbabwe's at 6 per cent. So, our future lies in us, Africans, trading amongst ourselves. Let us not be intimidated or cheated.

*[The Speaker (Hon. Muturi) left the Chair]*

*[The Temporary Deputy Speaker  
(hon. Kajwang') took the Chair]*

I am appealing to civil servants in the various Ministries not to take data on its face value. What is happening currently is that civil servants are taking data on face value. They are not analysing the data to understand it. It is not possible for an investor who has been in this country for very many years to wake up one morning and decide that he is relocating elsewhere. So, I am appealing to our technocrats, because the problem comes from them. They come up with policy papers that they do not analyse properly and tell us that we are going to lose so much. How do we lose it? It is not possible. With all due respect, nobody should tell me that an investor is going to move from Kenya to a neighbouring country because there is the issue of labour. Our human resource is the best in the world.



Hon. Temporary Deputy Speaker, I would like hon. Members to be vigilant. I am happy that the President has started expanding our trade market in this region. He has sent a goodwill message across the region. So, I plead that the way forward is not for us to sign this treaty. In the EAC, we have common tariffs. So, all imports that come into this region attract the same tariff. If they want to isolate Kenya so that imports from Europe can attract lower tariffs, is that not destroying the EAC? What is their intention? They want to use Kenya, so that they can enter the EAC and the COMESA markets. Therefore, as hon. Members, we should be very vigilant on everything that is being done, especially on those things being done by our technocrats. We should support the right policies and whatever can promote economic growth for this country.

I am very grateful to the Mover for bringing this Motion at the right time. I believe that this will make our technocrats in the various Ministries to take note of what Members of Parliament are discussing.

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

**Hon. Shidiye:** Thank you, hon. Temporary Deputy Speaker, Sir. This Motion is very important. It is important in the sense that it makes us to look back and reflect on the future of Kenya. Developed countries have developed because of good leadership, being industrious and thinking way and far ahead. We have Lee Kuan Yew, the maxim leader at one time of Singapore. We have Dr. Mahathir Mohamad. We have very prominent leaders who have changed their countries. If you look at where Malaysia and Singapore were about 20 to 30 years ago, you will realise that Kenya could have been on the same level of development today. Unfortunately, we have been so much inward looking that today we have become a retailer of other goods – that today we are only selling goods that are produced in other countries. We have killed our industries, agriculture and education system. We are literally down.

Hon. Temporary Deputy Speaker, Sir, when you throw your door ajar and allow all types of goods to come into this country, you will realize that you will end up selling their products. A case in point is Nigeria. Nigeria has been importing sugar and cement and today, it is a net exporter of cement and sugar and it will be one of the biggest economies in Africa. It is going to beat South Africa. This Motion is about EPAs. We do not need those things with the Europeans and Americans. What we need to do is to be very competitive. The question is: Are we adding value to agriculture and industries? If a country wants to develop, it has two options namely, through service industry if you do not have the capital base or through the real industrialisation. This country has been having problems. Our industries have not been competitive because of power. Tariffs on power are very high. Power outages are very high. You will realise that our industries cannot be competitive. We are unable to be in tandem with the realities in other countries.

Hon. Temporary Deputy Speaker, when your tariffs are high, when taxation is high and when labour becomes high, you will end up not selling your products because out there, people are looking for the best and the cheapest. So, are we able to sell our products? That is the question. Let the Europeans and Americans not cheat us. Africa is 11 million square kilometres. America is 3 million square kilometres. Africa has the youngest population which is energetic and very vibrant. What we need is to improve on our regional blocs. The East African Community has been a model to the European Union and down the memory lane, we finished the EAC. We are trying to resuscitate it

but, unfortunately, there are many hurdles. Tanzania does not believe in the EAC. It is more of SADC.

Hon. Temporary Deputy Speaker, Sir, when you look at what is happening globally, you will realise that Kenya's market is very small. The only way Kenya can improve--- Very soon, Ethiopia and Tanzania are going to overtake us. Why are they overtaking us? They are growing at a very fast rate. They are changing their economic structures. They are changing their industrial policies. Ethiopia has overtaken Kenya in horticultural exports and soon it is going to overtake us in literally every other aspect. We have been an economic powerhouse but very soon we are going to be overtaken. We do not need to beg the Europeans. We do not need to beg the Americans. The in thing is to sell our products within Africa, but there are hurdles in Africa. There is an infrastructural problem. There are issues which are to do with governance. Singapore has the best governance in the world such that they are able to attract all the industries in the world. They give them the best laws and concessions and that is the only way they can improve themselves. But if you look at Kenya, we are just inward looking. We are having a problem of unemployment in this country. Today, teachers are on strike. Tomorrow, you will hear civil servants and others. However, are we able to move? Are we able to create wealth? Are we able to inject capital? What are we doing about this young population which is going to school? We are having about 200,000 graduates every year. Do we have something for them? Do they have food on their tables? Those are the fundamental questions we are going to ask ourselves. Kshs10 billion is very little money when you are exporting to Europe. Our markets are in Africa.

If you look at the road to Moyale and Marsabit, it is almost impossible to travel on it. There is no road and yet we have a population of 95 million in Ethiopia which we can export to. It is virgin and yet we are concentrating on Uganda alone. If you look at the road all the way from my constituency to Kisumu, if you improve on it, you can still export your products. However, are we doing that? We are not. We are only thinking in the same old manner – stereotyped, inward looking – and that is why Kenya is not going anywhere. However, this country has a future with young energetic leaders and they can transform it. When you have a young and energetic population, we can transform this country. But the parameters must change. The rules of the game must change and it must be progressive. A young Parliament like this one must think ahead on how to create wealth. We should not bring Motions for the sake of bringing Motions. Such a Motion, of course, is one of the key Motions and should be given priority in this House and not other retrogressive Motions that will not add value to this country.

Hon. Temporary Deputy Speaker, Sir, we know the politics of multi-national corporations in this country. They have literally destroyed the African businesses. Today, if we refuse to sign this agreement and in turn we do not export goods to America and Europe, they will come down. We must discuss debt issues in this House because, sometimes, we are given loans which have stringent measures and this country pays that money for many years. Are we ready to pay for the debts which were incurred wrongly? Those are issues we must think about. We must think about our bread and butter.

Hon. Temporary Deputy Speaker, Sir, there are three things we must fix in this country; agriculture, security and health. Those are the key priorities in this country, but are we addressing them? If you do not have food in your stomach certainly, you are not fixing the security situation. Our agriculture does not look good. The whole of Kiambu is

becoming a concrete jungle. It is an estate and agriculture is finished. We are burning our debts in small *shambas* meaning that there will be no mechanization. Very soon, there will be nowhere to farm. Is our sugar industry competitive? It follows that when you have one acre producing less than what is required in international standards, or you have cane maturing on one acre in 18 months instead of six months, you are in trouble. So, our agriculture sector must be revolutionalised. Our industries must be revolutionalised. Our system must completely change. We must understand what the problem in this country is.

Hon. Temporary Deputy Speaker, Sir, when you look at cases in Kenya, there are 250,000 companies out there in Africa which are performing. Kenya has the best company in the name of Safaricom. It is number 71. The rest are either from South Africa, Nigeria, Angola and others. It means that despite us blowing our trumpets that East Africa is an economic power house, we are not doing much. Today, Kenya should have been like Malaysia, Singapore and South Africa. We would have been way ahead of those countries but all along, we have been arguing within ourselves and thinking about politics. We have been fighting among ourselves about leadership positions in political parties. There have been wrangles, wrangles and wrangles and those wrangles have kept this country suffering.

Hon. Temporary Deputy Speaker, Sir, we have a bloated Government in this country. We have 349 Members of Parliament. We have the Senate. We have the governors down there. I am not against devolution but today we are spending all our money on salaries. But were we sent to Parliament to earn salaries? Did we form the devolved governments for just paying salaries? Those are fundamental questions we need to ask. We need to ask where the rain started beating us. Forget about export. We are exporters, but are we earning more? We are not earning.

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

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. You seem to be a seasoned debater. You have ended at exactly the tenth minute. Send the Speaker's compliments to your future voters.

**Hon. H.K. Njuguna:** Thank you, hon. Temporary Deputy Speaker, Sir. I rise in support of this Motion. Although it looks fairly technical, since you are raising issues of trade, when you talk about globalization, the central focus on globalization is trade. When you control the world in terms of trade, you control economic power, hence political power. So, I urge the House to go beyond this Motion because the issues that are raised in this Motion impact very heavily on the economic growth and development of Kenya and East Africa.

Hon. Temporary Deputy Speaker, Sir, if you interrogate issues of World Trade Organization (WTO), as originally formed in 1946, and look at its growth, the aim of WTO was to liberalize trade across nations. The assumption is that trade among nations takes the nations as equal while on the contrary, nations are not equal and, therefore, trade cannot be based on equal partners. Looking at Economic Partnership Agreements (EPAs), the European Union is trying to engage other trading blocs on issues of trade.

Hon. Temporary Deputy Speaker, Sir, the issue before this House is that, if we enter into those agreements with the EPAs as currently constituted, the result is that trade will be very unfavourable to our nation. The bar set on EPAs is so high on agricultural products, manufactured products, health products and all other products going out of

Kenya. Therefore, it means that the trade imbalance between Kenya and Europe will be such that we will be disadvantaged. I am saying this because I have in mind products like horticulture, where we will be saying, for example, flowers should have minimum moisture content. So, the bar is so high that our flower products will not be able to enter the European market.

Hon. Temporary Deputy Speaker, Sir, I am aware there is already a case in court in Kenya on the issue of EPAs. If we pass the EPAs as currently constituted, then it means Kenya will not be able to access most of our health products like medicines, because most of the medicines cannot meet the standards. They will have a lot of negative impact on the agricultural, horticultural, manufactured goods and health sectors. Our textile industries as well as our industries in Thika have gone under. If we pass the EPAs as currently constituted, even whatever else is remaining will go under.

Hon. Members, if a Kenyan doctor wants to practise medicine in the USA, however qualified he or she may be, they must go back to class. If a Kenyan lawyer goes to the United Kingdom, he cannot practise law. But when professionals from those countries come here, they want us to receive them. They can practice even in other sectors. Therefore, what we are saying is that the EPAs should be renegotiated so that the trade imbalance is corrected. This is why I support Dr. Laboso. Her Motion is very valid and she has a valid point. If the EPAs are passed as they are, it will be a disaster for Kenya and it will be an economic enslavement to our country.

Hon. Temporary Deputy Speaker, Sir, our President, in his Speech, talked about developing this country beyond the two digit level in terms of economic growth and development. If we allow backstreet agreements like EPAs, which are rarely understood by Kenyans, to get the growth and development as envisaged in the President's Speech will not be possible.

Therefore, I support the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you so much. Hon. Members, if you have spoken to this Motion, you should not be requesting for an opportunity to talk.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Just a minute! Hon. Joseph M'uthari, can you request again, so that I have you here. You have requested several times.

**Hon. Anami:** Hon. Temporary Deputy Speaker, Sir, while contributing to this Motion, perhaps, we need to emphasize the need for us to do thorough housekeeping. I would like to support this Motion while emphasizing the need for us to revisit our processes of negotiating and entering into agreements. We have very many agreements that we have entered into as a country. But what process do we take and whom do we involve and what skills do we have? Do we have the right negotiators? This is because the challenge we have here is that we even have some agreements that we do not know about. We do not take stock of the agreements we have and the benefits that we can accrue from the same. So, there is the issue of performance. It is one thing signing an agreement and it is another thing implementing and evaluating the levels of implementation.

Hon. Temporary Deputy Speaker, Sir, while supporting this Motion, I would like to propose that we should endeavor to get away from negotiation that is informed by little

tokens of lunch, dinner and airlifts. This is because those are the little things that convince Kenyan negotiators. As long as you are in someone else's country, then you get taken away, you take everything that he offers. We should get away from that trait. Of course, we have behind the scenes activities and negotiations.

**Hon. Mirenga:** On a point of order, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker, Sir** (Hon. Kajwang'): Hon. Obura, can you approach the Chair? Just approach the Chair. Would you approach the Chair?

**Hon. Mirenga:** No, hon. Chair!

**The Temporary Deputy Speaker, Sir** (Hon. Kajwang'): That is an order from the Speaker's Chair. You will be out of order not to oblige.

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, Sir, I am---

**The Temporary Deputy Speaker, Sir** (Hon. Kajwang'): Okay. I rule you out of order. Please, proceed, hon. Anami.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker, Sir. I would like to underline the need for us to take stock of the contents of all the negotiations that we enter into and the agreements we sign. We should have clearly projected benefits that are sustainable and based on the needs of this country.

Hon. Temporary Deputy Speaker, Sir, we have the issue of transparency. Our Constitution is a very important tool and we would like to address and embrace the ideals of the Constitution. I would like to underline the motivation that we derive from our poverty eradication endeavors. If there are any agreements that are not addressing the issue of poverty eradication, then we have to be concerned because we cannot enter into negotiations and agreements that benefit the third party or even the second party, without us putting the needs of our citizens upfront. So, the need for transparency here is very important and our Constitution calls for citizen participation.

How many of our people know the kind of agreements that we have entered into? There should be a sensitization programme which should even be put in our school system so that Kenyan traders and citizens can know how they can benefit individually from those agreements. We should, perhaps, also intensify the need for us to do business with the regional communities. We will address our circumstances when trading with Uganda, Tanzania and Rwanda.

**Hon. Muchai:** On a point of order, hon. Temporary Deputy Speaker. With regard to the Member's contribution, in particular his reference to our technical people at the Ministries' level and their capacity and ability to engage on behalf of Kenya, let me say that I have had the opportunity to interact with the representatives of the EU and our representatives. I can assure the Member that we have very able, competent and highly skilled representatives when it comes to negotiations over EPAs with the EU. Is he in order to refer to our negotiators as unskilled and incompetent?

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Anami, finish your discussion in the next one or two minutes to be kind to the other Members who must contribute.

**Hon. Anami:** Thank you, hon. Speaker. I would like to respond to the Member.

**The Temporary Deputy Speaker** (Hon. Kajwang'): You do not have to respond. Please, finish your contribution within one minute.

**Hon. Anami:** Hon. Speaker, I would like to conclude by saying that I have been a very important player in those negotiations, especially the ACP-EU. So, I am not talking

from a point of ignorance. I know that very few Government departments are aware of the contents of the Cotonou Agreement, especially Article 27 which makes reference to our heritage and the need for us to link all our development to our cultural disposition which will guarantee sustainable development for our country.

**Hon. Wamunyinyi:** Thank you, hon. Speaker, for giving me a chance to contribute to this important Motion. I had been, honestly, getting disappointed because I was not getting a chance to speak on this Motion. However, thank you for having given me a chance.

First, I want to congratulate hon. Laboso for having brought this Motion to the House. I want to express myself honestly on this because agreements and treaties that were being signed have affected this country, sometimes very negatively. I am concerned because of the fact that not enough thought and consultation have been done before those agreements are signed. You and I will agree that there are some treaties which have been signed that this country, after a while, has had to regret and we wished we knew. For example, the Rome Statute and others which have been ratified even by this House.

I would like to thank hon. Laboso as I support this Motion. I urge that those EPAs should not be signed before proper consideration is given on all the issues that will affect this country. I want to narrow down to the interests of this country. We are proud of our country Kenya. This country has opportunities and can create opportunities for our people in business. We are encouraging local tourism as well as local investors. We must be strategic. I wish to fault our Government on some of the issues of trade. I am looking at creating employment and business opportunities for Kenyans.

In reference to RIVATEX, for example, we need to revive our textile industry. I was reading a piece which says that RIVATEX has not won any of the Government tenders and in particular, supply of materials for our armed forces, the Kenya Police and the military. All those materials for the uniforms and towels that are used by our military are imported. Uganda buys all such materials for her military from the local industries but, in Kenya, we import those materials. What is Kenya's strategic interest in terms of creating opportunities? When you import those materials, you create employment opportunities for the people in the countries from where you are importing. In other words, we are failing to create opportunities for our people and creating opportunities for others. That is where I have a problem with the Government. Why should the Government not do business with the local industries, for example, RIVATEX, which is currently owned by Moi University, which has all the expertise and the personnel? We have many local materials. We import as opposed to buying from RIVATEX.

I appreciate the competitive nature in procurement rules that are in place, but why can we not look at our interests as a country first? Even if there are procurement rules that are supposed to be followed, we must look at our interest as a country. This is where I have a problem. Kenya is a hub in the region. Our airport should be expanded. We appreciate the efforts that are going on to expand the Jomo Kenyatta International Airport and put new infrastructure in place, but what are we doing to create opportunities in our local industries?

If we want to ensure that we have enough security, please, let us create opportunities for the young people of this country. We have young graduates and middle level trainees who can do this job. Unless, however, we get opportunities for them, we

might not be able to secure and develop our country. Hon. Members have talked about this and I do not need to repeat it.

Hon. Temporary Deputy Speaker, I want to emphasize the fact that there is an obvious imbalance of trade between Kenya and European countries. All of us understand why this is the case. We need to promote our business within the region. Let us trade within Kenya, the EAC and Africa as a whole. I want to agree with Dr. Laboso in her Motion that we need to consider all the factors necessary to develop our region. The population of the EAC is above 200 million people. This creates a huge market. It is clear that opportunities can be created within. It is enough for us to do business within the region.

Thank you for giving me this chance to express myself. I want to reiterate that we must look at our strategic interests. We must look at the local industries and create opportunities. I beg to support.

**Hon. M'uthari:** Hon. Temporary Deputy Speaker I rise to support this Motion. I would also like to congratulate hon. Dr. Laboso for this well thought-out Motion. This part of the world is always pushed around by other people. This idea of having a moment to say that enough is enough is good. If we sign this agreement which will lead to the disadvantage of the nation--- Many times, we export things, but the conditions that are given to us are very high. In the process, we end up losing opportunities. It is high time we took advantage of things. We need to stand firm and say enough is enough.

Hon. Temporary Deputy Speaker, we need to direct our energy where we need to direct it. We have to look at our neighbours, for example, Uganda, which is our main trading partner.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. M'ruaki, I do not want to interrupt you but, please, let us use the next 10 or so minutes wisely. Take four minutes so that other speakers can express themselves.

**Hon. M'uthari:** Hon. Temporary Deputy Speaker, it is high time we became proactive. We need to take what we deserve and not what other countries think is good for us. It is neither a token nor a favour to engage in trade with other countries. It has to be negotiated so that we get what is good for our country. What we have been doing in the past is to allow ourselves to be given a carrot which is bitter service. We end up signing agreements thinking that they have advantages only for them to turn out to have many disadvantages.

My submission is that we need to ask ourselves what is there for us in the bill. In many cases, you find that even countries that have not signed certain protocols end up forcing other countries to comply when they themselves have not complied. What is not good for them, they think is good for others. In terms of trade, we have to break away from the past. We need to spend our energies on negotiations which will benefit us more, for example, with our neighbours here. Enough is enough. If our past partners do not agree with us, we can always go to the other parts of the world. We have the East and other emerging economies of Africa. It is here where we are likely to benefit and be respected. We have what it takes to take up that space.

With those remarks, I support.

**Hon. (Ms.) Lay:** Hon. Temporary Deputy Speaker, I rise to support the Motion and congratulate my namesake, hon. Dr. Joyce Laboso for bringing this Motion. We cannot go ahead and sign the EPAs given the condition they are in. We have to look at

how they are going to affect our economy. Most times we sign those agreements only for them to hurt our economy. The Government has promised and is putting efforts to grow our economy in the next five years. So, signing those agreements will hurt our economy. We also need to focus on how to manufacture. We need to focus on industrialization. It is the only way we will provide employment for our people.

With regard to agriculture, we need to put more efforts there. That way, we will avoid imposing tax on small things like *unga*. In Africa, we have the potential. There is a lot we can do with our raw material instead of exporting them. It is high time we focused on manufacturing and industrialization in order to create employment.

I beg to support.

**Hon. (Ms.) Kanyua:** Thank you, hon. Temporary Deputy Speaker. I stand to support this Motion and also congratulate the Mover, Dr. Joyce Laboso.

My concern about this Motion is the mixed messages that we receive on the EPAs. In the morning today, there was a meeting of the Kenya Association of Manufacturers (KAM) and hon. Members. The KAM was speaking on matters surrounding manufacturing in this country. I wonder whether we have had enough consultations with other groups.

Whereas I support that African countries, including Kenya, have to be careful with what they sign and what they append their signatures to, there is need to look at offices such as the Office of the Attorney-General so that, before we sign the documents, a lot of consultation goes into them.

I would also like to urge that we need to listen to other groups. It is true that Kenya exports a lot of its products to Europe. The economists who are leading our country now are urging that we expand our exports. If you look at other countries, you will realize that we still have a lot of capacity to export more.

As much as we support this Motion, we need to ensure that those economic agreements are in favour of our country.

So, even as we support those agreements, we should make sure that they are in favour of our country. We should harmonize the message at home as much as possible. We cannot have the manufacturers giving a message, Parliament giving a message, the NGOs giving another message and everybody seems to be speaking for the Kenyan farmer. I think it will be important that all the groups that are speaking for the Kenyan farmer harmonize that voice, so that when we go out of the country, we actually have one voice. This will ensure that we do not have different voices from the NGOs, manufacturers, the Government and Parliament. All those voices are not harmonized and yet, we are all speaking for the same farmers. I really urge that the message be harmonized in this country, so that we have a united position on the EPAs and that, that position is respected and becomes the Kenyan position.

Hon. Temporary Deputy Speaker, Sir, I support this Motion and congratulate the Mover. I am happy to save the one minute. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Hon. Members, the time allotted for this Motion has long expired. Now, I want to call upon the Mover to reply. Mover, if you so wish, you may donate time to hon. Moi. Hon. Moi, where are you?

**Hon. Moi:** I am here, hon. Temporary Deputy Speaker, Sir.



**The Temporary Deputy Speaker** (Hon. Kajwang’): Yes, you have made a request and it depends on what the Mover will decide.

**Hon. (Dr.) Laboso:** Thank you, hon. Temporary Deputy Speaker, Sir. I feel magnanimous because I have not heard hon. Moi speak a lot in the House. I will donate, at least, three minutes to him to contribute.

**Hon. Moi:** Thank you very much, hon. Temporary Deputy Speaker, Sir. I also thank hon. (Dr.) Laboso. Mine will be very brief. If we do not sign those agreements, the consequences could be very devastating. On the other hand, we cannot just blindly sign those agreements because they are lopsided.

For example, the margin on the flower industry is 8 to 10 per cent. If we do not sign those agreements, what will happen is that the duty imposed by the European Union will be between 10 and 15 per cent. This will wipe out all the margins for the flower industry and the flower business will die. This industry will not even take a week before dying.

As far as I am concerned, the best option, or the best route to take, is to examine this document and give it to people who understand those agreements. We have people in the manufacturing sector, as one hon. Member has said and people in the agricultural sector to look at it holistically as opposed to just saying that we will not sign it. This is because the consequences are terrible even to contemplate.

Thank you very much, hon. Temporary Deputy Speaker. I also thank my colleague.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you for being brief.

**Hon. (Dr.) Laboso:** Thank you, hon. Temporary Deputy Speaker, Sir. I thank the hon. Members for the very good contributions that they have made to this Motion. Right from yesterday, it was very gratifying to know that hon. Members actually have a lot of information on the EPAs.

As I mentioned yesterday, part of the reasons for bringing this Motion was in a way to inform hon. Members about what we do in the ACP-EU, which is a parliament that this Parliament belongs to. I am sure that many a time, even in your Committees, you wonder what is the ACP-EU that you are told people go to. To inform hon. Members, those are some of the things that we discuss.

My other colleagues, hon. Aden and hon. Kabando wa Kabando will be bringing other matters just for your attention and information, because we, as a Legislature, do not know the agreements that the Executive commits the country to in most cases. In most cases, those commitments actually impact on the very people we represent in this House.

Hon. Members, this is a Motion. What hon. Moi has said is true. We are in a catch 22 situation. We are saying that there are manufacturers and industries which will be affected; we have rightly mentioned the flower, coffee, tea and horticultural industries. This is because we are probably on the brink of becoming an industrialized nation. Are those agreements helping us towards achieving that goal, or are they making it difficult for us to become industrialized? I am sure that the Government has been asking those questions. This is because, as you have rightfully observed, those negotiations started in the year 2000 and we are now in 2013.

I am glad hon. Muchai has said that we have very skilled negotiators who are trying to get the best for the country. This is just some emphasis. We are not saying: “Do not sign the agreements”. I hope that you have clearly seen what my Motion is saying.

We are resolving that the Government does not sign the EPAs in their current form. The point is not: Do not sign. It is: Do not sign them in their current form. The most favoured nation, the export taxes and development clauses were all explained elaborately by the Member who seconded the Motion yesterday.

I know that we are in a catch 22 situation. We are doomed if we sign the agreements in their present form. I tend to believe as many hon. Members have said in this House that we should increase trade amongst our blocs; that is the East African Community and COMESA. We are already saying that the volume of trade that we have with those regions is much higher than the volume of trade that we have with the EU. Let us continue to look for agreements that are really beneficial to the Kenyan small-scale farmer. We are saying that what we are selling to the EAC and the COMESA manufactured or processed products, while what we are selling to the Europeans is raw coffee and tea which they add value and bring back to us. So, we add value to what we sell to the EAC.

Hon. Temporary Deputy Speaker, Sir, I would like to say that my Motion is meant to kind of get people thinking. I believe that we can get a comprehensive report on this Motion from a committee, or probably from a joint Committee of Defence and Foreign Relations and Committee on Finance, Planning and Trade. The Committees that oversee the international and regional trade must meet and find out where we are. This is because I have not given you the status. I know those are the outstanding issues between Kenya and the EAC, but more details can be obtained from the technocrats in the Ministries that we have been told about. After that, a comprehensive report can be brought to this House, so that it is fully in the picture as to where the country has reached on the signing of EPAs.

Hon. Members, again, I thank all of you for the very good support that you have given to this Motion.

I beg to move. Thank you.

*(Applause)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Hon. Members. I have considered a procedural issue. Under Standing Order No.1, I defer the putting of the Question on this Motion to Tuesday, next week.

Let us move on to the next Order please. Yes, hon. Florence Kajuju.

*(Putting of the Question deferred)*

#### ESTABLISHMENT OF AD-HOC COMMITTEE ON *MIRAA*

**Hon. Kajuju:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that khat (*miraa*) is the economic mainstay of many people in Kenya and has led to economic growth and development in the country; noting that the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) has continued to campaign against consumption of the commodity and classified khat (*miraa*) as a drug;

concerned that most countries have banned chewing of khat (*miraa*) and others are in the process of banning entry of the product into their markets, including recommendation of severe penalties against consumers while others have granted the Government of Kenya a window period to consider the suitability of the product for export; further noting that recent research has established that khat (*miraa*) is not a drug and, therefore, appropriate legislation should be put in place to regulate the industry, this House resolves to establish an ad-hoc committee to comprehensively investigate, inquire into all matters relating to khat (*miraa*), consider and review all research findings and make recommendations to the House within 90 days, and that the Committee comprises the following Members:-

1. The Hon. Florence Kajuju, MP – Chairperson;
2. The Hon. Franklin Mithika Linturi, MP;
3. The Hon. Muriuki Njagagua, MP;
4. The Hon. Gladys Nyasuna, MP;
5. The Hon. Daniel Maanzo, MP;
6. The Hon. Dennitah Ghata, MP;
7. The Hon. (Dr). Susan Musyoka, MP;
8. The Hon. Fatuma Ibrahim Ali MP;
9. The Hon. Cyprian Kubai Iringo, MP;
10. The Hon. Joseph M’Eruaki M’Uthari
11. The Hon. Abdulaziz Farah MP;
12. The Hon. Tiyah Galgalo Ali, MP;
13. The Hon. Dan Kazungu Muzee, MP;
14. The Hon. Mohamed Elmi, MP;
15. The Hon. Rachel Nyamai, MP;
16. The Hon. Jimmy Angwenyi, MP;
17. The Hon. Beatrice Nkatha Nyaga, MP;
18. The Hon. Benson Mutura, MP;
19. The Hon. Alfred Kiptoo Keter, MP;
20. The Hon. Kanini Kega, MP;
21. The Hon. Zipporah Kering, MP;
22. The Hon. Ayub Savula Angatia, MP; and,
23. The Hon. Sabina Chege, MP.

Hon. Temporary Deputy Speaker, for years and years during the life of my grandparents and great grandparents, the *miraa* community in Meru has produced *miraa*, which is fondly referred to as the “green gold of Meru”. In 1974, the late President Mzee Jomo Kenyatta had *miraa* removed from the scheduled crops under the Horticultural Crop Development Authority (HCDA). Farmers, businessmen and elders petitioned him to issue a decree, so that the *Miraa* Prohibitive Ordinance could be repealed. In 1976, the Permanent Secretary in the Ministry of Agriculture removed *miraa* from the Export Control Regulations by the HCDA. Subsequently, there has not been any legislation that has been governing the cultivation and sale of *miraa* as a recognised cash crop in Kenya. Past efforts that have been made by various local universities and research institutes have not found their way to either the office of any Government officer or the Ministry

concerned with agriculture. Even the latest enacted legislation, which is the Crops Act (Act No.13) of 2013, does not classify *miraa* as one of the scheduled crops. In that Act, the scheduled crops have been properly designated. *Inter alia*, they include tea, coffee, cotton, sunflower, beans, wheat, maize and sugar-cane.

The purpose of the Crops Act, as captured in its part on objects and reasons, under Section 3, is to accelerate the growth and development of agriculture, enhance productivity and income of farmers and the rural population, improve investment and develop agricultural crops as export crops that will augment foreign exchange earnings for the country. The Act is also supposed to promote production, processing, marketing and distribution of crops in suitable areas of the country. The Act demands, in its objects and reasons, that the national and county governments provide an enabling environment for the development of the crops sub-sector. Under Schedule 7, Section 2 the Act provides that the Cabinet Secretary may, by notice in the Gazette, declare any other crop a scheduled crop for purposes of the Act. The Act, whose application is yet to commence because the Cabinet Secretary for the Ministry of Agriculture, Livestock and Fisheries has not yet given the date of its take-off, does not have *miraa* as one of the cash crops in Kenya. Therefore, the Committee that I am asking this House to set up will deal with the Crops Act, especially Schedule 7, Section 2 with a view to having *miraa* declared a cash crop under the Act.

Hon. Temporary Deputy Speaker, the proposed committee will assist the Cabinet Secretary to decide whether *miraa* qualifies, or does not qualify, to be scheduled under the Act. *Miraa* has social, cultural and economic benefits to the Meru community and other communities at large. However, due to the ambiguity that surrounds the legality of *miraa* as a crop in Kenya, technical information on its cultivation has been lacking. It is, therefore, necessary that we redress the situation of *miraa* in order for us to be able to grow, consume, sell locally and export it as a crop that is cultivated, especially by the Meru community. There are some countries which had banned *miraa*. As late as this week, some countries also banned *miraa*. An example is the United Kingdom, which banned *miraa* just this week. Saudi Arabia, the Netherlands and Tanzania have also banned *miraa*. You cannot transport *miraa* to those countries. If you are found consuming *miraa* in Tanzania, you will serve a jail term of not less 20 years upon conviction. A report published by NACADA last month raised issues even for the Meru people. In its report, NACADA alleged that *miraa* is a drug and, therefore, should not be consumed or sold in Kenya.

Hon. Temporary Deputy Speaker, Sir, that is why the formation of this committee is going to be very important to the people of Meru; they will be able to know whether the crop that they found their fathers consuming is illegal or not. They will also know whether a crop that is wild, but at the end of the day, benefits the economy of this Republic, can actually be declared a drug by an organisation that has not even done research and neither has it interviewed the consumers of *miraa* to be able to give a proper report.

Hon. Temporary Deputy Speaker, Sir, if you look at the socio-economic and cultural use of *miraa*, you will actually get to understand why it is important to the Meru community. As people consume *miraa*, it promotes social interaction. In our culture as the Meru people, when a young man wants to seek a hand of a young girl in marriage, the first thing that he has to offer the parents of that young girl is *miraa*. It is called a

*kibanda* in our language. When that girl allows the elders to partake of the *miraa*, it is an indication that she has accepted that young man for a husband.

Hon. Temporary Deputy Speaker, if somebody has done wrong to a party, the first thing that they offer is *miraa*. If the aggrieved party accepts that *miraa*, it is an indication that the reconciliation process can take off. When we give birth to our children, the first thing that our husbands and elders partake of to show that they have appreciated the human being who has come into the world is *miraa*. That is how important *miraa* is to the Meru community. There is no celebration in the Meru community that can proceed without the partaking of *miraa*.

Hon. Temporary Deputy Speaker, Sir, *miraa* is both a crop and a medicinal plant. I expect this committee to find that *miraa* can cure some diseases. *Miraa* is herbal cure in the sense that when the Meru people suffer illness they partake of *miraa* to cure their ailments.

**Hon. Mwaura:** On a point of order, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Mwaura, this is a very interesting debate. Why would you want to interrupt it? What is out of order?

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, Sir, I rise as a matter of concern. If already the hon. Member, my friend, hon. Kajuju, has expectation of the findings of this committee, then is it in order then to constitute it? This is because she says that she expects that this Committee will find that *miraa* can cure some diseases.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Mwaura, just resume your seat. I will guide you. That will form part of the issues for debate when the Question has been proposed. Allow the Mover of the Motion to move it, it be seconded and then we will have all the time to debate everything we want to debate here. Florence, please proceed.

**Hon. (Ms.) Kajuju:** Thank you, hon. Temporary Deputy Speaker, Sir, for protecting me. I think the sooner we learn the Standing Orders the better for everyone.

As I was saying, if you have chest problems, you can partake of *miraa* and be cured. I say this because I have partaken of *miraa*; I speak as a person who has chewed *miraa* with my grandmother since I was a young girl in the village. I speak from experience.

Hon. Temporary Deputy Speaker, Sir, *miraa* has a nutritional value. *Miraa* contains vitamin C. It contains niacin. It contains vitamins, amino acids and other minerals; and that is why the Meru women are very beautiful.

(Laughter)

We have very strong men.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order! Obviously, that goes without doubt. Continue, Florence.

(Laughter)

**Hon. (Ms.) Kajuju:** Thank you, hon. Temporary Deputy Speaker, Sir. However, what is shocking is that there have been allegations that *miraa* causes insanity and other problems that the world alleges, but which they do not know. *Miraa* provides

employment to very many people within the Meru community. It employs farmers, harvesters, packers, loaders, wholesale and retail traders and transporters. Even the manufacturers of Toyota Kenya get money from *miraa* produce through the sale of their pick-ups. That is why *miraa* is important to the economy of this Republic.

Hon. Temporary Deputy Speaker, Sir, you will find that 80 per cent of the Nyambene people in particular, who are within Meru County, depend directly or indirectly on *miraa* trade, which is the source of their livelihood. It has been alleged, as I said earlier, that those who chew *miraa* are unable to think properly. It is called clouding of the mind, but what I know is that *miraa* provides clarity of mind.

By the end of this debate, our country must make a decision on what action it wants to take in as far as *miraa* is concerned. I say this because most of the politicians have used *miraa* as a campaign strategy. Everybody thinks that *miraa* is important when they come to Meru to campaign; that is when you see them with bunches or *kibanda*, explaining how they are going to protect *miraa*. But no sooner are the elections over, than everybody seems to forget the pledge that they made to the people of Meru. We are saying the time is now.

Hon. Temporary Deputy Speaker, Sir, the World Health Organisation (WHO) was trying to look at the issue of *miraa*, but they shied away from making a decision. They left that decision to be made by NACADA, but it has not made a decision that is well researched and well thought-out. That is why this proposed committee is going to look at that report and really gets to tell us whether it was scientifically proven that *miraa* is a drug.

Earlier reports portrayed *miraa* chewers as being aggressive and antagonistic. It was also implicated in failure to perform, among other things. It is said that *miraa* causes a condition called spermatorrhea. Spermatorrhea is a discharge that comes after urination, but I have lived with Meru men. Meru County has a population of 1.4 million and I believe half of them are men. But I have never, in my so many years of life--- I was in class with you. You know my years. I do not have to say them in the House.

(Laughter)

None of those men has ever complained of failure to perform or experiencing conditions that would affect their family life.

(Laughter)

Hon. Temporary Deputy Speaker, Sir, it is important to also note that *miraa* goes beyond the religious, ethnic and social divides. If I may be allowed to quote the Quran, it says:

“We read the Quran and we bow to the Prophet because this plant (*miraa*) is known to the saints and it permits us to keep vigil all through the night in order to worship Allah.”

What it is saying is that---

**Hon. Aden:** On a point of order, hon. Temporary Deputy Speaker, Sir. I just want to correct my colleague that, that particular reference she is making is not from the Quran. I can say with great certainty that the Quran does not speak about *miraa*. She

needs to cite the authority of the particular statement that she has just made. We will not allow the House to be misled. So, that particular statement is not from the Quran. The Quran is not in support of *miraa*, as far as I know. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you. Hon. Kajuju, you were on the right track until you entered into dangerous grounds. But we will be fair with you; go and research widely, so that when you reply, you will then tell us what hon. Aden has just made us know. Now, you do not have so many minutes, you must finish.

**Hon. (Ms.) Kajuju:** I am about to conclude, hon. Temporary Deputy Speaker, Sir. I think at the point you have directed, I will sit down with my friend and I will show him that I have done a lot of research on this, but I stand guided.

Hon. Temporary Deputy Speaker, Sir, we have the celebrated elders of Meru called the “*Njuri Ncheke*”. If, indeed, *miraa* was affecting our young men, the first people who would have banned *miraa* would have been the *Njuri Ncheke* elders in Meru. They are very celebrated wise old men. They will do anything to protect the culture of the Meru people.

The first people who have always said that *miraa* should be partaken by the people of Meru are the *Njuri Ncheke* elders. We trust and believe in them. So, due to this, combined with the scientific research that we have, we will expect the proposed committee to tell us, after tabling all the research, that *miraa* is not a drug. That is why I thought it was important that the 11<sup>th</sup> Parliament will go down in history as the first House to deliberate on the issue of *miraa*, and come up with a solution. I believe we will be helping the Government when we table the report. God willing it will be adopted in this House, and we will give direction, not just to the people of Meru, but also to people the world over, who are illegally banning *miraa* without proper knowledge.

With those remarks, I beg to move the Motion and sincerely pray that it be passed in this 11<sup>th</sup> Parliament. I, therefore, seek the hand of my brother, not in marriage, but in seconding this Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Who is the lucky suitor who will second this Motion?

**Hon. (Ms.) Kajuju:** I seek the hand of my brother, hon. Joseph M’uthari.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Okay, I see. Thank you. All right; hon. M’uthari, you may proceed.

**Hon. M’uthari:** Thank you, hon. Temporary Deputy Speaker, Sir. Let me take this opportunity to second this Motion. *Miraa* is very important in our community. It is very important in the economy of Meru, especially in the counties of Meru, Tharaka-Nithi and Embu. There is a lot of *miraa* growing in those counties. I would like us to confirm one thing; people with different thoughts about *miraa* can look at me. I have been chewing *miraa* for more than 30 years. You can see I am okay. At least, if one is in doubt, he can try--- I have chewed *miraa* for more than 30 years, and I am a *miraa* farmer. Even my great grandfather was a farmer. We have a farm. Those are not stories. Even after this, I have a *gitundu* in my vehicle. I am going to chew it. For people who are in doubt, *miraa* is a good crop. It is just because this crop has been neglected and people do not know about it and because of that, they condemn it.

Hon. Temporary Deputy Speaker, Sir, there are other crops whose effects are known scientifically, but they are sold all over the world. An example is tobacco and the other products. *Miraa* is not like beer; it is not something that can even lead to addiction.

But, as with any other products, if you take too much of it, you may have a problem. But *miraa*, as a crop, it is just a stimulant; it stimulates you. If you want concentration--- Even the Chair can try it. If you want a bit of stimulation--- Maybe, you want to concentrate on a serious assignment, you take a bit of *miraa*.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I do not think you are serious about that, but you may proceed.

**Hon. M’uthari:** Thank you, Sir. So, I am saying that *miraa* is a crop and there are so many people who are employed in the *miraa* industry. There are so many people whose livelihood depend on *miraa*. We need a serious committee so that it can remove the myth, then we work on the facts and put *miraa* in the right place. For many years, *miraa* has been condemned and yet, the Government benefits from it. Exports of *miraa* bring in foreign exchange of more than Kshs4 billion. The money that comes to this Republic from the sale of *miraa*--- Even airlines also get money from *miraa*.

As I said, the problem with *miraa* is that it has been condemned because nobody ever took interest in it. That is why we are asking this House to pass this Motion. We want to have the proposed committee and then the Government can be advised appropriately. We can carry out research. In the past, it has not been carried out. It has not been scientifically proven that the issues that are associated--- There are claims which are not substantiated. So, let us have this committee; it will go round and get materials from the studies carried out. We are aware that in some of the countries where this crop was taken seriously--- A country like Yemen has more than seven products that are obtained from *miraa* and exported to various parts of the world. In that country, the products are scientifically and hygienically packaged and marketed.

Hon. Temporary Deputy Speaker, Sir, we have never put money into that crop in this country. Even people from NACADA who condemn *miraa* are yet to get studies carried out by other people to know what was found in *miraa*. Even if they found out information to support their claim, we need to know who funded the research.

Sometimes, you can use research to justify even what is not correct. At times, we say that whoever pays the piper calls the tune. So, you may have people who are funded so that they condemn the good crop in the interests of people who do not know it. I support that we establish a select committee that will be able to extract the correct information about *miraa* which can be shared out. We need to have a body that will deal with *miraa*, just as we have a body dealing with coffee, tea and dairy farming.

Hon. Temporary Deputy Speaker, Sir, *miraa* is a big industry. If we take care of it, then it can provide more employment. It should be given the right space and then people can also learn about it. We also need to expand our economy. When you depend on other people, you are subjected to shameful actions, or you live a life that has no dignity.

In this country, for so many years, we have known that *miraa* is not bad. But because the World Health Organization, or whoever does not like *miraa* condemns it out of ignorance, we accept that and do not treat it like other crops. If you go to the Ministry, you will have nothing written about *miraa*. There are no extension services for *miraa* farmers. If you go to the greater Meru, most of the farms, or almost all the arable areas are under *miraa*.

*Miraa* is the mainstay of people, especially in the greater region of Meru North. It is cultivated by a big segment of the Meru population. So, condemning *miraa* is like



condemning a population of more than two million people, who depend on that crop for their livelihood. We are asking hon. Members of this House to approve this Motion so that, in the end, we can come up with information that may guide and help this country to chart the way forward for the *miraa* trade.

As we have said previously, this way, we will be able to live with dignity. We will have people who will be living in dignity and without fear. As the Mover of the Motion has indicated, during campaigns the mighty and even the President, say that *miraa* is a good crop and they will support it. But, thereafter, everybody forgets about it.

During the next campaigns, they come and campaign in the name of *miraa* as usual, but they never come up with a solution to its problem.

I thank hon. Kajuju for moving this Motion. I support the Motion so that at the end of the day, people will not be living in fear. All the people in that region are in fear. Many of them rely on *miraa* and if you touch *miraa*, you will be touching a live wire and the livelihood of the people. You will be destroying their livelihoods. We need to pass this Motion so that the proposed committee can put this crop in the right place. It can be among the crops that are respected and given space in this Republic. In the process, we will create more jobs and wealth. This crop can be developed. We should undertake research and know what other products can be obtained from it. People say that *miraa* affects libido, but there are certain breeds of *miraa* that enhance libido. People take herbs that will help cement relationships in homes.

We have neglected the element of research. If proper research is carried out, we can then know the ingredients in *miraa* that reduce fatigue. If you have fatigue and you want to continue working, you take a bit of *miraa* and then you can continue with whatever you were doing. This means that there are certain ingredients in *miraa* that have not been discovered. If we pass this Motion, then *miraa* can be manufactured and distilled and we can get money out of it. We can have either drugs or other substances that can be marketed. Companies distil products from other products. We are one country which has not taken advantage of our *miraa*.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Members, this Motion is very interesting and you may not know that you have taken so long canvassing it.

*(Question proposed)*

Hon. Aburi, I understand you do not have your card. I hope it is not associated with *miraa* chewing. Could you approach the Dispatch Box and make your contribution?

**Hon. Aburi:** Ahsante sana, Bw. Naibu Spika wa Muda. Historia ya *miraa* ni ndefu sana. Katika mwaka wa 1814, kulingana na historia ya jamii ya Wameru, *miraa* iliponya mzee mmoja, Bw. Laibuta, aliyekuwa na ugonjwa wa kifua kikuu wakati kulikuwa hakuna hospitali Meru. Watu waliona kuwa huyo mzee angekufa lakini wazee walichemshia *miraa* na wakaitengeneza ikawa maji maji. Walimpatia huyo mzee hayo maji ya *miraa* kwa wiki moja na akapona na kuishi maisha mema tangu wakati huo.

Naunga mkono Hoja hii kwa sababu katika jamii ya Wameru, ukitaka kumleta bibi nyumbani, ni lazima uwe na *miraa*. Bila *miraa*, huwezi kumleta bibi nyumbani. *Miraa* ni kitu cha maana sana kwa Wameru. Tukizozana au ukosane na mzee wa rika lako ama mama, unaletewa *miraa* na wazee ambayo imetemewa mate ndio uile kama ishara kwamba hukutenda jambo unalosingiziwa. Zamani, hakukuwa na korti. Korti

lilikuwa ni la wazee wa *Njuri Ncheke*. Wazee wa *Njuri Ncheke* wakisema kuwa umeua mtu na wewe usema kuwa haujaua mtu, walichuna *miraa* na wakaitemea mate. Walikwambia kwamba kama hukuuu mtu, uile ile *miraa* na kusema kuwa hukuuu mtu. Kama ulikuwa umeua mtu, hungeweza kuila ile *miraa* kwa sababu haingeweza kuteremka kwa koo yako. Ungekufa. Kwa hivyo, *miraa* inaaminiwa na Wameru zaidi.

Katika jamii ya Wameru, *miraa* ni dawa na niko na ushahidi kuwa iliponya mtoto wangu. Mimi ni mtafunaji wa *miraa* na hutafuna *miraa* kuanzia ijumaa jioni mpaka asubuhi kesho yake, na sijawahi kuwa mgonjwa. Niko na ekari 11 za *miraa*. Mimi ni Mbunge na hutafuna *miraa*. Sina wazimu na sijawahi kukosa usingizi. Bado niko na afya nzuri. Wakenya wakiniangalia kama mtafunaji wa *miraa*, wataona kwamba niko na afya ya kutosha. Wakati tunapoenda kuchunga ng'ombe na kuwe hakuna chakula, mzee huweka *miraa* kwa mfuko na akikula *gitundu* mbili au tatu, hawezi kuhisi njaa tena. Anaweza kutembea siku nzima bila kuhisi njaa. Mtoto akiwa mgonjwa usiku na huna pesa za kumpeleka hospitali, na hata mahali kwingine hakuna magari, ukitafuna *miraa* na umpatie mate yenye maji ya *miraa* ameze, anapona.

Wale ambao wanasema kuwa Serikali ya Jubilee itapiga marufuku *miraa*, ni waongo. Watu wa NACADA, wakitumia magari ya Serikali, ndio wanatangaza kuwa *miraa* ni dawa ya kulevya. Juzi, wametukuta na mhe. Iringo wakitangaza kuwa *miraa* ni dawa ya kulevya. Wasijaribu kuharibu jina la Rais wetu. Kama Moi na Kibaki hawakupiga marufuku *miraa*, si Uhuru ambaye ataipiga marufuku. Alipofika Nyambene, alisema kwamba yeye akipata kiti cha urais, angefungua soko zote za dunia kwa *miraa*.

Yeye hawezi kuingia *State House* kupigana na Wameru. Sio Uhuru Kenyatta! Hawa ni wakora wasioshiba. Wanataka kuongezewa katika tumbo ndio wasisikie njaa tena.

**An hon. Member:** Na simiti!

**Hon. Aburi:** Na simiti pamoja. Bwana Naibu Spika wa Muda, kama alivyosema mhe Kajuju, Wameru wanategemea *miraa* kwa kiwango kikubwa. Wameru wanapokea zaidi ya Ksh20 million kila siku pale Muringene. *Miraa* nyingine ipo pale Tigania East, mahali panaitwa Mlango. Hizo ni pesa nyingi na ndizo zinatumika kusomesha watoto. Hatuna mahali pengine pa kupata pesa. Sisi Wameru hatuna kitu kingine cha kutegemea ila kilimo cha *miraa*. Tunataka kilimo cha *miraa* kiwe sawa na kilimo cha mahindi, majani chai, kahawa ama ndizi. Hii ni kwa sababu *miraa* ni chakula kama vyakula vingine.

Watu waliompigia mhe Wanjohi kura kule Mathare ni wafanyi biashara wa *miraa*. Walikuwa watu zaidi ya asilimia 80.

(*Laughter*)

Pesa zinazolingia katika jimbo la Meru kutoka kwa mhe Wanjohi ni nyingi mno. Mimi naunga mkono kwamba biashara ya *miraa* iendelee. Wakati wa vita kule Turbo, Eldoret na Molo mwaka wa 2007, mlisoma kwenye magazeti kwamba watu waliobebwa na mabasi ya Eldoret Express walimwagwa pale Gakoromone sokoni. Waliingia katika benki ya Equity na wakapewa kila mtu Ksh50,000. Vijana wetu Wameru waliokuwa wakifanya *hawking* walipewa pesa wakanunua nguo na bidhaa nyingine ili wafanye biashara. Je, mkipiga *miraa* marufuku na hali kazi ya *hawking miraa* ilifungwa,

mtapeleka wapi hao vijana? Wote watakuwa wakora. Ndiposa nasema mimi sina vita na mtu yeyote. Ukigusa *miraa*, umemgusa Mmeru.

Uhuru Kenyatta Rais wetu alipokuja pale Muringene kuomba kura, aliinua *miraa* na akasema kwamba, “Nyeie Wameru mkinichagua, *miraa* mtauzi London.” Leo hii *miraa* imepigwa marufuku huko London. Rais amesikia hayo maneno. Ni ukweli hiyo marufuku ataiondoa kwa sababu ana marafiki dunia nzima.

Naunga mkono Hoja hii iliyoletwa na mhe Kajuju, ambaye ni dada yangu mdogo. Nasema kwamba biashara ya *miraa* iendelee.

Ahsanteni sana waheshimiwa wapendwa.

**Hon. Aden:** Hon. Temporary Deputy Speaker, I stand to oppose this Motion. This is with the full understanding and appreciation of the cross-cultural ties. I respect the cultural issues surrounding *miraa* in terms of marriage and all that. However, *miraa* has been the cause--- I am speaking because my community is largely in the consumption end of *miraa*. So, I am also a very important stakeholder speaking on this.

*Miraa* has been the root cause of devastation in North Eastern Kenya and in the coastal region of this country. Those parts are the largest consumers of *miraa*. I must say that the interests, health and well-being of Kenyans far supersede any economic gain that there might be in *miraa*. As has been stated here, the crop is a cash earner for many hon. Members seated here. I am surprised that my good friend here says that he has chewed *miraa* for the last 30 years. If you go to Garissa, somebody who has chewed *miraa* for 30 years will not be able to smile at you. That is because he has no teeth to show. Even eating food is a problem.

*Miraa* has also broken families because when people get some little money, they run to buy one kilogramme or *nusu* kilogramme of *miraa* and yet, his children are hungry. I cannot stand here and support *miraa*. Indeed, I have full faith in the good work that NACADA is doing. We cannot afford to insult NACADA. It works day in, day out in the interests of Kenyans. They are out to look for what is harmful to Kenyans and then inform us about it. In my view, NACADA should be supported in ensuring that *miraa* is, indeed, included amongst the drugs that need to be controlled. Unless we want to close our eyes and say that *miraa* is good, one does not need to walk for long hours to realize that our youngsters in school run away from their classes to go and chew *miraa*. That becomes a habit and it is the root cause of poor performance in schools.

*Miraa* is a drug that has economically impoverished the people of the former North Eastern and Coast provinces. I am sure it is the same thing here in Nairobi and other areas. If countries like the UK, which have a high level of sophistication in testing the amount of harmful content in a product have declared that this crop is harmful, who are we to stand here and urge Kenyans to continue consuming this product?

**Hon. M’uthari:** On a point of order, hon. Temporary Deputy Speaker. Is the hon. Member in order to mislead this House that Great Britain has banned *miraa* because of the analysis they have done on it? He needs to read the facts! They are associating *miraa* with other factors not related to the--- This Motion is proper. So, he should get his facts right.

**The Temporary Deputy Speaker** (Hon. Kajwang’): But he is not out of order. He is debating. Is that not so?

**Hon. Aden:** Hon. Temporary Deputy Speaker, in Netherlands, consumption of cocaine is allowed. However, that country has banned *miraa*. How harmful is *miraa*

then? This is nothing against the farmer. The agricultural farmlands in Meru could be used in the production of cash crops that we could export to international communities. That is the direction we need to take. We should think of how we can replace *miraa* with crops which are good money earners.

The other correction I want to make is that *miraa* has no importance in Islam. It has no room in the Quran. It should not even be associated with the Quran. As a Muslim, I can say that with authority. There could be many Muslims who consume *miraa*, but there is no quotation in the Quran, or anywhere in other books on Islam that support consumption of *miraa*. *Miraa* is a harmful product and NACADA is doing the right thing to protect the Kenyan public from harm. Indeed, I support that particular effort by NACADA.

Hon. Temporary Deputy Speaker, Sir, I oppose this Motion because it proposes promotion of this crop. We do not need to form a committee. What for? The NACADA has experts whom we can call. We just need to instruct our Departmental Committee on Health to summon NACADA officials, so that they can tell us the basis on which they have reached their decision.

Sending the 23 hon. Members on a mission whose result is available with NACADA right now is a waste of time for those Members. *Miraa* is no doubt harmful and I oppose its cultivation. I want to tell our farmers in Meru that the world is closing in on *miraa*, and we must be very realistic. In my community, we say that when the sun is rising, you cannot cover it with your hand. That is because it will be seen all over.

We need to start guiding our Meru farmers and ask them: "My dear brothers and sisters, how can we prepare you for the reality of tomorrow? How can we move to other sustainable agricultural income-generating activities that can replace the income that you currently get from *miraa*?" My very good friend, Mr. Aburi, if you have a *shamba*, start dividing it into two. *Wacha miraa yako ikae* on one piece, if you love it dearly as you have explained here, and start growing other cash crops on the other piece.

Thank you very much, hon. Temporary Deputy Speaker, Sir, I oppose this Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. We have heard it from hon. Aburi, the producer of *miraa* and hon. Aden, the consumer of *miraa*. Let us hear also from hon. Priscilla, the lawyer. What are the legal effects of *miraa*?

(Laughter)

**Hon. (Ms.) Kanyua:** Thank you, hon. Temporary Deputy Speaker, Sir. May I start by declaring that I am not a consumer of *miraa* and I have never chewed *miraa*. However, I congratulate my friend, hon. Kajuju, for this Motion. This is, indeed, what it means to represent our people. When we come to the Floor of this House, we have to bring issues that matter to the people whom we represent. So, she should receive my congratulations.

On the basis of *miraa* and the history that has been given here, I also support the Motion and the formation of this committee. That is because in African culture and tradition, we had things that were good for us. We also had products that we used for years. We abandoned our culture, traditions and our crops. We have taken on crops like

tea and coffee, which were introduced in this country. This is the case and yet, *miraa* seems to have been here earlier than tea and coffee. So, I support that this committee be formed so that it can look at some of those---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Njuki, do you have an intervention?

**Hon. Njuki:** Hon. Temporary Deputy Speaker, Sir, it is just an intervention and not a point of order. I want to make a humble request. When I look at my watch, we have only 15 minutes remaining---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Just hold on! I want to hear from hon. Priscilla. I wanted her to finish her submission.

**Hon. Njuki:** Hon. Temporary Deputy Speaker, Sir, I was going to propose that you reduce the debating time to a few minutes, so that those who are here can also contribute.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I am not inclined to do that because this is a lively debate, and I think hon. Members are entitled to debate it properly. We may not debate it fully today. We should subject this Motion to more debate on Tuesday, so that we can hear what the majority of hon. Members want to say about this subject. So, thank you very much for caring about us, but allow hon. Kanyua to finish her submission.

**Hon. (Ms.) Kanyua:** Thank you, hon. Temporary Deputy Speaker, Sir. I am guided. Rarely do I take all the 10 minutes, anyway.

I also want to turn on to the question of law, as you guided earlier on. If you look at the law, you will find that sometimes societies get ahead of the law; I think that is what is happening in this particular case. A society has been consuming *miraa* for many years and the law has to look at that matter now, and see whether it is possible to have both legislation and policy on the matter. In any society, at no point in time has the law ever been fast enough for the society. I urge that our laws should also protect this product if it is, indeed, found by the proposed committee to be useful. I think the economic benefits have been explained by the earlier speakers. I am also in support of the formation of the proposed committee to look at social issues.

I travel on the Nyeri Road through Embu and the drivers of the *miraa* vehicles are reckless; you do not want to be on the road when they are driving. This committee should look at this issue. I have been unable to understand why they drive recklessly. Must they hurry so much? Is it because there is no policy on how this product should be transported, or because the airport and the roads will close, and so they really have to dash? I hope that this committee will look at the other social issues that this particular product has brought up.

In the areas I have visited, again it is only the jobless young people who seem to use that particular product. The proposed committee should find out whether there is a connection between unemployment and consumption of *miraa*. This is because many of the people we have seen chewing *miraa* are not a sample from the hon. Members whom we have here.

So, this committee has to ensure that our young men--- I do not see many young women consuming the product. If it is good and enhances performance, I guess that both young men and women should consume it.

(Laughter)

However, the proposed committee has to make sure that the economic and social effects are checked, and that it is not unemployment that is causing the consumption of that product.

Lastly if, indeed, it is found to be okay, productive and economically beneficial to our country, then it has to be controlled like cigarettes, so that only those who are above 18 years of age can purchase it. There should be clear warning if there are other bad effects that *miraa* might have. Even if the committee finds that *miraa* is medicinal, unlike what another hon. Member has said, to children who are sick, I insist that stimulants are not given to children below 18 years of age. If it is a good product, let those who want to consume it in the comfort of their homes and have money to buy it, use it.

The Government should levy sin tax on *miraa* just as cigarettes and alcohol are taxed heavily. This is because it is a relaxing and a performance enhancing product.

Hon. Temporary Deputy Speaker, Sir, I support the Motion. Thank you.

**Hon. Mwaura:** Thank you, hon. Temporary Deputy Speaker, Sir. I must also start by issuing a clear statement that I am neither a producer nor a consumer of *miraa*. However, I happen to be a good spectator of people who use this product. As hon. Kanyua has said, they are not of the calibre of my friend, hon. Aburi.

I rise to oppose this Motion because of the examples that have been given here. Even the drivers whom we see drive crazily will not convince us that they do so without the influence of *miraa*. This is the case and they endanger the lives of many people. Many have also been reported to have died because of rushing to the airport. I wonder why this country has not even established an authority to regulate this product. We have to export it to Yemen, which we have been told produces seven products.

While there has been a cultural attachment to this product, my take is that it is the same thing with coffee in central Kenya, particularly in Kiambu County, where hon. Waititu, who is my friend, and I come from. There has been some cultural attachment to coffee, but this crop is slowly giving way to real estate and other forms of development. I do not think that lack of support for this crop will mean a dead end for our dear brothers and sisters in Meru County. If this is the case, I think it should be made very clear.

Tobacco was a very popular product for a very long time. However, today, every advertisement warns of its dangers. We even have special smoking zones for tobacco users on the streets. We know that there are some multi-nationals, like the British American Tobacco (BAT), that benefit from the vending of this product, but it is, indeed, harmful to our society. Therefore, it will not be in order to accept the use of this product.

In fact, one hon. Member told us that *miraa* has effects if you consume a lot of it. That is why it affects the poor people. They have nothing else to do other than consume it in large quantities. I do not know whether they also consume it to enhance their libido but, clearly, there is over-indulgence that is harmful to their very well-being.

I also oppose this Motion because I think this issue can be handled by the Departmental Committee on Health, which can have research carried out. We should not demonize an institution like NACADA, a creature of this House, which draws money from the Consolidated Fund to advise the Government, and Kenyans at large, on the harmful effects of drug abuse. Therefore, we do not need this committee. It appears from the presentation of my good friend, hon. Kajuju, that the research outcome is pre-

determined. In fact, the sample design may already have been drafted. So, the outcome could be in favour of those who are opposed to the report of NACADA.

I would even want to question the manner in which the membership proposed in this Motion was arrived at. Was it designed to produce a possible outcome? There is need to avoid any form of impartiality in this matter. I note, for example, that the names of many of our brothers from Meru County have been proposed for membership of the committee. We have hon. Florence Kajuju herself as the Chair; hon. Mithika Linturi, the cowboy, who is not around; hon. Muriuki---

*(Several hon. Members stood up in their places)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order! Order! Hon. Mwaura, did you talk about boys or cows? What did you say? Did I hear something like “cowboy”?

**Hon. Members:** Yes!

**The Temporary Deputy Speaker** (Hon. Kajwang’): Can you rise and confirm whether I heard you say something like “cowboy”?

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, if I said “cowboy” by mistake, I withdraw.

**The Temporary Deputy Speaker** (Hon. Kajwang’): No! Can you withdraw unequivocally?

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, I withdraw.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Okay; you may proceed.

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, if you look at the list, as I was reading it out, it becomes clear that this issue---

**Hon. Njagagua:** On a point of order, hon. Temporary Deputy Speaker, Sir. Is the hon. Member in order to refer to hon. Muriuki Njagagua as a Meru when, in fact, I came to this House courtesy of the good people of Mbeere North? I believe that the hon. Member is out of order. Just as everybody else has submitted, *miraa* has its cultural value amongst the people of Mbeere.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Mwaura, you now get to know that some people may not be coming from where you thought they come.

Please, proceed.

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, I was only reading the names proposed in the Motion. They are also producers and consumers.

Hon. Temporary Deputy Speaker, while I really support the bit of socio-economic development and preservation of culture of our people, anything that is harmful should be resisted. Even female genital mutilation (FGM) was a culture that was liked by many people across this country, but various researchers have shown that it is actually retrogressive. Therefore---

**Hon. (Ms.) Korere:** On a point of order, hon. Temporary Deputy Speaker, Sir. Is the hon. Member in order to cite FGM and compare it with the illegality of *miraa*? There has been no major research that has given the consequences of FGM. So, the hon. Member is quite out of order.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Korere, as far as I am able to recollect, “FGM” is a very decent terminology in our jurisprudence. You will have time to contribute and oppose. To that extent, hon. Mwaura is okay.

You may proceed, hon. Mwaura.

**Hon. Mwaura:** Thank you, hon. Temporary Deputy Speaker, Sir. Maybe, I should replace that with---

**The Temporary Deputy Speaker** (Hon. Kajwang’): You are really eating into your time, hon. Mwaura.

**Hon. Mwaura:** Thank you, hon. Temporary Deputy Speaker. Maybe, I should replace that term with “female circumcision”. I am saying that cultural addition happens over time. Culture is a people’s way of life. Therefore, it has to be in tune with the realities of the day. There has been the tendency of thinking that culture is something which is put somewhere for admiration. Culture must serve the purposes of its people. Therefore, if there is research evidence from various institutions, including some in countries like the Netherlands and the United Kingdom, in addition to the research findings of NACADA, we need to interrogate it, but through the Departmental Committee on Health.

With those remarks, I beg to oppose.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you. Let us now hear from the pastoralist community.

Yes, hon. ole Ntutu.

**Hon. ole Ntutu:** Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support the Motion. The reason as to why I support the Motion---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. ole Ntutu, please, take only two minutes because our hour is not very good. You will remember that *miraa* is not just grown in Meru. It is also grown in the Gwassi Hills. So, can you take two minutes, so that others can also be heard?

**Hon. ole Ntutu:** I am most obliged, hon. Temporary Deputy Speaker, Sir. I want to take this opportunity to, first of all, congratulate my good friend, hon. Kajuju, for bringing this Motion to the House. In my understanding, the proposed ad hoc committee will be looking into the matter because *miraa* has not been understood by many people. I remember that when we were interviewing one of our Principal Secretary nominees who is a doctor, he was asked whether *miraa* was one of the harmful drugs to which he answered that it was a leaf which needed to be studied. This means that even doctors in our country do not understand what *miraa* is. Therefore, I support the Motion, so that the proposed ad hoc committee can look into the details of this matter and do good work, so that we can understand, as a country, what *miraa* really is.

I was moved by my good friends as they told us a lot of good stories about *miraa*. Personally, I am not a consumer of *miraa*, but I want to understand the herb because even in my constituency, whenever we have some traditional activities, people normally chew *miraa*. I once asked someone what it was, to which he replied: “This is a very good leaf. It enables us to relax.” So, there is need for a study in order to understand what *miraa* really is. I understand that there are disadvantages and advantages of this leaf. As one of my good friends from the north eastern region said, it destroys the consumer’s teeth. That is one harmful effect I know, but it is good to know what *miraa* really is.



Hon. Temporary Deputy Speaker, Sir, some people say that *miraa* is used as herbal medicine. Maybe, it is true. That is why we are saying we need to know whether it is true that it is a medicine. It can be used by some other people---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you, hon. ole Ntutu.

Hon. Ng'ongo, I need to explain that you have the sympathy of the Chair, because I learnt somewhere that *miraa* is also grown in Gwassi Constituency. So, let us have your say.

**Hon. Ng'ongo:** Hon. Temporary Deputy Speaker, I want to confirm that Gwassi Hills has *miraa*, and that it has the potential of growing a lot of *miraa*. When I went to a place called Got Kombuto, I was shocked. There is a lot of *miraa* in that area. Having said so, I want to say that those who are opposed to the Motion---

**Hon. (Ms) Ghati:** On a point of order, hon. Temporary Deputy Speaker, Sir. Some of us have been seated in this House for quite a long time, because we are also very keen to contribute but, all of a sudden, you gave the Floor to the hon. Member who has just walked in. It is not in the interests of fairness that you did so.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Ghati, I thank you for your observation, but that is why I explained that he had the sympathy of the Speaker.

You may proceed, hon. Ng'ongo.

**Hon. Ng'ongo:** Thank you, hon. Temporary Deputy Speaker. Hon. Members also need to realize that there are many factors for consideration in catching the Chair's eye and they include regional balance.

Hon. Temporary Deputy Speaker, those who are opposing the Motion---

**Hon. Member:** On a point of order, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member, I cannot even see your name on my intervention list. So, could you, please, resume your seat?

Hon. Ng'ongo, could you proceed?

**Hon. Ng'ongo:** Hon. Temporary Deputy Speaker, Sir, it is unfortunate because time is running out. Let me just put it in a very few words in the two minutes that are remaining.

Those who are opposing hon. Kajuju's Motion have, probably, not understood its import. Its import is to establish a select committee to investigate and carry out research with a view to establishing what *miraa* really is. We cannot wish away the fact that there are certain regions in this country, especially the Meru region, which grow a lot of *miraa*. This is not something to hide. This has the potential of bringing the economy of that region to a very high standing. This crop should be treated differently from the way it is treated currently. So, I support that we set up the proposed committee of eminent and prominent hon. Members of this House to carry out research and bring a report to the House. If anybody has issues, he or she can raise them at the time of discussion of the committee's report.

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

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, I sympathize with those of you who have not had time to ventilate on this debate. We will ventilate on it next time we come back to the House.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Members, it is now time to interrupt our business. Therefore, the House stands adjourned until Tuesday, 9<sup>th</sup> July, 2013 at 2.30 p.m.

The House rose at 6.30 p.m.