

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 24th July, 2002

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.330*

#### PAYMENT OF COMPENSATION TO MR. KAMAU'S DEPENDANTS

**Mr. Deputy Speaker:** Dr. Murungaru not here? We will come back to his Question later.  
Next Question, Mr. Shidiye!

*Question No.432*

#### PAYMENT OF KCB BANKER'S CHEQUE TO MR. OMAR

**Mr. Deputy Speaker:** Mr. Shidiye not here? We will come back to his Question later.  
Next Question, Mr. Mwakiringo!

*Question No.274*

#### RENEWAL OF EXPATRIATES' WORK PERMITS

**Mr. Mwakiringo** asked the Minister for Energy:-

- (a) what the Government position is with regard to the renewal of contracts for expatriates working in public companies;
- (b) why the Government found it necessary to renew or extend the work permits for the General Manager and the Safety Trainer, both working as expatriates at the Kenya Petroleum Refineries Limited; and,
- (c) why these people have been allowed to work in the public company at the expense of experienced Kenyans.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Energy? We will come back to that Question.  
Next Question, Mr. Wanjala!

*Question No.418*

#### DEVELOPMENT OF BEACHES IN THE LAKE REGION

**Mr. Deputy Speaker:** Mr. Wanjala also not here? We will come back to that Question.  
Next Question, Mr. Sungu!

*Question No.128*

## REVIVAL OF COTTON INDUSTRY

**Mr. Sungu** asked the Minister for Agriculture:-

- (a) in view of the enactment by the US Congress of the Africa Growth and Opportunity Act (AGOA), what plans the Ministry has to revive cotton farming in Kenya; and,
- (b) what plans he has to help farmers grow cotton by irrigation in Nyanza Province.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Agriculture and Rural Development? We will come back to that Question.

Next Question, Mr. Angwenyi!

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, I have not received a written reply.

*Question No.057*

## IRREGULAR ALLOCATION OF COUNCIL PLOTS

**Mr. Angwenyi** asked the Minister for Local Government:-

- (a) whether he is aware that plots in Nyakoe, Marani and Rioma Market Centres have been irregularly allocated by the Gusii County Council;
- (b) if he is further aware that the Council has irregularly demolished *Jua Kali* sheds at Marani Market Centre; and,
- (c) what urgent measures he is taking to rectify the anomalies by the Council.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Local Government? We will come back to that Question. Let us go back to the first Question by Dr. Murungaru.

*Question No.330*PAYMENT OF COMPENSATION TO  
MR. KAMAU'S DEPENDANTS

**Mr. Deputy Speaker:** Dr. Murungaru still not here? The Question is dropped!

*(Question dropped)*

Next Question, Mr. Shidiye!

*Question No.432*

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**Mr. Deputy Speaker:** Mr. Shidiye still not there? The Question is dropped.

*(Question dropped)*

Next Question, Mr. Mwakiringo!

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(b) why the Government found it necessary to renew or extend the work permits for the General Manager and the Safety Trainer, both working as expatriates at the Kenya Petroleum Refineries Limited; and,

(c) why these people have been allowed to work in the public company at the expense of experienced Kenyans.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Energy? The Question is deferred to next week.

*(Question deferred)*

Next Question, Mr. Wanjala!

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DEVELOPMENT OF BEACHES IN THE LAKE REGION

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*Question No.128*

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(b) what plans he has to help farmers grow cotton by irrigation in Nyanza Province.

**The Assistant Minister for Agriculture and Rural Development** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I apologise for coming in late. However, I beg to reply.

(a) The Ministry has finalised the preparation of the Cotton Policy Paper containing strategies to revitalise the industry in the area of research, certified seed cotton production, extension services, processing, quality control systems and marketing.

This will be followed by the review of the current Cotton Act, Cap.335 with a view to:-

One, setting up a regulatory body responsible for promoting, coordinating, monitoring and directing the industry. The new regulatory body will replace the present Cotton Board of Kenya.

Two, encouraging the establishment of various stakeholder organizations such as the Kenya Cotton Growers Association, Oil Millers Association and Textile Manufacturers Association. Three, making the cotton industry stakeholder-driven with the Government playing mainly a regulatory role.

**Mr. Sungu:** Thank you, Mr. Deputy Speaker, Sir. I am concerned that this Act was passed sometime ago and, by that time, the cotton industry in Kenya had virtually collapsed because of marketing problems and lack of Government support. Why has it taken the Government so long to react to this, particularly in view of the fact that foreigners coming from other countries are now taking advantage of this; to take our export quota to the USA? This Act was meant to help the local poor people gain something from it.

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, it is true that it has taken sometime for the Government to implement what was recommended but, as I said earlier on, this has now been streamlined. In addition, the Ministry of Agriculture and Rural Development has achieved the following:-

One, KARI has developed two superior varieties of cotton, 89M and KSA 81M, which out-yield the old varieties and also have higher ginning out-turns. The Ministry has also provided free planting seeds of the improved cotton varieties to the farmers in 38 cotton growing districts. I am aware that some districts in Nyanza and other cotton

growing areas have already benefited from this. The extension officers from the Ministry continue to provide free extension services to cotton farmers and will continue to do so alongside other stakeholders. Research into high yielding, diseases and pest resistant varieties will be intensified by KARI.

**Mr. Mwakiringo:** From the Assistant Minister's answer, it is evident that the Government has abdicated its role and is acting like an NGO. That aside, cotton is a very important crop in semi-arid areas like the coast region. What role has the Cotton Board been playing in sensitising farmers about the importance of growing cotton? The research of KARI is a different issue. How has the Cotton Board been surviving and what has been its role during all those years?

**Mr. Sumbeiywo:** It is also true that trends in the cotton industry have, in the past, completely reduced the prices of cotton. Due to the present active participation by the Ministry and the stakeholders, cotton farmers are being educated by the Ministry officials, and also seminars are being held for farmers. I am aware that this is a daily exercise in cotton growing areas. I am also aware that cotton farming has been revived in Kerio Valley where it had previously stopped. The AGOA is also assisting coffee farming.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. You will appreciate that the Assistant Minister either did not understand the question put to him or is making no attempt to answer it. The question was: What is the Cotton Board doing? He is doing what he did during the last Parliament, that is, reading information which has no relevance to the Question before him. Could you oblige him to answer the question put to him? Apart from providing employment to failed politicians, what is the Cotton Board doing?

**Mr. Sumbeiywo:** I think I answered that one in my initial reply.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, this is one department that is not pro-active. You should just see the Kano and Budalangi plains and the Yala swamp. Could the Assistant Minister answer part "b" of the Question? What plans does the Ministry have to assist farmers through irrigation of the Nyando, Yala and Nzoia swamps and how much money from the STABEX funds has been allocated to that area?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, my Ministry is encouraging farmers to use the rain water that is available. The Ministry is currently undertaking construction of dams so that we can irrigate cotton farms. I am aware of about three dams that are now under construction.

**Mr. Deputy Speaker:** Order! Mr. Assistant Minister, would you like to tell the House where these dams are?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, at the moment we have irrigation projects being implemented in Ukambani and Kerio Valley. There is also an irrigation project being carried out in Nyanza and it is in its early stages.

**Dr. Kulundu:** Nyanza has a great potential for cotton growing. Could the Assistant Minister be kind enough to tell us exactly where in Nyanza this dam is located?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I do not know the exact locations at the moment, but I will provide that information if given time.

**Mr. Mwalulu:** Mr. Deputy Speaker, Sir, as you can see, the Assistant Minister is already annoyed, but could he still answer this question? Given the failure of our cotton industry, Asian countries like China are taking advantage of our AGOA quota to bring their textiles in Kenya, then they re-export them to America. Could he confirm or deny that?

*(Mr. Sumbeiywo stood up in his place)*

**Mr. Deputy Speaker:** Order, hon. Members! This Front Bench is reserved for Ministers so that they have access to the Despatch Box. Hon. Sumbeiywo, you cannot stand anywhere and everywhere and pretend to be answering a question. Now, answer that question!

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I deny the allegation that the Chinese are taking our quota. For the information of the hon. Member, there is no time in this world that I can be annoyed when I am answering questions in this august House.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that the Chinese are not taking our quota yet all the textile factories like Kicomi, Rivatex and Thika Mills are closed? Where are these textile industries in Kenya?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, I think the Government is paying lip service to the question of poverty alleviation and irrigation development in this country particularly in Nyanza and Lake Victoria basin areas. Our people

are poor and they need assistance. I want this Government to take this matter seriously. We are leaving our waters to go all the way to Egypt for other people's use. They are now pumping the water through the Suez Canal into Sinai while our people are suffering!

*(A mobile phone rang)*

**Mr. Deputy Speaker:** Order! Take that mobile phone and yourself out!

*(Mr. Okemo withdrew from the Chamber)*

Please proceed!

**Mr. Sungu:** Mr. Deputy Speaker, Sir, I want to urge the Government to take this matter seriously. Could the Assistant Minister tell us how much money they have allocated to irrigation development in the areas concerned, like Bura, Budalangi, Kano Plains and all the areas where there is minimal rain supply?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the total amount of money that has been allocated to this sector is not presently available, but this money will be distributed per region.

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Last week we discussed the Vote of the Ministry of Agriculture and Rural Development. So, the funds must be available in that budget. Is the Assistant Minister in order to mislead the House that the allocations are not available?

*(Mr. Okemo walked into the Chamber)*

**Mr. Deputy Speaker:** Order, hon. Okemo! You should leave the Chamber because the Chair has directed that you stay out of the precincts of Parliament for the rest of this morning sitting.

Proceed.

*(Mr. Okemo withdrew from the Chamber)*

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that the allocations for irrigation projects are not available when, in fact, we passed the Ministry's Vote last week?

**Mr. Deputy Speaker:** Order! If we passed the estimates last week and that item was there, that is public information. He should know it.

*Question No.057*

#### IRREGULAR ALLOCATION OF COUNCIL PLOTS

**Mr. Angwenyi** asked the Minister for Local Government:-

- (a) whether he is aware that plots in Nyakoe, Marani and Rioma market centres have been irregularly allocated by the Gusii County Council;
- (b) whether he is further aware that the Council has irregularly demolished Jua Kali sheds at Marani market centre; and,
- (c) what urgent measure he is taking to rectify the anomalies by the Council.

*(A mobile phone rang)*

*(Mr. Kimani hurriedly withdrew from the Chamber)*

**Mr. Deputy Speaker:** Order! Mr. Kimani, come back here!

*(Mr. Kimani went back)*

**Mr. Kimani:** Mr. Deputy Speaker, Sir, I went to---

**Mr. Deputy Speaker:** Order, Mr. Kimani! You will now leave the Chamber and the precincts of Parliament for the rest of this morning sitting.

**Mr. Kimani:** Mr. Deputy Speaker, Sir---(inaudible).

**Mr. Deputy Speaker:** Order, Mr. Kimani! You will now leave the Chamber; remove yourself from the precincts of Parliament for the rest of this morning sitting.

*(Mr. Kimani remained in the Chamber)*

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Members! There is a "stranger" in the House!

**Mr. Kiunjuri:** On a point of order, Mr. Deputy Speaker, Sir. First of all, Mr. Kimani is even properly "undressed."

**Mr. Deputy Speaker:** Order, Mr. Kiunjuri! How can he be properly "undressed?"

*(Mr. Kimani withdrew from the Chamber)*

*(Laughter)*

**The Assistant Minister for Local Government (Mr. Sirma):** Mr. Deputy Speaker, Sir, I wish to apologise for coming late.

I beg to reply.

(a) I am not aware.

(b) I am not aware. However, I am aware that the Council demolished some illegal structures, kiosks, which had been erected inside the open air market.

(c) Arising from my answer to parts (a) and (b), the issue of rectifying the anomalies does not arise.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, this is the same Ministry which has given out large tracts of public land all over the country to private developers; the well-connected people. This is the Ministry which led to the death of Mr. Sosa in Woodley Estate. The county council has allocated land in Marani; in all these markets that I have mentioned, and yet the Ministry does not know. Could I bring the documents next week to show that they are allocating this land to people?

**Mr. Deputy Speaker:** Order, Mr. Angwenyi! You knew you are going to come and ask this Question. I cannot ask you to go and bring them next week! You should have had them with you now. Ask your question!

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, is the Ministry consulted whenever land is being allocated by the county council?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, in any allocation of land by the local authorities, the various local authorities must have sought authority from the Minister for Local Government, of which there has been no allocation. Therefore, the Minister has not given any approval. So, there was no allocation in those areas.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, this is prevailing in almost every constituency. In my constituency, Kubucho Grounds is already allocated. Could the Assistant Minister now admit that they have lost control over land allocations in all the municipalities and county councils in the country?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, illegal occupations do not mean allocation of land.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, nobody has authority in this country to demolish any structure without a court order. Your councils have been demolishing kiosks which they have licensed; structures which they have permitted people to construct. Under what authority - without a court order - do you demolish these kiosks? Why can you not pay compensation to the Kenyans who have been impoverished?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, we do not give authority for kiosks developed on road reserves or in areas where we find that they are not properly in order.

**Mr. Muchiri:** On a point of order, Mr. Deputy Speaker, Sir. My question is: Under what authority do you

demolish kiosks without a court order?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, road reserves are public land and, therefore, they are not allocated to anybody. So, those structures are there illegally.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, before kiosks are developed, the mayors and the local authorities have to be consulted. They destroy structures which have been erected. Why do you destroy them and yet you took bribes, or whatever, to allow them to be built? Why do you destroy them without a court order and yet you allocated them?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, I am not aware about the bribes or other forms of inducement to construct kiosks on those road reserves. If the hon. Member has evidence, he should lay it on the Table so that we may take the appropriate action on the staff of the Ministry who are doing that.

**Mr. Deputy Speaker:** Order! He is asking you why people are allowed to construct those kiosks since they would be demolished later; when, in fact, the councils should stop them from constructing them.

**Mr. Sirma:** Mr. Deputy Speaker, Sir, they are demolished once we identify that they have encroached on the road reserves.

**Mr. Kaindi:** Mr. Deputy Speaker, Sir, I think the Assistant Minister is not being serious with the House because, in the first place, after ensuring that they have allocated, they even license them. When do they declare and decide that they are illegal, when they have allowed them to be erected and have licensed them and then they demolish them? Where is the cut-off line?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, most of those kiosks which have been demolished have no licences; they are illegal. So, even their licensing is not proper.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, now that the Assistant Minister has said that they have not approved any allocation of this public land in our markets, could he authorise the people of Kitutu Chache to move into these markets and destroy whatever is being built on these illegal plots by the county councils?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, could I request that he repeats the question?

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, arising from the Assistant Minister's answer, could he authorise the people of Kitutu Chache to move into these markets and destroy whatever structures have been put on these illegal plots by the county council?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, there are no structures which have been constructed apart from the ones which pose health hazards in the areas and the council demolished them. But we must follow the proper procedures.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, the Assistant Minister has not answered my question. Is he in order to evade the question? The question is: Under what section of the law do you move to demolish kiosks without court orders?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, it is the Local Government Act under the Public Health Act.

**Mr. Deputy Speaker:** Order! I had deferred Mr. Mwakiringo's Question to next week, but the Minister for Energy is now here. I will, therefore, allow Mr. Mwakiringo to ask his Question for a third time.

#### *Question No.274*

#### RENEWAL OF EXPATRIATES' WORK PERMITS

**Mr. Mwakiringo** asked the Minister for Energy:-

(a) what the Government position regarding renewal of contracts for expatriates working in public companies is;

(b) why the Government found it necessary to renew/extend the work permit for the General Manager and the Safety Trainer, both working as expatriates at the Kenya Petroleum Refineries Limited; and,

(c) why these people have been allowed to work in the public company at the expense of experienced Kenyans.

**The Minister for Energy** (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to apologise for coming late. I beg to reply.

(a) The Government allows renewal of contracts for expatriates working in public companies when the skills, knowledge and experience required in the affected companies are not readily available locally. When the skills,

knowledge and experience are realised locally through on-job and overseas cross-posting training, the positions held by the expatriates are systematically taken over by Kenyans.

(b) The Kenya Petroleum Refineries Limited is 50 per cent owned by the Kenya Government and 50 per cent by Shell Petroleum Company, British Petroleum/AMOCO and Chevron Stake Sacco Global Energy, formerly Caltex.

The articles of association of the company and the shareholders agreement stipulates that the Government directors can only appoint the chairman of the board, whereas the industry directors, that is Shell, BP and Caltex can nominate the General Manager, Company Secretary and the Finance Manager. This notwithstanding, the positions of the Company Secretary and the Finance Manager are held by Kenyans. The position of Safety Trainer is held by an expatriate who is currently being understudied by a Kenyan. The Kenyan will eventually head the Safety and Environment Department. This initiative should be realised at the end of this year.

(c) As in part "b" above, the Government is allowed to appoint the chairman of the board. It should also be noted that the refinery is not a public company. However, out of the total staff of 230, only six are non-Kenyans who hold the positions of General Manager, Safety Trainer, Operations Trainer, Refineries Superintendent, Manager Technologies and Laboratories, and Senior Inspector.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, I would like to thank the Minister for his answer. However, the General Manager was actually contracted to be in Kenya for only four years, but that contract was extended. Secondly, the Safety Trainer was only supposed to train Kenyans for only two years, but that has been extended for more than two years. Is the Minister telling us that Kenyans are such dunderheads that they cannot master the training in two years?

**Mr. Raila:** Mr. Deputy Speaker, Sir, I have already referred to an agreement which exists between the Government and the other directors. The Government appoints the chairman, while the other directors appoint the General Manager. So, you will understand the reason why there is that General Manager. But the agreement can be reviewed.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, when we attained Independence, Kenyans were made to understand that the Government would move so fast to have Kenyans take over jobs which were being held by expatriates. What is happening at the moment is that expatriates in Kenya are, in fact, holding all the jobs which Africans can do. Could the Minister explain to this House whether, by owning 50 per cent in a company, the expatriates should be let to continue working, because the Government has no say on the other 50 per cent?

**Mr. Raila:** Mr. Deputy Speaker, Sir, I have said clearly, that the Government does not own this company exclusively. The Government owns 50 per cent while the other shareholders own 50 per cent. With the 50 per cent shareholding, the Government appoints the chairman and several other directors. I have also said that, out of 230 staff at the refinery, only six are expatriates. We are in a global world, talking about globalization and opening up new markets. I really see no reason why Kenyans should not be able to compete. Kenyans have demonstrated that they can compete, and that is why they are holding the 274 of the total staff membership of this company.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, expatriates should not have a bigger voice than the Kenyans themselves. The purpose of asking this Question is because, when I attended a party at the refinery, the General Manager, Mr. Chris House said that all Kenyans can be manipulated, and are dispensable, except him and President Moi. That is what annoyed me most. Why should he have that voice? Could the Minister ensure that this General Manager is deported immediately for having said that all other people in this country are dispensable except him and President Moi?

**Mr. Raila:** Mr. Deputy Speaker, Sir, Mr. Chris House may have said that he is the only person who is indispensable, but that is his own view. I know that nobody in this country is indispensable. Kenya exists, and will continue to exist, irrespective of all of us here.

Mr. Deputy Speaker, Sir, we are talking about efficient management of our institutions, and Mr. Chris House may not be the best Manager we have at the Kenya Oil Refineries, but this company does not completely belong to the Government. The Government is actually trying to move away from running businesses. This is the essence of liberalization. This is a policy decision that has been taken, and we do not want to backtrack on it. However, we will not sit and rest while our people are being unfairly discriminated against. I would like to assure the hon. Member that at the Kenya Petroleum Refineries, there is no discrimination against Kenyans. Kenyans are allowed to compete fairly with all other people in the market. Mr. Chris House will leave when his time comes.



**QUESTIONS BY PRIVATE NOTICE****ARMED ATTACK ON COUNCIL CHAIRMAN**

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

(a) Is the Minister aware that the Chairman of Rumuruti Town Council was attacked by heavily armed gangsters on the night of 11th June, 2002, at his home in Rumuruti?

(b) What action has he taken to arrest the people involved and further protect the lives of the people living in Laikipia?

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

(a) I am aware.

(b) Immediately the incident took place, the police conducted a search and surveillance patrols were intensified, as a result of which 18 people were arrested. The police are in the process of ensuring that the guns, and other property that was stolen, are recovered.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, it is common knowledge that every two weeks, a child, a mother or grandmother is raped in Laikipia, and a father, a son or grandfather is killed or injured, and yet we continue to receive these kinds of answers. On this occasion, two girls were repeatedly raped for two hours while waiting for the Chairman of the County Council. Despite the DC and the police officers having been shown where the 12 gangsters were, having been there for almost six months, wearing Administration Police uniforms and armed, why are the regular police and the Administration Police not arresting these gangsters, and yet they see them everyday?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I am not aware of that information, that the hon. Member is giving. As a result of this incident, 18 people were arrested, and I am pleased to give the hon. Member the names of those who were arrested. Unfortunately, when these people are taken to court, there is a requirement that their cases must be proved beyond reasonable doubt. Upon examination of these people, it was not possible to get the requisite kind of evidence to take them to court. However, they have been bound to keep peace by the courts for 12 months, purely because there was lack of evidence to charge them with substantive charges.

**Mr. Thirikwa:** Mr. Deputy Speaker, Sir, anytime an incident takes place in Laikipia East, West or Ndaragwa, the police go on the ground arresting anybody on site. The Minister talked about 18 people who were arrested, but the truth of the matter is that the 18 people were ordinary people. The fact is that, when this incident happened, the police were called, and, in fact, there was---

**Mr. Deputy Speaker:** Ask your question!

**Mr. Thirikwa:** Mr. Deputy Speaker, Sir, is the Minister aware that despite the police calling for reinforcement from various police posts, and having met with the gangsters, they were unable to arrest them? Why were they unable to arrest those gangsters?

**Mr. ole Sunkuli:** Mr. Deputy Speaker, Sir, I am not informed that police actually confronted those people. My information is that the police arrived long after those gangsters had left.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, what is happening in the whole Republic is that the police are arresting young people in the streets or villages and detaining them for 14 days. Right now, there are hundreds of them in police stations. They are detained for 14 days and when the results are received from the finger print officers, certifying that they are not the offenders and, therefore, not wanted, they are taken to court and bonded under Section 46 of the Criminal Procedure Code. Why are the police doing that?

**Mr. ole Sunkuli:** Mr. Deputy Speaker, Sir, I do not know whether that question is acceptable in our parliamentary procedure because it amounts to a hypothetical question. He is describing people he has not mentioned, policemen he does know and I am sure he was a policeman himself! I am sure he has not arrested anybody and kept him for 14 days. So, I think that is a hypothetical question which, under our Standing Orders, should not be answered!

**Mr. Deputy Speaker:** No! No! No! Order! That question is not, strictly speaking, supplementary to the Question which you have answered. So, Mr. Muchiri, if you put that question - because you are talking about police stations all over the country---

*(Mr. Muchiri stood up in his place)*

**Mr. Muchiri:** But, Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order! What are you standing on now?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I would like to go on record in this House and say that we border the Pokot and the President of this country, the Member of Parliament for Central Baringo. There is no single ugly incident that has happened to the residents of Central Baringo, who are our immediate neighbours. We wonder why ugly incidents are happening every day in Laikipia District. However, now that the Minister is aware of all those facts, and the DC is irresponsible, could he heed the advice of the people of Laikipia, which has been given constantly for four years, and allow us to recruit homeguards in every division? That is our only solution. Could you heed the cry of the people of Laikipia, heed their advice and allow the same?

**Mr. ole Sunkuli:** No, Mr. Deputy Speaker, Sir.

**Mr. Kiunjuri:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has said "no" in this House and he is crushing the *Mungiki*! Could he be informed that we shall put the machinery of the *Mungiki* in place now?

**Mr. Deputy Speaker:** Order! That is not a point of order! Just ignore it! Hon. Members, you are abusing the business of points of order and from now on, you should stand up on a point of order and if you do not indicate the Standing Order which the Member has violated, I am afraid I will send you out! Be warned! Let us move on to the next Question.

MEASURES TO PREVENT FLUCTUATION  
OF KENYA CURRENCY

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

(a) Is the Minister aware that the Kenya Shilling has lost over Kshs10 in its conversion rate against the Sterling Pound in the last two months?

(b) What urgent measures is the Minister taking to secure the Kenya currency against further fluctuation against other international currencies, especially the Sterling Pound?

**Mr. Deputy Speaker:** Mr. Kihoro still not here?

*(Question dropped)*

Let us move on to the next Question by Dr. Kulundu.

ACCESSIBILITY OF ANTI-RETROVIRAL  
DRUGS TO KENYANS

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that millions of Kenyans cannot access cheap anti-retroviral generics despite the enactment of the Industrial Property Act?

(b) How many anti-retroviral drugs have, so far, been registered by the Pharmacy and Poisons Board since the enactment of the Act?

**The Minister for Public Health** (Prof. Ongeru): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a majority of Kenyans infected with HIV/AIDS cannot access the anti-retroviral drugs.

(b) A total of 60 anti-retroviral drugs have been registered by the Pharmacy and Poisons Board to date.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, let me thank the Minister for registering so many drugs within the last one month or so. In fact, I wish he tables the list because, according to the information that I have, only two anti-retroviral drugs have been registered. But, be that as it may, in part (a), the operative phrase there is "cheap anti-

retroviral generics". Could the Minister shed some light on how many anti-retroviral generics have been registered?

**Prof. Ogeri:** Mr. Deputy Speaker, Sir, I think Dr. Kulundu is fully aware that, when we passed the Industrial Property Bill into an Act of Parliament, there was a subsequent amendment and I would like to categorically take the opportunity to deny that, we were not party to any additions or deletions that might have been effected in Section 58 subsection 2 where a fullstop was removed and an additional word added; in which case it gave the onus of importation to be referred back to the patent holder. I want to say that we have already looked at that. However, what we have said is that 60 drugs have been registered since 1982 and, in the last three months, there are three drugs that have been registered; that is, Stavudin, Sidovudin and a combination of Stavudin and Ravavudin.

**Mr. Mwalulu:** Mr. Deputy Speaker, Sir, you know that this Government has lost the war against HIV/AIDS. That is because since the campaign to fight HIV/AIDS started, it has only given Kshs45,000 to each constituency in the country. Now, it has a problem of registering drugs that can fight HIV/AIDS. Could the Minister tell this House why the Government is lax in fighting the HIV/AIDS pandemic?

**Prof. Ogeri:** Mr. Deputy Speaker, Sir, we have not relaxed in fighting HIV/AIDS. We are fighting HIV/AIDS very well. It is only that you are politicising HIV/AIDS.

**Mr. Sungu:** Mr. Deputy Speaker, Sir,---

**Mr. Deputy Speaker:** Order! Do not demonstrate to the Chair in order to recognise you! Just stand and the Chair will recognise you!

**Mr. Sungu:** My apologies, Mr. Deputy Speaker, Sir. In view of the fact that HIV/AIDS affects the most economically active, and those who are suffering are not getting any help from the Government--- In view of the fact that the HIV/AIDS awareness in Kenya is over 90 per cent, and there is money used by Non-Governmental Organisations (NGOs) to organise workshops, seminars and to drive big 4WD vehicles, could the Government consider using that money to provide the actual medicine to the poor, so that they can continue to live? In many countries, people are not dying of HIV/AIDS any more because there are drugs which are available to the people.

**Prof. Ogeri:** Mr. Deputy Speaker, Sir, we have no access or control of the funds. The funds are held by the NGOs. Secondly, we have been able, using our meagre resources, to make a decision in purchasing some of the anti-retroviral drugs. Hon. Members are fully aware that in the last Finance Bill, the Budget made a provision under a special fund for anti-retroviral drugs to the tune of Kshs300 million. It is my hope and expectation that, that amount will be increased, so that we can access the anti-retroviral drugs, generics and all the other groups included.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, it has been my understanding that part of the national and international strategy in the fight against HIV/AIDS is to politicise it; that even the NEPAD initiative says: "Politicians should seize the moment and make it their business to preach the message about HIV/AIDS." Now, when the Minister accuses Dr. Kulundu of politicising HIV/AIDS, is he defining politics in the narrow sense they have made it sound, or he is not just understanding that politicising HIV/AIDS is actually positive?

**Prof. Ogeri:** Mr. Deputy Speaker, Sir, there are, of course, positive and negative aspects of it. That is why we have a flow of current in electricity. One thing that I must make absolutely clear is that there is a false notion being developed by Kenyans and protagonists that a provision of anti-retroviral drugs, particularly the generics, is a panacea to the total management of the HIV/AIDS epidemic. That is not the point. One of the reasons why we have resorted to trying to instal the capacity to be able to test the by-equivalent of all the anti-retroviral drugs, including generics, that come into this country is to precisely control the dumping into our country, through the side door, of drugs that may be dangerous because they will pose another new problem for us; a problem of the development of resistance and hence a super-bug. As the Minister for Public Health, I feel we must be fully aware of this consequence and take the appropriate pre-emptive measures.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, I think the Minister's sentiments about politicisation of the HIV/AIDS scourge must be dismissed with the contempt they deserve. Section 58 of the Act was amended in this House. The Ministry of Health, or the Ministry of Trade and Industry, should tell us who initiated that amendment. We know these are the parent Ministries of the Industrial Property Act. If, indeed, a fullstop is what has brought this difference so that Kenyans cannot access anti-HIV/AIDS generics, could the Minister then tell this House when that fullstop will be placed in its rightful place?

**Prof. Ogeri:** Mr. Deputy Speaker, Sir, I think it will be proper for the House to be appraised of the current position. Dr. Kulundu knows fully well that the Ministry of Health was at the forefront in ensuring that this particular Section 58(2) was read in conjunction with Section 80, subsections (1), (2) and (3). This was intended to precisely

make the importation of generic drugs more acceptable. This was the final text at the time when the Act was passed. It says:-

"The rights under the patent shall not exceed acts in respect of articles which have been put on the market in Kenya or in any other country or imported to Kenya."

Subsequently, what happened is that during the Statute Law (Miscellaneous Amendments) Bill over which the Ministry has no control whatsoever, a fullstop at the end of "into Kenya" was removed and the following words were added: "---by the owner of the patent with his express consent." These words were added to the above section. When this was drawn to our attention, we raised the matter with the Attorney-General because our own position was absolutely clear; that we did not need these additional words. We do not know how that amendment came in. We also raised this matter with the administrator of the Act; that is, the Minister for Trade and Industry. We have all come to one conclusion, that this was an addition. We cannot pinpoint who put it into the Act. It is a mistake and it must be rectified. Therefore, the procedure of reinstating the fullstop and deleting the last two words cannot be done just automatically like that. There is a process and the Minister for Trade and Industry will publish a Bill to reinstate the fullstop. This Bill will be tabled in this Parliament. I think that should rest the whole matter to where it belongs; eternal peace.

**Eng. Toro:** Mr. Deputy Speaker, Sir, it is not enough for the Minister to say that the matter will end there. We had a chance of meeting him as the Departmental Committee on Health, Housing, Labour and Social Welfare and we discussed this issue. It is important to know exactly who messed up with the amendment. There must be somebody in the Attorney-General's office who messed up with this amendment. Could the Minister undertake to investigate and tell us the person responsible for the addition of those words which caused a lot of unnecessary suffering to HIV/AIDS victims?

**Mr. Deputy Speaker:** Order! If, in fact, that amendment occurred during the discussion and passage of the Statute Law (Miscellaneous Amendments) Bill, it is now part of the Act. Hon. Members are free to bring amendments to change it. So, proceed along those lines.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. You will appreciate that, given the lifespan of Parliament now, it is not possible to seek the leave of House---

**Mr. Deputy Speaker:** Order! Order!

**Dr. Kituyi:** Just allow me to finish! I want some clarification---

**Mr. Deputy Speaker:** Order! Order!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, can you not just hear me and---

**Mr. Deputy Speaker:** Order! I do not want to hear you because you have a habit of ignoring other people's views. Dr. Kituyi, you do not dictate the programme of Parliament. Put forward an amendment proposal and then the House Business Committee will then decide when it will come. If, in that process, you would require the Chair's assistance, it will be given.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, my point of order is---

**Mr. Deputy Speaker:** Order! There is no debate on this matter now.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, despite what my dear colleague, Prof. Ongeri has said---

**Hon. Members:** Your teacher!

**Dr. Kulundu:** Yes, my teacher! Despite all that he has said, that removal of a fullstop was a calculated move by important personalities in the Government. The idea was to ban the generic importation---

**Mr. Deputy Speaker:** Order! I gave you an opportunity to ask a question. As far as that fullstop is concerned, I have already made a ruling, that if you are so obsessed with it or so angry about it, file an amendment.

**Dr. Kulundu:** Mr. Temporary Deputy Speaker, Sir, could the Minister deny or confirm that the removal of that fullstop was meant to give the Universal Pharmacy the monopoly of manufacturing anti-retroviral drugs because they feared competition from the importation of anti-retroviral generics?

**Prof. Ongeri:** Mr. Deputy Speaker, Sir, first of all, Universal Pharmacy is news and music to me. I do not know what it is. Secondly, the very principle that we are able to access the anti-retroviral drugs after they have been tested for the by-equivalence, registered and gazetted, in itself, defeats the very question the hon. Member is trying to ask; that there will be no monopoly whatsoever because every drug manufacturer or pharmaceutical industry is entitled to bring in their molecules for testing and certification; that they conform to the international by-equivalence. Once that is done, they are registered and gazetted accordingly.

**Mr. Speaker:** Next Question, Mr. Kimeto!

RELOCATION OF POWER LINES IN KAPLONG

**(Mr. Kimeto)** to ask the Minister for Energy:-

(a) Is the Minister aware that electricity lines are running over the roofs of over 20 shops at Kaplong Shopping Centre, thereby making the construction of storeyed structures impossible?

(b) Could the minister order the re-location of the power lines to the road reserve?

**Mr. Deputy Speaker:** Is Mr. Kimeto not here? The Question is dropped.

*(Question dropped)*

**The Minister for Energy** (Mr. Raila): On a point of order, Mr. Deputy Speaker, Sir. Mr. Kimeto is not here. When Ministers absent themselves when Questions are asked here, they are severely censured by the House. A similar thing does not happen to hon. Members when they ask Questions and do not appear in the House to formally ask them. This has become a very regular practice; that hon. Members submit Questions but do not appear in the House to formally ask them. This suggests some under-hand deals between hon. Members and the world outside!

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order! If you look at the Chair's ruling in respect of Questions that have been put on the Order Paper but the hon. Members do not turn up to ask them, it has been stated categorically that both parties are equally guilty. Now in respect of hon. Members, their Questions are dropped when they are not in the House to ask them. In respect of Ministers who do not come to answer the Questions they have been asked, the Questions are deferred. So, hon. Members suffer a lot more for not coming to the House to ask their Questions than Ministers. But the Chair has already ruled that, from now on, or rather from the time the ruling was made, any hon. Member who submits a Question but does not show up to ask it formally will face the consequences of that action. This is because in both cases, if you look at the Standing Orders, you will find that both actions amount to disorderly conduct. So, I hope that hon. Members will bear that in mind.

**The Minister for Energy** (Mr. Raila): On a point of order, Mr. Deputy Speaker, Sir. My point of order is different. I am saying that the issue of hon. Members submitting Questions and failing to come to ask them on the Floor of the House should raise serious concerns to the House. Dr. Kituyi alluded to this issue some other time but other hon. Members are not talking about it. We may be experiencing a case of Questions for money which will necessitate some investigations by the House. I do not know how this matter should be handled, but I would like to state that, maybe, time has come for this House to carry out investigations on hon. Members who submit Questions here and do not come to ask them formally before the House. This is because they could be making deals!

**Mr. Deputy Speaker:** Order! Well, if an hon. Member frames a Question for cash, chances are that he or she will turn up to ask it. Anyway, we are paying some attention to this issue. For the time being, the Standing Orders do not specify, except the one that I have quoted, that if you do not ask your Question or refuse to answer a legitimate Question, you are guilty of disorderly conduct. We are paying attention to this issue because it has become so regular that, in fact, we might as well not ask Questions.

Let us move on to the next Order!

**MOTIONS**

INTRODUCTION OF PALM INDUSTRY BILL

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Palm Industry Bill in order to develop coconut farming in Kenya.

*(Mr. Maitha on 17.7.2002)*

*(Resumption of Debate interrupted on 17.7.2002)*

**Mr. Maitha:** Mr. Deputy Speaker, Sir, last week when I moved my Motion to ask this House to grant me leave to bring before this House a Bill entitled "the Palm Industry Bill", according to the HANSARD, I had reached a point where I was telling this House how this Bill will save the coastal people. I had already told this House that a research carried out revealed that three types of palm trees can be grown in Kenya. These are the coconut, the Malaysian palm and the wild palm, which is known as "*mkoma*". The wild palm is mainly found in Lamu District.

I have my reservations about the Government's initiative to make sure that farmers in Kenya enjoy their farming activities. Before I was interrupted last week, I was describing the toddy product from the coconut palm. Toddy is one product which the tropical African countries, which attended the international symposium held in Mombasa found to be a basic--- Processing factories could be established along the coastal region so that coconut farmers could generate a lot of money from the toddy product. When we had a stakeholders meeting at Mombasa, I raised fears that the Government had been persuading me to surrender this Motion to it. Although I did not care what the Government was going to do, I wondered where the Government was all this time when our people were being arrested and tortured following a Presidential directive just because of taking toddy.

Mr. Deputy Speaker, Sir, if you refer to the Ordinances of 1923 and 1924, you will find that if you wanted to drink and tap toddy, all you were required to do was to go the administration and ask for a licence. I would like to say that people have been suffering in this region. At the stakeholders meeting in Mombasa, we were shocked to see an Assistant Minister in the Government bring two bottles of toddy. In fact, he drunk toddy before the Minister for Agriculture. I wondered how an Assistant Minister could prove to his Government that toddy was not dangerous when his people had been arrested and tortured all this time. Although I accept that the Government can bring this Bill before the House, I wanted to own this Motion. I know that many Motions have been brought before this House and the Government has taken them over or "killed" them by saying that it will bring a Bill before the House for debate. I have laboured for the last four years to find ways and means of bringing a comprehensive Bill, entitled "the Palm Industry Bill." I have involved very many people in this Bill and used my resources.

I would like to inform the hon. Members in this House that any attempt by the Government to propose some amendments to this Motion, which will shut me out, will be viewed as politics. As I speak here now, many people in the Coast Province are waiting to see the Palm Industry Bill brought before this House to legalise or regulate all the products derived from the coconut tree.

Mr. Deputy Speaker, Sir, Coast Province is ranked sixth in this country when it comes to poverty. We are also the poorest region in this country although we have natural resources. The Government has done nothing to come up with industries so that our people can be rich. It is my humble submission to hon. Members of Parliament--- I know that my fellow hon. Members of Parliament from Coast Province will support this Bill. Some hon. Members are trying to tell the Minister that they should "kill" this Motion by taking it over because I will gain political mileage. But I am not moving this Motion for political mileage. Our people have been suffering and we want them to be liberated. We would like to see a situation where our people do not suffer at the hands of their Government because there is no proper law.

The Coconut Act, which is in place at the moment, does not address many issues. I have borrowed a lot from the Tea, Coffee and Pyrethrum Acts. If you read these Acts, you will find that the Coconut Act we have in place at the moment is not adequate. I urge Members of Parliament to pass this Motion in order to allow me to bring that Bill into the House. I also urge the Ministry concerned to support my efforts towards that end. They do not have to panic and feel that it will be a slap on their face. Many Bills have been allowed to be introduced in this House, in consultation with the Attorney-General. Last week, Mr. Kombo was allowed by this House to bring a Bill here, in consultation with the Attorney-General. There is nothing wrong if I am allowed to bring that Bill in consultation with the Ministry concerned.

Mr. Deputy Speaker, Sir, the palm industry might be set up in Uganda very soon. Uganda has done all the necessary research, for the growing of the Malaysian Palm. The Kshs7.2 billion which Kenya pays to Malaysia might go to Uganda very soon because companies like Bidco and Unilever (Kenya) will purchase palm oil from Uganda for the manufacture of cooking oil. We will also be importing industrial coconut oil and yet, our people could easily provide 80 per cent of coconut oil, if a law to legalise the palm industry was put in place.

Mr. Deputy Speaker, Sir, I am sure I have managed to convince this House that the introduction of that Bill is desirable. By legalising palm processing at the coast, our people who drink toddy will not be arrested again. I have already informed the House that last week, when we had a seminar in Mombasa, an Assistant Minister drank toddy in front of his Minister and he was not arrested. Therefore, they should not arrest our people because of taking toddy! I will be very pleased, if I am allowed to bring that Bill because I will be borrowing from many authorities from other countries in Africa, who have benefited from the palm industry, while drafting the Bill. I will also consult many lawyers to make sure that the Bill is a perfect one. By so doing, we will have a proper palm industry Bill in place.

Mr. Deputy Speaker, Sir, the poverty in the coastal region is not by accident. The Government has made us poor! They have killed the coconut industry, cashewnut industry and the sugar industry. Every industry in the region is dead and that is why we are very poor. Therefore, I plead with hon. Members to support this Motion, so that I can bring that Bill to the House.

With those remarks, I beg to move, and call upon Mr. Mwakiringo to second the Motion.

**Mr. Mwakiringo:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to second this Motion, which seeks the leave of this House to bring a Bill entitled the Palm Industry Bill.

Mr. Deputy Speaker, Sir, as Mr. Maitha has said, this Motion was passed by this House sometime back, but it is unfortunate that the office of the Attorney-General could not bring a Bill to this House to regulate the palm industry. Since the Government has been unable to do so, it is high time that leave of the House was granted, so that we could introduce the Bill through the assistance of Non-governmental Organisations, qualified personnel in the palm industry and experts from other countries that have carried out research, and are marketing palm products.

Mr. Deputy Speaker, Sir, palm and coconut are usually grown abundantly in the coastal region and they have been the economic backbone for the coastal people. Most of the people in high positions in this country from that region, were educated using money from the coconut industry. It is for the good of this country that this Motion is passed, so that the economy of the coastal people can be revived. As we speak now, coconut farming in the Coast supports 150,000 families both directly and indirectly. But the development of the coconut industry has been hampered by lack of Government initiative and support, coupled with the hopelessness and abject poverty experienced in the region. That is why we want that Bill to be brought to the House, so that we can regulate the palm industry. This industry will encourage investors to come in and set up industries and create employment for the people in this region and, at the same time, alleviate poverty.

Mr. Deputy Speaker, Sir, once toddy is bottled locally, just like the mineral water which is bottled locally, we will create a lot of jobs, uplift the economic standards of our people and, at the same time, earn foreign exchange. We will definitely have to change the minds of Kenyans so that they use the locally bottled toddy instead of the imported one. Once the Bill is enacted, the Government will enhance its social responsibility through job creation and poverty reduction which is enshrined in the Poverty Reduction Strategy Paper. The coastal people must be given that opportunity so that they can develop that industry by employing researchers to advise on the shortest time they could reap benefits from that crop. That could be done through the Kenya Agricultural Research Institute and other interested parties. The marketing of palm products, and attracting investors, could be done through the Coast Development Authority.

Mr. Deputy Speaker, Sir, once that is done, we should encourage investors in that industry, through tax deductible expenditure, on whatever investments they will make in that region. It is a pity that even after we passed this Motion earlier, the people of Coast Province are still being harassed for drinking *Mnazi*. That harassment is illegal because our people have been drinking *Mnazi* for ages, and it has got its own cultural drinking habits. As a matter of fact, our people have never gone astray. Those cultural habits are still there, and our people still maintain them. Therefore, for people to be arrested by police because of financial gain, is an illegal exercise which should be stopped. I remember last week, when we were attending a seminar on Cashewnut and Coconut Development Forum, quite a number of people drank toddy and they were not arrested. The police officers who were present took it too. Why is it that when the police officers are taking toddy, they are never arrested, but they arrest people who drink it in the rural areas?

To say the least, it is the most cleanest drink you can ever find in the world, because even the mineral water we drink is treated with ultra-violet rays in order to make it clean. But *Mnazi* is a drink which is never touched with our hands. The tapper goes up the coconut tree, he cuts the shoot, then it is tapped into a clean container. From that container it is picked again and put into another bigger and cleaner container, then it is put into our drinking container

and we use the straw. That is why it is one of the cleanest drinks because it is never touched by anybody. In any case, it has also been proved that it cures a lot of diseases because it is a natural drink and people are now testing it to see whether it can reduce the HIV/AIDS---

**Mr. Twaha:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Mwakiringo to mislead this House and the entire nation, that *Mnazi* is a medicine for curing HIV/AIDS victims?

**Mr. Deputy Speaker:** If it has worked for him, who am I to contradict that?

*(Laughter)*

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, I am saying that researchers are carrying out research on *Mnazi* to see whether it can be a medicine to be used on HIV/AIDS victims. This is because it has been proved that it cures a lot of diseases since it is a natural drink. But as we speak, this is another plant which has so many uses which can be tried even on HIV/AIDS victims. We have a number of uses that it can be put into and it is said that it has about 42 uses it can be put into. But what we are doing is actually to ask the Government to put more pressure, just as it has done in creating the Sugar Authority, Coffee Board of Kenya and the Kenya Tea Development Agency. We should introduce the coconut and Cashewnut Authorities in the Coast Province so that we can enhance our economic status in that region.

Mr. Deputy Speaker, Sir, we need to fully realise the potential of the palm plant, and by so doing, we need to encourage investors and researchers to come, do research and invest here. We need to encourage and enlighten our people on the proper use of the palm tree because they are just taking it as if it is a tree which is normally grown in the coast region without knowing the various uses it can be put into in order to achieve economic survival of the people of Coast Province. What we are saying now is that, it will create a lot of employment opportunities. It will also give the Government a lot of foreign exchange earnings for the economy and improvement of Gross Domestic Product (GDP). So, let us support and embrace the palm industry so that it can develop and we will support it.

With those remarks, I second the Motion.

*(Question proposed)*

**The Assistant Minister for Agriculture and Rural Development (Mr. Khaniri):** Mr. Deputy Speaker, Sir, at the very outset, I want to state that I support this Motion. But I wish to move a small amendment---

**Mr. Deputy Speaker:** Order! Mr. Assistant Minister, could you show me that amendment, small or big, which you have signed, for me to approve?

**Mr. Twaha:** Mr. Deputy Speaker, Sir, I rise to support this Motion, but with some reservations or exceptions. The Motion as moved by Mr. Maitha is good; with good intentions. But he seems to stress more on the brew which is harmful to society than the more wholesome uses which the tree has, like the production of oil, building materials *et cetera*.

Mr. Deputy Speaker, Sir, I agree entirely with Mr. Maitha that the coast region has been marginalised economically through deliberate or accidental Government policies. But various crops have been destroyed, like the sugar industry, the bixa, cashewnuts, *et cetera*.

Mr. Deputy Speaker, Sir, in 1991, the Kenyan economy was liberalised and all the crops in Kenya were liberalised except two crops which remain "scheduled crops", whatever that means, and that is bixa and cashewnuts. This meant that the coastal farmer had to sell them with a special price to a special buyer for eight good years, after the whole economy of Kenya was liberalised. I do not know whether the leaders were sleeping or the people themselves were too lazy, but the Government had no right to culturalise these crops as "scheduled crops", for seven years after all other crops had been liberalised. As a result of this, the industries themselves collapsed. This is because people behind these factories wanted to buy raw materials at a low price, but then the price was so low and eventually the people started uprooting cashewnuts. Therefore, bixa was not wanted anymore. Now, the factories started closing down after getting super normal profits for a while, because they did not have enough raw materials anymore. So, they became victims of their own cleverness. When you are too clever, you become stupid at the end of it all.

Mr. Deputy Speaker, Sir, Kenya has a lot of potential. Agriculturally, we were very rich, we have human resources, we have the potential of being a powerhouse in the entire East and Central African region. But our policies



are misguided, especially with regard to the agricultural sector.

The Kenyan currency deteriorated from Kshs20 to the dollar in 1990, and it is Kshs80 to the dollar today. A lot has been said about many things; the Goldernberg scandal, the 1992 money printing, and that was the supply side of the Kenyan currency. There is also the demand side for the Kenyan currency. This is because the value of any item is determined by supply and demand forces. In 1991, the World Bank and IMF told Kenya to auction coffee and tea, which are the main agricultural products, in US dollars. When the Kenyan Government agreed to this condition, because of their hunger for foreign aid, they eliminated demand for the Kenya shilling, vis-a-vis the international currency. I strongly recommend, as I have done before, that the Kenya Government should issue a directive that the coffee and tea auctions be conducted in Kenya shillings so that every week, there is, at least, a transaction motive of holding that shilling.

**Mr. Deputy Speaker:** Mr. Twaha, please, stress on the palm industry, not on---

**Mr. Twaha:** In fact, it is on the agricultural sector in general, and---

**Mr. Deputy Speaker:** No! No! It is, at least, interesting, coming from the Coast Province, as you do!

**Mr. Twaha:** Yes, Mr. Deputy Speaker, Sir. But I am trying to emphasize the misguidedness of our policies. We have to sell our coffee and tea in Kenya shillings so that we have a strong currency and the purchasing power will eliminate poverty. We are talking about poverty elimination, and you cannot eliminate poverty without having a strong currency.

With regard to cotton production in Lamu District, we have trouble with the quality of seeds. We get poor quality seeds and the farmers waste their money and energy; they also buy insecticides. So, with the poor seeds, they get low yields and, therefore, they end up not having money and their children are sent home because of lack of school fees.

Mr. Deputy Speaker, Sir, the Coast Development Authority has the potential for helping the people of the Coast Province to develop the agricultural sector and other sectors, but they lack funding. Because of this we want *majimbo* so that some of our revenues can go to Coast Province and then we do not have to ask for the money that is collected at Kilindini to come back to us from Nairobi, so that we are told "to wait until funds become available". We need the Coast Development Authority to be empowered with enough funding to implement the beautiful projects whose feasibility studies have been done and are just gathering dust on the shelves.

Mr. Deputy Speaker, Sir, we have mangrove forests in Lamu District. Every year the Government plays games with us and tells us that, "we are going to ban harvesting of mangrove forests". We start protesting and somebody comes and says: "*Sasa tumefungua vikwazo*", and we clap our hands. This has got to stop! The usual arguments for cutting of trees do not apply here because nobody will tell you not to cut trees because of soil erosion, rainfall interference and such things. The mangrove trees grow in the sea and, therefore, the issue of soil erosion and rainfall interference does not arise. There is just nothing and, even the market itself is very small because it is restricted to Kenyan building industry only.

Before, there was a danger of finishing all the mangrove trees because they were being exported to Arab countries and other places. But now, after they have discovered the use of oil and other minerals in Arab countries, they do not use mangrove forests any more for construction, they are using steel and their buildings are stable. So, the mangrove forests are restricted for use in our own local buildings and there is no way we are going to finish the mangrove trees because the supply has to match with the demand. If you are going to over cut the trees, you will be unable to sell them. So, it can be self-regulatory and we are tired of the Government frustrating us all the time and we have to deal with our children being sent home because of lack of school fees while resources are available. If they can only be properly utilized---

With those few remarks, I beg to support.

**Mr. P.K. Mwangi:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion to the coastal region.

Kenya is one of the countries which have not been able to develop the crops cultivated by their own people. Except for tea and coffee, which were developed by the colonial Government, after Independence Government has failed to develop its own indigenous crops such as coconut. This is one of the crops that God has given to the coastal people. Therefore, the Government has a duty to develop the coconut industry, so that it can be of assistance to the coastal people just as coffee and sugar are important to the people of Central and Western Provinces respectively.

As the Mover of this Motion has said, Coast Province is one of the poorest regions of this country. It is,

therefore, time the Government discharged its responsibility and ensured that the only crop which is cultivated by the coastal people is developed so that it can be of economic value to them. If we can add value to coconut products, the country will even generate some foreign revenue from it. We know very well that palm wine, popularly known as *Mnazi*, is tapped from this crop. This Government has failed. When the Government banned the tapping and taking of *Mnazi* in 1978, the crop lost its value, yet the crop was developed by our ancestors.

The Government has instead promoted a second class generation of brews, which do not have any cultural value to an African. Brewing companies which manufacture second class brews, therefore, should be banned because they are of no value to the Kenyan people. All that they are doing is to destroy the lives of young Kenyans. If we could have a company to develop the coconut plant, it would be of more economic value than having the second class brews, which are of no value to Kenyans. They only enrich politically-correct people. We, the people of Central Kenya, for instance, have managed to develop sugar-cane for the manufacture of *Muratina*. If *Muratina* is developed, it will have a lot of value since it is highly regarded by the people. *Muratina* is far much better than *Kantata* or other brews being manufactured by kiosk-like industries.

Mr. Temporary Deputy Speaker, Sir, I am glad that the Assistant Minister for Agriculture and Rural Development has said that he is not against the Motion. I had a chance to be entertained by Mr. Keah while attending a workshop in Mombasa. Just as Mr. Mwakiringo said, I personally found out that *Mnazi* is among the purest brews in this country. Upon the passage of this Motion, therefore, the Government should introduce the "Palm Industry Bill", so that we can be proud of our God-given resources.

With those few remarks, I beg to support.

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Mr. Deputy Speaker, Sir, I thank you once again for this opportunity. As I said earlier, I support the Motion, but I beg to introduce a small amendment to it as follows: The Motion be amended by inserting the words "in consultation with the Attorney-General and other stakeholders" immediately after the word "Bill" on the first line. Further, the words "in order to develop coconut farming in Kenya" after the words "entitled The Palm Industry Bill" in the second line be deleted and the words "to re-activate the development of sustainable coconut and palm farming in Kenya" be inserted in place thereof.

The Motion as amended will read as follows:-

THAT, this House do grant leave to introduce a Bill, in consultation with the Attorney-General and other stakeholders, entitled "The Palm Industry Bill", to re-activate the development of sustainable coconut and other palm farming in Kenya.

Mr. Deputy Speaker, Sir, as you can see, the amendment does not in any way intend to change the objective of this Motion. We, in the Ministry, fully agree with the principle and intention of this Motion. As I stated, we support it fully. All we are saying is that we want the Government to have an active role to play during the introduction of the Bill. The reason as to why I am saying this is that the Government has already gone very far in trying to come up with the particular Bill.

Just two weeks ago, the Government held a stakeholders meeting in Mombasa, which the Mover of this Motion attended. This was an open forum, where farmers and all the stakeholders converged to express their opinions and views on how they would like this particular industry to be run. I am glad to report to the House that the Ministry achieved so much from this forum. We are now looking at all the views that were expressed by those who attended the forum to see how we can incorporate them in the final draft Bill.

Mr. Deputy Speaker, Sir, my Ministry fully understands the suffering that the coconut farmer has been going through over the years due to lack of an appropriate legislation to enable him go about his business. We are doing all we can in his support. I want to reassure the House that we will speed up the process of introducing the Bill to the House, and hope that it will get the support it deserves from hon. Members.

Mr. Deputy Speaker, Sir, the Mover of the Motion has asked what the Ministry has been doing all these years. He said that we have been waiting for him to bring the Motion for us to jump onto the bandwagon. My Ministry is very sensitive to the needs of the farmers, and will always respond to their will. They have stated their wish and this is why I am saying that we are moving with a lot of speed to ensure that, in a very short time, we will come up with a Bill on this particular industry. Therefore, I just want to urge hon. Members to support this amendment for it does not negate the original objective of the Motion.

With those few remarks, I beg to move the amendment, and I call upon hon. Keah to second it.

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Deputy Speaker, Sir, with

great humbleness and humility, I want to support the amendment.

In supporting the amendment, I recognise the amount of work hon. Maitha has personally put into the development of the coconut industry. I want him to know that I, too, in 1988, immediately I was elected to Parliament, wrote to the Attorney-General and requested him to amend Cap.331, the Coconut Industry Act, to provide for much wider participation by stakeholders. Unfortunately, the politics of the time only saw the coconut tree in the light of the *Mnazi* drink alone. It has taken a long time for us to convince the entire country that it is time for us to look into the coconut industry and other crops, which are grown at the coast such as the bixa and the cashewnut.

I commend my colleague, Mr. Maitha, for this timely move of bringing this Motion to the House, so that we can all move together to develop the coconut industry at the coast. I do not want him to think that I am against him as an individual, or against this Motion. That is not the case at all. He should know that we are together because I wrote to the Attorney-General to amend the Coconut Act in 1988 when I was elected to Parliament.

Be that as it may, let me proceed to say that the cashewnut and the coconut industries in Kenya are dead. It has taken 300 years, since the introduction of cashewnut in Kenya, for us to come up with a workshop like the one we had last week in Mombasa. It has taken 500 years, since the introduction of the coconut plant in Kenya by the Portuguese, for us to come up with a workshop like the one we had last week in Mombasa. Therefore, I have no qualms at all, when Mr. Maitha brings a Motion into this House, urging it to grant leave to introduce a Bill that will enhance the development of the coconut industry.

Mr. Deputy Speaker, Sir, I thank the Ministry for bringing this amendment. We not only want Mr. Maitha to get credit for this Motion, but we also want Mr. Keah, Mr. Kamolleh, Mr. Twaha, Mr. Mwakiringo, Ms. Karua and Mr. M.A. Galgalo to participate in the debate on the Motion. Indeed, we want the financing institutions in the world to also have an interest in this Motion so that they can feel that they are involved in promoting the coconut industry. Above all, I want Mr. Maitha to understand that the Government cannot be left out of this exercise. After all, when the Motion is eventually passed, it is the Government that will implement it. How then can we leave the Attorney-General and the Ministry of Agriculture and Rural Development out of this Motion? It is in this regard that I whole-heartedly support the amendment and urge that we together ensure that the Bill will not have flaws such as the ones we noticed in the Coffee, Tea and Pyrethrum Bills of previous years.

We want to ensure that there will be no flaws in the proposed Bill whatsoever. We want the Bill to be all-inclusive and will, therefore, take everybody on board. I support the amendment wholly and I urge the House to support it because of its wholistic approach to the development of the palm and the coconut industry. The coconut crop is only one in the palm family. Mr. Maitha has incorporated into the Motion the entire palm family, but we should begin with the coconut crop because it is what we have right now.

So, I support the Motion because, with its implementation, we will enhance the industrialisation, commercialisation and the economic development of the coconut tree, which gives us over 100 products. There is no other crop in Kenya that can have over 100 products except the coconut tree. But, perhaps, because the crop is grown at the Coast in Kenya, people have put it to the background. The crop has not been considered as a priority crop. Now we want to rectify that mistake which has been made over the last 37 years of Independence. If the Portuguese and the colonial government did not bring the coconut crop to the forefront, we will now do it. The Ministry of Agriculture and Rural Development, the Attorney-General and the financing institutions should also be incorporated into the development of the coconut industry.

In other parts of the world, where coconut is grown, one coconut fruit produces a 200-gram can of coconut cream. That can is sold for Kshs100 in the supermarkets today. You will be amazed that the farmer gets only Kshs1 from the same can. Can you see the disparity? The farmer gets Kshs1 and the supermarket man gets Kshs100 from the same can. Even with the added cost of processing, that disparity is just too great. We now want to reduce that disparity by having a Coconut Board, which will be provided for by the proposed Bill. We should have members of the board who can effectively contribute to the development of the coconut industry.

Coconut wine is only one product out of over 100 coconut products, and so it should not be given undue significance. Of course, it is sweet. I agree with my colleague that *Mnazi* is very sweet. The other day I served it at the Whitesands Hotel where we had a seminar and all hon. Members of Parliament enjoyed it very much. You do not need to add anything to coconut wine before it is taken, but we do not want to give it undue significance. We want the 100 products of the coconut to be properly developed, commercialised and marketed. Today, all the coconut trees are dying because they have been neglected. Through the enactment of this Bill, we can even have a line item in the

Budget called the coconut industry just like we have the coffee industry and the tea industry. This Motion could not have been more timely because as early as last year, I did ask the Ministry to have a line item in the Budget for the coconut industry. Do you know what I was told? I was told: "Well, there is no law and, therefore, it cannot be charged to the Consolidated Fund". This Motion is most timely.

Mr. Deputy Speaker, Sir, I can go on and on. With the remaining one minute, let me add that the Ministry should now not wait until an hon. Member brings in another Motion to introduce the Cashewnut Development Bill. Let the Ministry now move straightaway and introduce a Bill for the cashewnut industry. Let the Ministry move straightaway and introduce a Bill called the Bixa Industry Bill and so on, so that the crops grown at the Coast can also receive that priority funding in the Kenya Budget and, indeed, in the economic aspect of this country.

I beg to support.

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

**Mr. Mwalulu:** Mr. Deputy Speaker, Sir, even with the proposed amendments by the Government side, I beg to support this Motion because the amendments do not affect the essence of this Motion. This Motion gives the way forward towards liberation of the people of Coast Province from poverty. The development of the coconut industry is the most basic gift the Government can give to the people of the Coast Province because poverty eradication should not just be at the theoretical level. Poverty eradication must be practical.

Mr. Deputy Speaker, Sir, in Taveta Sub-District we also grow coconuts although on a small scale. If you come to Taveta District, the first thing that Taveta people will do is to welcome you to a very delicious drink called *mnazi* and as the previous speaker has said, you will thoroughly enjoy it. If you go to the Taveta market, also there is a section specifically for coconut fruits and they are for export to the Tanzanian market. However, one disappointing thing is that these coconuts are sold at a throwaway price. So, one thing this Bill will achieve is to streamline the marketing of coconuts so that there is no exploitation.

Mr. Deputy Speaker, Sir, the development of the coconut industry will benefit the people of the Coast Province and it will fill the gap the tourism industry has failed to fill. Coast Province is home to a lot of beautiful beaches and it also hosts one of the biggest national parks in Kenya, the Tsavo National Park. However, apart from our young people serving as beach boys, there is no substantial benefit the people of Coast Province get from tourism. There is another benefit in quotes, which we get from tourism in Coast Province and that is "rogue elephants" which kill us and destroy our crops. We have resolved that we are going to kill these elephants, and that is a problem we can deal with.

Mr. Deputy Speaker, Sir, the development of the palm industry will cause developmental revolution, not just in the Coast Province, but also in the whole country. Since these are the last days of this Government, let it leave a legacy in that region by making sure that the coconut industry develops so that there is something to speak of when this Government relinquishes power. Of course, you know that when it comes to the development of the coconut industry in the Coast Province, the land question will arise. Coast Province is the only province where very few individuals own title deeds. The Minister for Lands and Settlement comes from Coast Province, but I will be shocked if he owns a title deed for the land on which he lives or farms.

Mr. Deputy Speaker, Sir, we are saying that the coconut industry development must go hand in hand with rationalisation of land ownership so that we do not have cases whereby individuals own whole administrative districts. In Taveta Sub-District, for example, one individual owns 72,000 hectares on which he grows sisal. As you know, sisal has lost value in the international market and if it can be replaced with coconut plants, then they can bring more value than what sisal is bringing. However, this land is owned by an individual and the people of Taveta Sub-District are 100 per cent squatters. So, for us in Taveta District to benefit from this Bill, we must be allowed to cultivate that land so that we can expand the acreage under which we grow the coconut trees.

Mr. Deputy Speaker, Sir, I want to support this Motion by saying that poverty eradication should not just be seen in papers or declarations. We have heard about and seen too many Session Papers being brought by the Government but they have done nothing. This Bill, once enacted, will answer the most basic questions on how to eradicate poverty.

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

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

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

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

*(Question of the Motion as amended proposed)*

**Mr. Kamolleh:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion. I would like to start by saying that Mr. Maitha has got a vision in this Motion. The coconut palm has only been recognised for its palm wine. But I would like to say that, apart from palm wine, there is *madafu*; the young coconut whose liquid is drunk and whose flesh is eaten. It is a drink that refreshes one during the sunny season. The same coconut palm in Ceylon, Maldives Islands and Tonga prepares cattle feed. We have not done these things in this country. Apart from palm wine, which people say is illegal and should not be drunk, there are building materials that are got from coconut palm. You will notice that most of the restaurants now here in Nairobi, Nakuru and all the way to Kisumu are thatched using *makuti* palms. That is one of the very economic uses of some parts of the coconut palm.

Mr. Deputy Speaker, Sir, among leading material products from the coconut palm is the wood, which is used largely at the Coast. Most people use palm wood which comes from either the coconut palm or the *mkoma* palm, to roof their houses. I have noticed, for example, in places like Barbados and Martinique in West Indies, they do not use kapok to make mattresses. They use the fluff of the coconut. The door mats which we buy from Nakumatt or Uchumi supermarkets and other places can also be made from the coconut fluff, which is very elegant to use. The other day, when I was in Izmir, Turkey, I was shocked that even coconut fluff can be made into carpets. All these things would have been possible in this country if we had a proper organisation of the palm industry as requested by this Motion.

Mr. Deputy Speaker, Sir, there are those people who think palm wine is the only product that can be got from coconut palm. From palm wine, we can also get vinegar. A lot of vinegar which is sold in the West Indies comes from palm wine. A further fermentation of palm wine produces vinegar. Vinegar is good for making salads, cooking and so on. We have not been able to do all these things because there has not been a proper organisation of the palm industry.

Mr. Deputy Speaker, Sir, the growth of the coconut palm, as you might know, having been a civil servant for a long time, stretches from Kiunga and Witu, all the way to Lunga Lunga and then to Taveta, which is about 1,500 kilometres in length and width. There is enough space which has not been utilised where we can grow not only coconut palm, but other palm plants which can produce as much oil as possible. Mr. Maitha talked about the country spending Kshs7.2 billion to import cooking oil from Malaysia and other countries every year. If this Motion is passed and the board is set up for the industry, we would save Kshs7.2 billion for the country every year.

Mr. Deputy Speaker, Sir, I want to give you some statistics. If this Motion is passed, the country would save Kshs.7.2 billion that it uses to import cooking oil and Kshs.1.2 billion that it uses to import mats and mattresses. We have not even recorded the cost of importing building materials. In other words, we are thinking of reducing our expenses by Kshs10.2 billion and, perhaps, getting more money for the Government through the export of the products that we would manufacture here. We would be starting a very lucrative business here if this Motion was passed and the Government moved pretty fast to make sure that the board is set up and operations are put in place.

Mr. Deputy Speaker, Sir, I would like to suggest that when the board is set up, it should be independent of the Coast Development Authority (CDA). As it is, the CDA has been set up with very good intentions, but it is only a white elephant because it gets about Kshs15 million per year only to make sure there is an office running with a Managing Director and a few staff.

Mr. Deputy Speaker, Sir, the very last point I want to make here is the fact that, like Mr. Twaha said earlier on, when we were liberalising most products for this country, we made sure that cashewnuts and bixa remained special crops. To date, farmers are suffering in Kwale, Lamu and other places because there is a monopsonic market whereby there is only one buyer and several sellers. The buyer can set the price as he wants just because it is in the monopolistic market where there is only one seller and several buyers. If I say we are tired, you will say that we should have started earlier. But we now find that we are being impoverished, perhaps, to make sure that we always kneel down to ask for titbits from the ones who have them.

Cashewnuts and bixa have been taken away by people who should be supporting us; I withhold their names. We are asked everyday to support this and that. I think it is high time this Ministry thought of liberalising cashewnuts and bixa and made them normal crops like any other. It is high time the people of the Coast Province also made some money so that they can also *ng'arang'ara* like the others.

Mr. Deputy Speaker, Sir, I could speak on and on, but because my other colleagues would like to speak on this, I beg to support.

(Applause)

**Mr. Munyasia:** Thank you, Mr. Deputy Speaker, Sir. We do not grow coconut palms in Western Province, but our friends in the Coast Province do grow them. We sympathise with our friends at the Coast because most of the industries there, except, perhaps, for the tourism industry, have collapsed. I have been there and I noted that the cashewnut, sugar cane and bixa industries have all collapsed. It is with a lot of sympathy that we are treating this particular Motion. If there is anything that can be done to help the Coast people develop any industry, I think we, from elsewhere, must give them support.

When you hear this Government talk, sometimes it sounds very amusing. Mr. Keah says that since 1988 he has been bringing to the attention of the Attorney-General the need to bring a Bill here to re-activate the palm industry. Now, after 15 years, the Government is telling us that they are moving with speed. You begin wondering at which speed they are moving if, from 1988, they have been reminded about this Bill, but they have done nothing about it. It is only when Mr. Maitha came up with the Motion to the House that the Government is now saying that they are moving with speed. I support this Motion because the Bill to be enacted will re-activate coconut farming at the Coast.

The impression that many of us from outside get when we go to the Coast is that coconut farming is a very idle business because no one appears to weed those trees and they all seem to be growing very tall in bushes. But they have fruits. Maybe, after sometime, all that the Coast people have to do is to harvest the crop. If re-activating means anything more; I suppose that maybe they mean that they will encourage research so that they can have coconut trees that mature faster and begin bearing fruits after a short time, coconut farming can and should be expanded to areas as far as Voi or even Kisumu. If this is done, we would then say that this industry is to be supported.

I am surprised that Mr. Keah can report to this House that he served this *mnazi* drink to some MPs at a five-star hotel and he was not breaking the law, and yet Mr. Maitha complains that most of his people are harassed when they are found drinking that palm wine. Is this not a case of double standards because we experience similar situations in our constituencies? If *mnazi* is a traditional drink, then it should not be described by the security forces as illicit. I think they normally harass the commoners drinking this *mnazi* because they think it is an illicit drink. The Mover of the Motion has assured us that this drink does not contain any additives, is self-fermenting and it is the purest kind of alcoholic drink that you can have. If that is true, then what business do the police have harassing the commoners who take this drink?

This reminds me of what happened back at home with our *busaa* drink. Maybe, after this, we might also have another Bill to develop the maize industry because we can eat our maize when it is green. We can also dry it, grind it and use the flour to cook *ugali*. We can even go further and make a brew from it scientifically. The brew made out of maize is traditional, and yet when most of our people consume it, they are harassed. Besides the brew, the dregs from *busaa* can be used to feed cattle and they end up producing more milk. These dregs can even be used to feed pigs and fatten them very fast. If there are by-products from the coconut tree that can help enrich those who farm it, then the growing of this crop, should be encouraged because the coconut crop is similar to the maize crop which has very many by-products. I am saying that we also wish to support this particular Motion. It is only surprising because I thought this was a party Motion, but I can hardly see the DP Members around to support this Motion. They have left it to the Coast

people. I think this is a trend that should be discouraged.

With those few remarks, I beg to support.

**Mr. Kajembe:** Thank you, Mr. Deputy Speaker, Sir. I stand to support the enactment of the palm industry Bill. Those of us who come from the coastal strip have noted that the palm industry is being destroyed. It is being destroyed in the sense that most of the land where palm trees used to be grown has been allocated to the rich people because it is close to the beaches. These rich people now own that land and they have left it idle without making any developments on it. A few of them have put up hotels on that land, but you will find that those who have been allocated land along the coastal beaches have destroyed the palm trees.

This is a syndicate being run by people who hate Coast Province and its people. Titanium has been discovered in Coast Province and we are being told this industry will generate about K£100 million in revenue. Who will that money from titanium go to? It will go to a few rich Kenyans and the investors from abroad. It will not benefit a local person in Kwale, Mombasa or Kilifi. It is our prayer that our palm trees remain intact in the Coast Province because whatever money is being generated from palm trees farming goes to individual people of the Coast Province and they benefit from it. The area where the titanium has been located is about 22,000 acres of land. That is a big piece of land and so many palm trees will be destroyed. That means denying people from the coastal strip an opportunity to generate revenue from the palm tree. Whatever money will be generated from titanium will benefit very few rich Kenyans and investors from Canada.

Most of us who were brought up in the Coast Province, especially from the coastal strip, grew up living in structures whose roofs were made of *makuti*, the palm tree leaf. We prefer those structures which are built with *makuti* rather than iron sheets because we were brought up in these structures. It is due to the sale of *mnazi* products that our school fees were paid and we earned a living. Whoever comes up with the idea of a programme of destroying palm trees in the Coast Province is an enemy, not only of the people from Coast Province, but of the whole of Kenya.

Mr. Deputy Speaker, Sir, the Government has put so much of its efforts in tea and coffee sectors, among other agricultural sectors, but it has totally ignored the farming of palm trees, cashewnuts, bixa and all these crops in Coast Province.

During this time of Moi succession, we will be looking at what we witnessed during the Kenyatta Government and what is happening today. But whoever is going to take leadership after President Moi, he or she must give confidence to the people of Coast Province. We are going to support a leader who will give us confidence. This is because whoever is going to be the next President must have good programmes for us. His or her Government should bring development in our areas.

We want development in the Coast Province. Even irrigation schemes which were started during the pre-Independence days; like the one in Tana River, have failed. They failed not because we do not have experts in this country, but because of mismanagement.

I fully support the resurrection of this board. There is a tendency now of giving farmers powers to run their own industries, like what they have done with sugar-cane, coffee and tea sectors. But the Government should inject its own finances in these industries. The farmers alone would not run these industries. So, it is important that when such boards are being formed, a good sum of money from the Budget should be made available for these boards to be effective. It is irrelevant if you start a board and you do not give finance to it; you just keep a personnel structure. For example, we have the Coast Development Authority; it was formed seven years ago. Maybe, it will be there for ages, but what has the Coast Development Authority done to the Coast Province? Nothing! The money that they are utilising in that board is just to pay salaries and travelling allowances to the Managing Director or Chairmen. In that way, the board will not function.

This is done purposely. People have been told that we are forming boards--- But look at the Budget; will the budget run the board and its functions? The answer is no. So, it is our prayer that when this Bill comes up, it will be supported by this House. Again, it is our hope that when it comes to budgeting, adequate funds will be given to this board to enable it, at least, develop the palm industry in the Coast Province.

I do not want to talk about what has been produced from the palm tree. It is known! Several items are produced from the palm tree. I am saying that the Government should now give incentives to the farmers, not only of the palm tree, but to all other producers in Kenya, like tea, coffee, sugar and other crops. In the past, the palm tree fibre used to be exported to Malaysia from Kenya, and this country used to earn a lot of foreign currency. Today, we are not involved in those exports. Why? This is because countries like Malaysia and Indonesia have started planting the palm

tree, and they have come up with very comprehensive products from the palm tree. Their products are now marketable globally. Even if Kenya today exports the same fibre to other countries, we cannot compete with the other countries like Malaysia and Indonesia because we do not have those experts in this country to work out that package of exports. If there are any, they would join their masters just in order to see that the Coast Province is still left behind.

With these few remarks, I beg to support.

**Ms Karua:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity to support the Motion. I think it is time the Government woke up to its responsibility of being a facilitator and helping the locals in every area exploit their full potential. I am a bit worried that the amendment we have accepted calls for consultation with the Attorney-General and other Government agencies. While I agree that this is the way forward, it worries me to think that this may delay the enactment of the Bill. We are calling upon the Minister responsible to ensure that the inclusion of the Government does not serve to negate what is being proposed in this Motion by delaying the enactment of the Bill.

It is unfortunate that so many years after Independence, we continue with the legacy of belittling anything that is African or indigenous to us. At a time when we are promoting foreign companies that are dealing in alcoholic beverages, we still have restrictive laws where traditional alcoholic beverages are concerned. Even if the best known use for the palm tree is palm wine, among those of us who are not well versed with the palm industry, there would be nothing wrong with promoting the palm wine industry. If we can promote breweries and marketing of the Russian Vodka and many other drinks, I see no reason why we cannot be proud of palm wine, *muratina* and anything else that we can brew safely for human consumption.

Our neighbours in Uganda have done better than us. They have promoted the Waragi industry and the locals are benefitting. It is important that we support what can be used to eradicate poverty in each area. I believe that supporting the palm industry will go a long way towards eradicating poverty in the Coast. My colleagues have listed a lot of uses for the products that can be derived from the palm industry; furniture, wine, cooking accessories and many others. It shows that if we exploited this potential in the coastal region, we would be going a long way in improving the lives of the people at the Coast.

Mr. Deputy Speaker, Sir, I have been looking at the Laws of Kenya and I can cite the Palm Industry Ordinance of 1923. I cannot see anything to suggest that this has been repealed. But when I look at the Laws of Kenya as they are now, what comes closer to regulating local alcoholic beverages is the Traditional Liquor Act, Cap.122. This Act seeks to criminalize all traditional brews, and forbids any manufacture of traditional alcoholic brews for sale without a licence.

We all know that the police have been over-zealous, and they harass anyone who brews traditional liquor even if it is for consumption by the family, ignoring that it is only an offence when you brew it without a licence for commercial purposes. It is time we gave equal treatment to all Kenyans irrespective of their position in society. If we are allowing those who can afford to take alcohol in bars and other places, those who prefer the traditional brew should have equal licence without hindrance. I think it is time we repealed laws that are oppressive, that originated from the colonial regime in the belief that what is African is inferior. By supporting the palm industry, we are not only advocating for the development of the palm wine industry, but many other related uses which my colleagues have given a chronology of.

Mr. Deputy Speaker, Sir, currently, the law is oppressive and criminalises what would be daily activities of the coastal people. Traditionally, they have always tapped palm wine from the palm trees in their compound and used it for their ceremonies. How then may one go to get a licence if you are having guests or if you are having a marriage ceremony? We must stop criminalising our traditions and look at what is useful and what we can harness to improve the lives of the people.

The other issue I would like to mention, because I do not wish to repeat what my colleagues have said, is, one hon. Member from the opposite side of the House talked about other potentials of the coastal region, including the mining of the titanium. What we need to do with our natural resources is to ensure that they are exploited for the benefit of Kenyans and not foreigners. I am a bit worried that at the moment, the Government is in a hurry to license the mining of titanium even before the question of settlement of the people displaced and the compensation to them is determined; even before this House scrutinises the contract to ensure that it is for the mutual benefit of Kenyans and Tiomin. If we continue ceding our natural resources for exploitation by others, then we never will get out of poverty. It does not make any economic sense to transfer our interests to those of foreigners and then to later receive pittance from the same foreigners in terms of aid.



Mr. Deputy Speaker, Sir, I support this Motion, and I call for seriousness on the part of the Government in facilitating and promoting the interest of the local communities and Kenyans in general.

I beg to support.

**Mr. Mkalla:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this particular Motion. This coconut industry in the Coast Province is like the coffee industry in Central Province. It is an industry which could support the coast region in a very big way. Today, the poverty line in the Coast Province is 60 per cent. This is because, products like coconuts, mangoes, bixa and cashewnuts have not been properly considered by the Government. If these products had been looked after, I think the poverty line in Coast Province would have been at about 20 to 30 per cent because people would have been able to fend for themselves.

We are advocating for the establishment of a special fund to improve the status of the coconut tree, which has been infected by insects. If these infections are not looked after by the Ministry of Agriculture, so that the trees do not die, because they have reached the fruition period, then we will be doing a useless exercise. I therefore wish to state that there must be a specific research amount of money set aside. For example, the funds could be given to the Coast Development Authority for the purposes of making sure that we improve this particular fruit, so that we can increase its production.

Mr. Deputy Speaker, Sir, products which come from the coconut tree are so many, although people only look at it as a source of palm wine for people to drink, get drunk and sleep. That is not the only use of the coconut tree. There are a lot of uses from the coconut tree. For example, it can be used for thatching our houses, which is fairly cheap, relative to the iron sheets or tiles which are expensive. The whole coastal line thrives in the hotel industry, and most of the hotels use *makuti* for thatching their hotels. The *makuti* are very good because they keep the hotels cool. Visitors find it very enjoyable to stay in an atmosphere which is very cool and receptive in Kenya. This is one of the products we get from the coconut tree.

There are also other products we get from this particular tree for making mattresses, called the *ndikus*. I do not know how they are referred to in English. These are used for making mattresses which are also relatively cheap. I do not think we need to import expensive mattresses when people in Kenya and other countries within this region could use this product to sleep on, instead of using intertwined tree leaves which hurt a lot.

Mr. Deputy Speaker, Sir, the palm wine is a very important product in our region. This palm wine is not just meant for drinking and getting drunk. It is used during very important festivities like marriage. There is no marriage ceremony among the Miji Kenda that can take place without them taking a gourd of palm wine. It is very important for celebration. It is used during very important days in our lives by everybody. Even the day somebody dies, we also use it during the time of mourning. It is a customary brew among the Miji Kenda.

Mr. Deputy Speaker, Sir, *makutis* are also used for making seats, instead of going for very expensive products. We also use them as building materials. We tap oil and also get fruits from coconut trees. This is a very important industry. If it is very well researched on, it can actually improve our standard of living. The economic situation in the Coast Province will improve and the poverty line will go down. There is also need to immediately start a factory based in Coast Province which can create employment and increase economic activities and thereby reduce the poverty line. There is also firewood which comes from the coconut tree.

We can only get this industry working if the Government can provide adequate water supply in the coast region so that these trees can survive even when there is no rainfall. Alongside the water supply, we will also require power, because even the palm wine which will be produced has to be stored. If it is not stored, it goes sour, and if it goes sour, then it becomes more intoxicating. When you drink it, you smell of *mnazi* throughout the day. But that is not what we want. We would like to have some adequate drink which makes an individual feel happy, but not to get drunk because of the fermentation process which has taken place.

Mr. Deputy Speaker, Sir, we would also like to have some good road network in the coast region so that we are able to transport all these products to the market. At the moment, there are so many *makutis* for sale at Mazeras Town, but there is no transport available to Nairobi, Nanyuki, Nakuru, Eldoret and many other towns, and yet this is a cheap material which can be used by everybody in this country for cleaning their compounds.

There are STABEX funds for development of areas under coffee production in some other areas, and yet in Coast Province there is no fund for coconuts, mangoes and other products. My colleagues are supporting me, that we should have such a fund so that the people of the coast region can exploit the natural resources which are available in the area, and improve their standard of living. Majority of parents have been educating their children using the coconut

and other products. They have been selling those products and raising school fees for their children. That, therefore, means that if the Government can put more emphasis on improving that particular product, many people will be happy because they will not be sleeping hungry on any particular day. They will be able to have their daily bread because of the availability of adequate food. We are also saying that we are not encouraging excessive drinking---

**Mr. Deputy Speaker:** Order!

**Mr. Mkalla:** I support the Motion.

**Mr. Deputy Speaker:** It is now time to call upon the Mover to reply.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, first of all, let me thank all my colleagues who have supported this Motion. I also support the amendment which has been moved by the Government. It is a slight amendment which will not change the objective of the Motion. I urge Members to accept that when this Bill is brought here, we will have the same motive of supporting it, so that we can pass it into law as quickly as possible. As I promised this House, I will definitely consult with the stakeholders, together with the Attorney-General, to make sure that, that Bill comes to this House very quickly.

There will be jubilation and happiness by the coastal people when they hear that today, this House has accepted that a Bill on palm industry is to be brought. It has always been the dream of the coastal region, especially the coconut farmers. I want to say that other Acts that are outdated should also be brought to this House for amendment. We are having a lot of problems with outdated Acts, especially the Acts which are making the coastal people squatters in their own region. We have over 150,000 coconut farmers, but we will also have to deal with the squatter problem because most of them might have grown the coconut trees on pieces of land which do not belong to them.

Mr. Deputy Speaker, Sir, let me say again that I thank my colleagues for accepting the Motion and for supporting me. I thank the Government for supporting the Motion.

With those few remarks, I beg to move.

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

*Resolved accordingly:*

That this House do grant leave to introduce a Bill in consultation with the Attorney-General and other stakeholders, entitled the Palm Industry Bill to re-activate development of sustainable coconut and other palm farming in Kenya.

SELECT COMMITTEE TO INQUIRE  
INTO ORGANISED GANGS

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, whereas the Kenya National Assembly is committed to the rule of law and protection and promotion of the sanctity of life, and considering that the presence of armed pseudo-political gangs constitutes a potent threat to peace and security in our country; this House resolves to set up a Select Committee to inquire into and report on the origins, nature, extent and ramifications of those organised groups, and recommend necessary remedial action to remove the threat such groups pose to the country.

Mr. Deputy Speaker, Sir, this country is on the brink of a critical historical moment. We are on the brink of not only a presidential succession, but for the first time, creating an institution which we have never had in our history; a former President who is not dead! At such a time, we have to experiment with mechanisms that we may never have thought about before. It is a time when we have to look at methods that have not worked in the past in political competition, and try to see if we can help to reduce tensions that are inevitable to build in our country because of the unprecedented succession. But one of the main anxieties of a country that is experimenting and building democracy is that it has very fragile institutions; that the mechanisms for due process are very vulnerable to manipulation and abuse. The tempers, angers, furies and fears that come from an accumulated history of mistakes can destroy a very fragile, delicate transitional system.

Mr. Deputy Speaker, Sir, at such times, it is incumbent upon leaders to ask themselves: "What is it that we

have not done, that we need to do, to make things better?" One of the things that this country has never done is that it does not have the capacity to look at itself in the mirror. Since the days of MAU MAU to the present, Kenya has never created any mechanism through which it could look at what it has done, what it has done wrongly and try to do things better. If we lived in a society where leadership was more saved with the collective responsibility to avoid past mistakes from being repeated, we would have had a major exercise in truth and reconciliation since the past large-scale political clashes in this country, referred to euphemistically as land clashes; that is, the 1991/92 political clashes.

But, Mr. Deputy Speaker, Sir, in a typical Kenyan way, we bury our heads in the sand, pretend that once people stop talking about the problem, that problem has stopped to exist. We forget the reality that when you cover up a wound, it festers and becomes more painful, and scars do not disappear from the collective psyche.

The next consequence of a society which refuses to look itself in the mirror to address the mistakes it has made in the past--- is the accumulation of fear by perpetrators, and accumulation of vengeance by the victims. The next effect is a society where the cost of political defeat escalates. The fearful, when they are in power, are petrified by the prospects of not being in power, because they fear that there will be vengeance against them. The bruised, when they are out of power, escalate the cost of trying to get into power, partly for fear that they might be victimised again. A normal society is not supposed to operate like that. But we have not exercised our politics in a way to suggest that we are a normal society.

Mr. Deputy Speaker, Sir, a casual look at this Motion could lead the naive to think that I am looking for an opportunity to start carrying out a census of crimes of omission and commission by the Government or the State. I think that is a naive view of this matter. When we are faced with an opportunity like this, our responsibility goes beyond trying to point fingers. Even the weakest in our society have the capacity to point fingers. Our responsibility calls upon us to say: "What is it that we have been doing wrongly; and to what extent has it damaged the body politik; and what is it that we can do to avoid things from escalating in our society?"

Mr. Deputy Speaker, Sir, the nature of the gangs that can be seen as pseudo-political is very threatening and very dangerous in our society. First of all, may I just state out what I am calling pseudo-political gangs. There are three categories. The first category is gangs, bandits and bands of persons, usually young men, who are recruited, mobilised and organised specifically for causing violence in a nature that is for political benefit of someone, or against the political benefit of another one. That is simply put. One category of a political gang can be a group which is specifically set up for purposes of politics. "*Sisi ni jeshi la mtu fulani au la siasa ya chama fulani*". Their consciousness is that they are organised for purposes of prosecuting the politics of a certain group; or fighting the politics of another group!

Mr. Deputy Speaker, Sir, a second group is a loose band of available young men or youths who can be hired for a cause that has political ramifications. They do not need to be affiliated to any political group, for example, the Baghdad Boys. During one month, they may be executing the politics of Mr. Raila and the next time they are executing the politics of Mr. Orendo. The target of the violence at a given time depends on who is their paymaster at that particular time they are executing that policy. They are not a standing "army" of any particular political group. That is a most common phenomenon when you look at the dynamics of urban politics in this country today. When you look at the violence that has been happening in Dandora, Kariobangi and Kibera, the phenomenon you will see is an army of youths who are mobilised for a fight that has political ramifications. But there is no permanence in their political loyalty. It is an offshoot of massive poverty in our society, that unemployed youths in desperation are vulnerable to manipulation by us political leaders.

Mr. Deputy Speaker, Sir, sometimes when we talk about the phenomenon of political gangs in the country today, people might think you are talking about the 1992 violence because of the so-called tribal clashes. The reality is that this is a phenomenon of today.

In an interesting recent survey carried out between January to March, 2002---

**Mr. Deputy Speaker:** Survey by who?

**Dr. Kituyi:** It is a survey by a group of six eminent human rights NGOs under the auspices of the Central Depository Unit. It is a non-profitable organisation that was registered in Kenya on 1st August, last year. A survey of just four months of this year---

**An hon. Member:** By who?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I beg that I be allowed not to fall into repartees that diminish the significance of a matter that is important.

**Mr. Deputy Speaker:** If you simply ignore them, they will not repeat it!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, if you just look at the first four months of this year alone, political thuggery by organised groups or youths with political affiliations have done the following. They assassinated a civic candidate in Isiolo North. They were involved in something that looked like an attempted assassination against an hon. Member of this House. That was on 18th March, 2002. On 28th February, this year, in Kuresoi, a group of 10 youths smashed the car of one hon. Member of this House. One of the tyres of his car was shot at with a gun and as a result, it burst

**An hon. Member:** Who?

**Dr. Kituyi:** Hon. Kipkalya Kones!

Mr. Deputy Speaker, Sir, in the same period, there were four cases of assault on opposing groups in Laikipia East, Embakasi and Langata. There was an obstruction of a group of politicians---

**Mr. Mwenje:** What are you talking about?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I am talking about how you have been a victim of these organised gangs.

There was obstruction by a group of youths against an hon. Member of this House when he was going to a function in his own constituency in Cherangany. There were two cases that we could call political thuggery in Kasarani and Embakasi. There were three cases of organised group looting of residences of persons because of their political differences in Molo and Samburu West. There were six cases of deliberate destruction of property for purposes of political statement in Mvita, Samburu West, Embakasi and Changanwe. There was one case of eviction and displacement of a family in Langata Constituency because of the political affiliation of the head of that family. There were two cases of possible violent disruption of public meetings in Mwingi North and Westlands.

Mr. Deputy Speaker, Sir, all these happened during the first four months of this year.

**Mr. Deputy Speaker:** What is the source of your statistics?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I can avail this statement to the Speaker.

**Mr. Deputy Speaker:** No! What is the source of those statistics?

**Dr. Kituyi:** The sources are researchers on the ground and cases which have gone to court. For example, with regard to the cases which occurred in Nairobi, virtually all of them have involved litigation processes.

But the main thing I am trying to mention in those cases is simple, that the phenomenon of politically organised thugs is real. It is serious and it can escalate out of control. It is the responsibility of leaders to think how we can retreat from the precipice. I think we have a responsibility. This country's economy is in dire straits, therefore, any escalation of uncertainty, collapse of the due process, any threat to peace and order further diminishes the possibility of attracting new investments, and increases the already worrisome major trend of flight of capital from Kenya into Uganda and Tanzania. I do not want to attempt to apportion responsibility and blame to any political party, but the State, of course, automatically has certain problems. The State should have been the lead actor in an attempt to seek across-the-board consensus in political class, that we will be sitting in the corners of our political affairs. The Government should play the lead role in the enactment of comprehensive legislation, not just an electoral code of conduct, but stringent legislation, including the possibility of being excluded from an election if you are involved in acts of incitement, political banditry, irresponsible and reckless inciting language at political functions.

Mr. Deputy Speaker, Sir, if you look at the anatomy of the past ten years of political violence or hooliganism, a number of features come out very clearly. One is the selective use of law. The flip side of the selective use of law is the politics of impunity. You remember from the day when you and I were in the same political party, one prominent public person called Leitich, in a public rally, told people to arm themselves with pangas and knives to cut off the fingers of people who showed the two-finger salute of the Opposition. That person was not even reprimanded; instead, he was nominated a councillor after the 1992 General Elections. This was a statement of reward for criminal incitement. There is another thing, the ethnic balkanisation of this country. According to statistics gathered by efficient and credible research organisations, between 1991 and 1997, the action of the so-called ethnic and land clashes and displacement of persons, distorting the political and electoral time-table and calendar had the consequences of destroying more than 4,000 lives and disenfranchising more than 600,000 Kenyans. One of the consequences of that kind of phenomenon is that when people see that they are likely to fall prey to a pseudo-political army and the State is not standing up to protect their citizens' rights, they are very easily seduced to start "herolizing" those among them who also create counter-armies. This is a phenomenon that is also worrisome. Today, you will see members of

the Opposition who try to imitate members of the Government by having their own political army, for example, *Jeshi la Embakasi*, *Kamjeshi* and such other groups. They become heroes of a criminal activity. If we will surrender Kenya to the competition between politically organised armies, some from the Government side and others from the Opposition side, where are we headed?

There was a very interesting statement recently from my friend, Mr. Raila, when my other friend, Mr. Orengo, said they were to organise mass action. The hon. Minister said, "Let them try. Who do they think they are? They do not know how to organise mass action. Let them organise and they will see those of us who know how to do these things." What is the heroism about it? They are competing about who is more mature than the other in organising criminal gangs to slaughter each other, to prove that they are the "boss" in organising criminal violence politically. If we live in a society where we recognise this kind of public posturing as political leadership, we are a perverted society. But our God is not so unkind as to sentence Kenya to an entire perverted political class. There must be some in that class who have the capacity to rise above the primitivity gang organisation of violence and counter-violence. There must be some people in our society who are ready to investigate into the genesis of this crisis and defuse this bomb before it consumes the whole of our society. This bomb can easily consume our society; paranoia by politicians clothed as ethnic fear when persons face a serious threat to their political survival and ambitions; they dress their political aspirations as the hopes of their tribes. These politicians start to talk about their tribes being threatened and their people being finished. They also start spreading gossip about other tribes starting to take oath. This phenomena will destroy our country.

Mr. Deputy Speaker, Sir, there was a matter I mentioned here sometime last year and we did not come back to it. Two years ago, there was an incident in this House when there was a programme of hon. Members of Parliament going out to eat goat together. One evening, at the rise of this House, hon. Members of this House followed one of their colleagues, ostensibly to go and eat goat together. When the hon. Members got there, they found people in military fatigues, who surrounded them with AK47 rifles, forced the hon. Members to take an oath, and threatened them with violence if they came to talk about it. These are hon. Members of this House. These hon. Members are too scared to talk about that incident. But they took an oath in the life of the Eighth Parliament.

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. This allegation is a bit too grave to be allowed to pass. Could Dr. Kituyi substantiate his allegation? Could he tell this House whether he was part of those hon. Members of Parliament who were forced to take the oath? This is because some of us might be inferred to have been part of that group. Could Dr. Kituyi tell the House the hon. Members he is talking about?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, first of all, I would like to state that neither I nor Mr. Muite was a member of this group. But I would further like to say the following. The *nyama choma* occasion was that time to be hosted by the hon. Member of Parliament for Limuru. The other hon. Members who went on that trip were victims against their wish; at least, most of those who talked to me. If I mention these hon. Members here, it will appear as if they consciously went to take an oath, and it will add to the growth of a sense of anxiety and counter-ethnic anxiety, which is the same problem that I am trying to fight against.

But the reality is that we have to look ourselves in the eye. Kenyans call us leaders and pay us dearly. We owe it to posterity that we have to do everything within our possibility to defuse the threat of violence in this critical transition year. One of the best ways to do that is, across the political divide, say that let us now face it. There is no political party that is solely to blame. There have been cases where some political parties are more to blame than others, but there is no single political party which is clean in this matter. We have all seen and fallen short of the grace of the Lord. Are we all ready to repent and seek---

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. Dr. Kituyi has been talking about hon. Members of this House being forced to take an oath. This House is entitled to know the nature of that oath. Was it taken for violence against any group here? I think we are entitled to know who those hon. Members were. Could the Chair ask Dr. Kituyi to---

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I am very glad that the hon. Member is interested in that issue. I am also very much interested in that information. If you look at the substance of my Motion, you will realise that it is seeking that this House establishes a Select Committee to inquire into that phenomenon. After this House has passed this Motion, I want us to have answers to those questions. We would like to see the morphology and the anatomy of this oath and the hon. Members who took it. We should be able to answer the question: What is the significance of this problem and how can we remove it from our society?

**Mr. Deputy Speaker:** In any event, naming those hon. Members does not prove anything!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, to name hon. Members does not even answer any question about what was the purpose of---

**Mr. Deputy Speaker:** Order! The hon. Members themselves should be prepared to come to the House and agree that they were forced to take that oath!

**Dr. Kituyi:** Thank you very much, Mr. Deputy Speaker, Sir. I hope that for the dignity and honour of this House, hon. Members will always try to find opportunities, when such ugly phenomenon occurs, to cleanse our collective side and redeem our collective image as leaders by using the facilities of this Floor to condemn such things that they are forced into, which negate the dignity and honour of this House.

We cannot prescribe solutions to mounting political tension without understanding the problem. We have to diagnose the problem first. Like Mr. Munyasia, I am interested to get the diagnosis of the problem. The substance of my Motion is very simple; that this House avails itself the earliest opportunity to set up a Committee of the House--- The Chair can see that I have deliberately avoided to include the list of the hon. Members of that Committee. I do not want us to approach this matter in a partisan way. I want it to be a concessional exercise which the House will collectively own. The leadership of the various parties in the House could, by consensus, put together the list of persons who could do this job, without abusing the privilege bestowed on them, by pointing fingers at each other and apportioning blame on political parties and politicians. That is the principal reason why I am seeking to establish a Select Committee of this House. But I am not seeking to identify who will be members of that Select Committee.

Mr. Deputy Speaker, Sir, if we got to know the extent of the political growth--- A study facilitated by the Centre for Conflict Management and the Friedrich Ebert Foundation states that the number of armed gangs in this country is 66. There might be some which are associations to protect the right of some touts to collect levies at certain bus stations. There might be others set up by a co-operative movement to counter *Jeshi la Embakasi* in competition over some piece of land. But there are others which are set up with impunity by persons who tell their supporters: "We, are going to protect you if you take away the lives of politicians whom we do not like." I would like to quote what an hon. Minister of this House said while addressing one of the gangs this year, at a market place in Igembe. "We the politicians, as the main consumers of political gangsterism--- You can kill whoever opposes us and I shall take care of you all. Even if you kill or beat an opponent thoroughly, you shall not be brought to justice because I shall cover for you." This statement was attributed to a Minister in this Government and was recorded in the daily newspapers in this country.

Mr. Deputy Speaker, Sir, this shows that impunity did not end with Mr. Leitch in 1991. It shows that even today, we could threaten violence [**Dr. Kituyi**] against other human beings whom we know!

With those remarks, I beg to move and call upon Mr. Kihoro to second.

**Mr. Kihoro:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to second this important Motion which seeks to set up a Select Committee to look into the origins, nature, extent and ramifications of organised violence in this country.

Mr. Deputy Speaker, Sir, Chapter 5 of the Constitution of Kenya does protect the fundamental rights of every Kenyan. Nonetheless, those rights have been violated, and yet, everyone has got the right to life. Many innocent people have been killed in this country. Those gangs started as a low-key event to coerce some Members of this House in 1965, who refused to be in line with the Government of the late father of Uhuru. We do remember that the late Pio Gama Pinto was killed on 12th February, 1965 and the same fate befell the late Tom Mboya in 1969. There was also the Kisumu massacre in 1969 when very many innocent people were killed. That was a spill-over from the murder of Tom Mboya. We did also lose Kung'u Karumba, a famous freedom fighter, and J.M. Kariuki in 1975. The father of Uhuru must have known what happened and his Attorney-General at that time, Mr. Charles Njonjo, failed to take the necessary action to protect the lives and properties of Kenyans. It is important that before some of those people meet their Creator, they are brought to book. We also know of the case of Dr. Robert Ouko which occurred before political violence became an article of trade in this country. The 1990s have been full of political violence in this country.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker]*

(Mr. Imanyara) took the Chair]

In 1991, President Moi did state very clearly that as soon as we have a multiparty system in this country, we will be having political violence and this country will be divided along ethnic lines. The President did repeat these words yesterday in Nanyuki. That is the reality, and that is why it is important to set up this Committee to do a good job by protecting lives and property in this country. Innocent people have been killed as a result of political thuggery, and at the top level they do not play political football; they play with human lives; they do not play it on the pitch, they play with human life.

Mr. Temporary Deputy Speaker, Sir, political violence has existed right from the coastal region to Western Kenya. There are very many cases that we do remember, especially those which took place in 1997, on people from upcountry. People were killed from upcountry because they were opposed to the election of certain people. Indeed, some of them have been elected to Parliament and one of them is Mr. Shakombo.

Mr. Temporary Deputy Speaker, Sir, I have a report here which shows that Mr. Shakombo had his own gang and used to meet and feed them. I also did report to the Commission on tribal clashes that was chaired by Justice Akiwumi. Mr. Shakombo did meet with the Police Commissioner and some of the leaders provided food and medicine to such gangs. I am reading from a report of an International Organization on Human Rights Watch. Mr. Shakombo had done all that, and he lives with impunity and recently became an hon. Member of the ruling party.

Mr. Temporary Deputy Speaker, Sir, you can see where some of these hon. Members are going; they come and pay lip service to the Opposition and before long you find them in the Government. That is where they have always belonged; their heart is there and that is where it has been; it has never been with the Opposition. Physically, they could be in the Opposition, but mentally and spiritually, they are part of the Government. It is very important that we set up this Select Committee so that we can protect the lives of innocent people.

Mr. Temporary Deputy Speaker, Sir, recently, the Minister in the Office of the President, Mr. Sunkuli, did purport to ban some of these organisations. I must say, according to my knowledge of the law in this country, the notice that has been in the Special Gazette of the 15th March, 2002, could well not have any legal effect. The Minister did ban some of the pseudo-political gangs and I can see they range from *mungiki* to *chinkororo*. Some of them, like *Jeshi la Embakasi* that is sponsored by one of the Assistant Ministers in the Office of the President, is also in this---

**The Minister of State, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): You will come to reply!

**The Minister of State, Office of the President** (Mr. Sunkuli): It is a question of misleading, Mr. Temporary Deputy Speaker, Sir. I do not think that the hon. Member is right to mislead the House. *Jeshi la Embakasi* is, in fact, sponsored by somebody from the Opposition.

**Mr. Kihoro**: Mr. Temporary Deputy Speaker, Sir, the most important thing is that, such gang is being sponsored by an Assistant Minister in the most important office in this country, while there is---

**Mr. Mwenje**: On a point of order, Mr. Temporary Deputy Speaker, Sir. The two speakers, Messrs. Sunkuli and Kihoro, are talking about *Jeshi la Embakasi*. I am the hon. Member for Embakasi Constituency and I am not aware that there is such a gang existing anywhere in Embakasi!

**The Temporary Deputy Speaker** (Mr. Imanyara): That is not a point of order!

**The Assistant Minister for Trade and Industry** (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member contributing to allege that a particular individual in the Office of the President is involved in the leadership of a gang called *Jeshi la Mzee*?

**The Temporary Deputy Speaker** (Mr. Imanyara): The Minister has already responded to that!

Proceed, Mr. Kihoro!

**Mr. Kihoro**: Mr. Temporary Deputy Speaker, Sir, we know that hon. Gumo has been the commander of *Jeshi la Mzee*! It is listed as number two on this list, and I do table the list. I think the Minister must have realised the potency of *Jeshi la Mzee*. That is why he has stood up.

(Mr. Kihoro laid the list on the Table)

**An hon. Member**: Which Mzee?

**Mr. Kihoro:** Everybody knows which Mzee! And we know very well who that Mzee could be, and that is none other than the hon. President.

**The Minister of State, Office of the President (Mr. Sunkuli):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Under our Standing Orders, is Mr. Kihoro really in order to associate the President with *Jeshi la Mzee*? Of course, *Jeshi la Mzee* has nothing at all to do with the President.

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, certainly, the person behind *Jeshi la Mzee* cannot be my father, although he is also a mzee.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Kihoro in order to table a document without telling us what it is?

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, I have tabled a photocopy of the special issue of the Kenya Gazette Supplement No.20 of 15th March, 2002.

What is important here is to set up the proposed Select Committee, so that we can look at our history from 1963, when this country became independent, and look at the escalation of political violence in this country from 1963 to date. We know that people have been coerced in this country. Even before Kenya became a one-party state in 1982, there was political coercion. The trend continued even after the re-introduction of multiparty politics in this country. We know how much the Government has been involved in political violence since 1982, against people opposed to its leadership. It is important that we set up the proposed Select Committee. The Committee will be objective, in accordance with our Standing Orders. Dr. Kituyi has not proposed names of persons to sit on the proposed Select Committee. So, it will comprise of objective hon. Members of this House.

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

*(Question proposed)*

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I wish to commend Dr. Kituyi for bringing this Motion, which I trust will be passed by this House, and especially supported by the Government, including the Minister in charge of internal security.

This Motion gives this House an opportunity to rise to the occasion in order to contain violence before it gets out of hand. Violence begets violence. Without, in any manner, supporting *Kamjeshi* and other groups that are trying to meet violence from other quarters, I want to say that Kenyans have privatised security because of failure by the Government to enforce law and order. When the police cannot maintain law and order, and when they stand by as groups of thugs mete out violence on other people, the people put in place private security arrangements. That is what I mean by saying that Kenyans have privatised security. You set up your own security machinery because you know that the police will not protect you.

Mr. Temporary Deputy Speaker, Sir, failure by the police to protect the people is the root cause of the problem of violence in this country. This started with the culture of violence, which was institutionalised and embraced by the current Government as an instrument of governance. Many of us have been subjected to this kind of violence. We actually see the police grin as we are beaten up by hired thugs and goons. The Provincial Police Officer, Rift Valley, was present when we were being beaten up in Nakuru; he and his officers were smiling. It is such incidents which make people feel that they have no alternative but to also arrange their own private security. So, it is a very bad situation where the Government uses violent hooligans and goons to deal with its political opponents. We have seen these goons in the precincts of Parliament. Some of us have been stopped from even leaving Parliament Buildings by these goons.

Mr. Temporary Deputy Speaker, Sir, you will remember an incident where some people were hired all the way from Narok. On that particular occasion, Mr. Sunkuli was not involved at all. They were brought here in lorries, and carried swords in full view of the cameras for the purpose of intimidating hon. Members of Parliament. What I am trying to say is that the hon. Member for Embakasi Constituency can be understood, if not pardoned. Because the police will not protect him, why should he not set up his own *kamjeshi*? This will beget violence. I am not saying that this is a good thing, but I am saying that we should go to the root cause of it. This is why it is a very good thing for us to set up a Select Committee of Parliament so that we can have our own reports on the situation.

Up to now, you hear the Government refusing, despite court orders, to release the Akiwumi Report. Does that not go to show that, truly, the Government is interested in continuing to use violence in order to deal with its political



opponents? On one occasion, my car was smashed. Every piece of glass; the headlights, the windscreen and the rear mirrors were smashed at 4.00 p.m. outside the Inter-Continental Hotel. The taxi drivers who were there followed the people who had done that job arrogantly, and they walked all the way and entered Parliament Buildings, presumably to come and report to whoever had sent them to do so. We have gone through this violence as you know. Some of us have had our vehicles splashed in broad daylight with human shit in buckets. We have gone through all this violence, and it is the Government that actually uses these goons. So, we are saying that the proposed Select Committee must go to the root cause of this violence.

The Government must stop immediately using violence in order to deal with its political opponents. It must renounce violence so that Opposition hon. Members, who are also being forced to privatise their security, can now rely on the police. The police have got to protect us. If the police do not protect us, we have got a duty to protect ourselves. That is what happens in every area. We plead with the police and they refuse to take action.

You are aware that even as we talk now, no party or individuals can organise a political rally without arranging their security privately. They cannot rely on the police to protect them. So, what are we to do when the police refuse to provide security to us?

The reason for this violence is not just political. If you look around all the urban centres, not just Nairobi, you will find that nobody relies on the police any more. We have completely privatised even our individual security. Even the companies go to security companies such as M/s Ultimate Security. When you press a button, M/s Ultimate Security will respond quickly, but the police will arrive at the scene long after the criminals have gone away. The Government is the one that promoted this culture of violence, and it has become entrenched in our society. We are talking about a very dangerous situation because violence begets violence.

The other day, I was going to attend a function in my constituency and I found the police in the middle of a gang of *Mungiki* youths and another gang of *matatu* touts. Both groups were telling the police to just go home and leave them alone to sort out their differences. Each group had their own pangas and all manner of weapons. We must get rid of it! That is where we must start. Let the Government renounce the use of violence. Let the Government assume responsibility, through the police, of maintaining law and order. Let us preach reconciliation and test as to whether the Government is going to renounce violence or not, or is going to come along with this Motion. If they oppose it, the message will go out loud and clear that the Government wants to continue using gangs, hooligans and hired goons to politically deal with their opponents. There can be no rational reason for opposing this Motion. If it is opposed by the Government, then I am asking Kenyans to really see that there is proof. No further proof is required that this is a Government that actually supports the use of violence. This will be a message that the Government is sending a signal to all the Kenyans that if they want to secure themselves, they have got to hire their own private armies and arrange for their own security.

Mr. Temporary Deputy Speaker, Sir, ultimately, that is what leads to disintegration of a nation. Disintegration of Somalia and Rwanda did not start in any other manner. Some people may think that only them have got a monopoly of violence. Nobody has got a monopoly of violence. You start violence today and then your neighbours or your opponents start arming themselves and then it goes on and on. You may have the advantage because you are well-connected and you are not prosecuted. Those who are better politically connected are not prosecuted. These are the sort of things we are talking about.

Mr. Temporary Deputy Speaker, Sir, although we are now talking about a transition, without addressing the use of violence, what sort of transition can we have? If we are going to have a transition, we must have transitional justice. If we are going to have transitional justice, the facts must be established. Before we talk about immunity, first and foremost, the facts must be established. Those who are guilty of violence, political murders or these clashes must be known. Who sent them and what were their motives? If at that point in time, they were then to ask for amnesty, then we can give it after we pay compensation to the victims. However, this country must not talk about amnesty before justice has been done. There cannot be any question about it.

I strongly support the Motion.

**Mr. Mwenje:** Thank you, Mr. Temporary Deputy Speaker, Sir. Unfortunately, there is not much time. Having been accused of owning my own *jeshi*, I must now say that these *majeshis* are necessary because the Government has failed to provide security to particular individuals and communities. What else would one do?

**The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the hon. Member has confirmed owning a *jeshi*, could he tell us

its name so that we know it?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I will be coming to that. The hon. Member is

coming to the scene too early. There are many! The list of the names of these *majeshis* has been tabled and it could be in it.

Mr. Temporary Deputy Speaker, Sir, the Government will not be allowed to create a vacuum, particularly in the area of security. If I feel that I am not secure wherever I am, then I will look for some means to protect myself since the Government is harassing wananchi instead of protecting them. I have been a victim, as hon. Dr. Kituyi said earlier on. I have been taken to court 47 times for doing nothing. If I was a criminal, I would not have been elected for 23 years to come to this House, while some people, like my friend, hon. Affey, came here only the other day while I have been elected and re-elected. If I was a bad person, I would never have been elected.

Mr. Temporary Deputy Speaker, Sir, the truth of the matter is that the Government has reneged on its duty. It has failed to do its duty and that is the cause and origin of these *majeshi*. I must also say that the first *jeshi* which was *Jeshi la Mzee*, and which was formed by a particular Assistant Minister in the Office of the President, was actually the cause of all these other *majeshi* coming up. This happened when we realised that it was formed to harass particular people and for rigging purposes in the general elections. Of course, any person in his rightful mind will realise that another *jeshi* must be formed to counter that original one. That is why we have *majeshi* in Kenya and Somalia. Just in case Somalia attacks us, then we also attack them. Equally, that is exactly the same reason why we have *majeshi* around, and they will be there as long as---

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mwenje, you will be able to continue next Wednesday. However, for the time being, it is time for the interruption of business and, therefore, the House is adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.