

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th April, 1996

The House met at 9.00 a.m.

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

PRAYERS

NOTICES OF MOTIONS

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

NATIONAL CONSTITUTIONAL CONVENTION

THAT this House resolves that a national Constitutional Convention involving the participation of the Government, political parties, spiritual bodies, the Trade Union Movements, professional organizations and all civic groups presided over by a Chairman elected by the participants be established immediately to set the terms and principles of a new Constitution for Kenya, to be written and brought to Parliament for debate and enactment well before the next General Elections.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I beg to give notices of the following Motions:-

DELIBERATIONS OF SELECT COMMITTEES

THAT, in view of the fact that this House cherishes the principles of good governance, transparency and accountability, and noting that the Government of Kenya is a Parliamentary System of Government founded on the rule of Law, this House resolves that the deliberation of all the Select Committees be made public and that the necessary amendments to the Standing Orders be effected.

REPEAL OF OPPRESSIVE ENACTMENTS

THAT, noting that the repeal of Section 2(A) of the Constitution has not *per se* established a democratic and civil society in Kenya, this House resolves that the Attorney-General takes expeditious measures to enable Parliament to repeal the Public Order Act, the Chief's Authority Act, Vagrancy Act, Preservation of the Public Security Act, Sedition Laws and other oppressive enactments.

ESTABLISHMENT OF IMPLEMENTATION COMMITTEE

THAT, in view of the fact that this House cherishes the principles of good governance, transparency and accountability, and noting that the Government of Kenya is a Parliamentary System of Government founded on the rule of Law, this House resolves to establish a Standing Committee to be designated Implementation Committee; to scrutinise the decisions of the House and the undertakings given by the Government on the Floor of the House and report on:-

- (a) whether or not such decisions and undertakings have been implemented; and,
- (b) where implemented, the extent to which they have been implemented, and whether such implementation has taken place within the minimum time necessary for the purpose.

ORAL ANSWERS TO QUESTIONS

Question No. 061

SUB-DIVISION OF KABUOCH LOCATION

Mr. Ojode asked the Minister of State, Office of the President, when Central Kabuoch Location currently with four sub-locations will be sub-divided into two locations since the recommendations had been done by the District Development Committee (DDC), Homa Bay.

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

According to the District Development Committee (DDC) records in Homa Bay District there is no recommendation to sub-divide Central Kabuoch Location into two locations. The sub-division will be considered once the Ndhiwa Divisional Development Committee (DDC) makes its recommendation to the District Development Committee, Homa Bay.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister's answer is very unfortunate. This location is as big as Kuria District and Minute No.4/95 had given recommendation to sub-divide this location. So, if the Assistant Minister is saying that the recommendation had not been made, he must be very much ignorant on what he is doing. I have already even spoken to the Provincial Commissioner (PC) and he has agreed---

The Temporary Deputy Speaker (Mr. Wetangula): What is your Question?

Mr. Ojode: Since the PC had agreed that the sub-division is going to be done, could the Assistant Minister consider speeding up the sub-division so that we can have another Chief within Central Kabuoch Location?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, as soon as we have the recommendation this will be considered. It is possible that the Minute that the hon. Member is quoting exists, but it has not reached us at Harambee House. As soon as it gets to Harambee House, consideration would be given. However, there is no guarantee that, the location will be sub-divide at this time. After all, it is on the Opposition Side where there has been a lot of maneno that there are too many locations and sub-locations being created.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, arising from that reply, is the Assistant Minister aware that this is not only happening in the hon. Member's area? Some of us recommended for the splitting of the locations which were very big and the Minutes were sent. I do not know what is happening. Could he find out why there is that delay between the Provincial Administration and the Head Office, and report to this House.

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, as far as this Question is concerned I will check up and find out whether the recommendations of the District Development Committee have not reached Harambee House.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, arising from the Minister's reply, could he tell this House when is he likely going to bring to the House his findings from the Office of the President and the Provincial Administration so that he can come and give us the information.

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, which findings is the hon. member talking about?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister said that the sub-division had not been recommended by the DDC. Now that I have given him the minute number 4/95, could he assure this House that he will come with a recommendation and he will split this location because getting a district through payment of homage is more expensive than getting another location? Could he tell this House when he will come with the recommendations that the location is going to be sub-divided?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I will not be in a position to come and tell this House that the location will be sub-divided on such and such a time. I will come to this House to state that indeed the minute has been received and consideration is being given.

Question No. 079

IMPORTATION OF CHEAP SUGAR

Mr. Achola asked the Minister for Agriculture, Livestock Development and Marketing:-

(a) whether the Minister was aware that the sugar-cane industry is threatened with imminent collapse following the importation of cheap sugar in the country;

(b) The Minister could give a list of all sugar importers since January 1995 to date and state how

much transit sugar has passed through the Port of Mombasa since January, 1995 to date; and,
(c) what definite action the Minister is taking to save the sugar industry.

The Temporary Deputy Speaker (Mr. Wetangula): Is anyone here from the Ministry of Agriculture, Livestock Development and Marketing? We will leave that Question until the end then. Next Question, Bishop Kimani.

Question No. 023

COLLECTION OF PRODUCE CESS

The Temporary Deputy Speaker (Mr. Wetangula): Bishop Kimani is not in? We will drop this Question then.

(Question dropped)

Next Question.

Question No. 051

PROFITS SHARE FOR PRISONERS

Mr. Nthenge asked the Minister for Home Affairs and National Heritage what programmes the Ministry has put in place to ensure that prisoners get a share of profits from the goods they produce while in custody.

The Minister for Home Affairs and National Heritage (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Prisoners are employed in various rehabilitative programmes mainly prison industries, prison farms and prisoner's hobbies and handicrafts schemes. According to Kenya Prison Service Standing Orders Chapter 3 Section 33, prisoners employed in the above programmes will receive two thirds of the profits after the articles produced are sold.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, if an item is sold after a prisoner has been released what does the Government do?

Mr. F.P.L. Lotodo: Mr. Temporary Deputy Speaker, Sir, after the item has been sold, the two-third is kept until the prisoners release upon which he is given that two-thirds.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir ---

The Temporary Deputy Speaker (Mr. Wetangula): Order Mr. Nthenge! I have not given you the Floor. Mr. Muite, proceed.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I thank you. Through you, may I inquire from the hon. Minister why the regulations he referred to are not being applied to Koigi Wamwere, G.G. Njuguna and Kuria? Why are they not being given work to do and why are they not being given profits that would accrue from the work that they would do? Why are they being discriminated against?

Mr. F.P.L. Lotodo: Mr. Temporary Deputy Speaker, Sir, Koigi Wamwere and the other two are not working but waiting for their appeals. After their appeals, if the court still finds them guilty, then they will be allocated duties and if they fall under any of this category I have just mentioned, they will be given two-thirds, but not now.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, since the prisons major idea is to rehabilitate a convict into a better person, what follow-up do you have of these prisoners when they finish their terms so that they keep on working and earning an income so that they do not turn to criminal activities again?

Mr. F.P.L. Lotodo: Mr. Temporary Deputy Speaker Sir, that is a different question in the sense that the moment we release a prisoner we do not follow him because he is no longer a criminal. Why should we have a policeman or a prison warder following him?

Mr. Mutahi: Mr. Temporary Deputy Speaker, Sir, first of all I would like to know the relationship between the prisons and a school called Sunshine School because I pass through that road everyday. In fact, I have just passed through there now and there are so many prisoners working in that school. Can you tell us the relationship between that school and the prisoners and how they benefit after working in that school?

Mr. F.P.L. Lotodo: Mr. Temporary Deputy Speaker, Sir, I did say last year that sometimes we offer Government Institutions free labour by using prisoners. In the High Court, for example, if you go there today, you will find prisoners sweeping. This also applies to the schools.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! Next Question, Mr. Njenga Mungai.

Question No. 057

ILLEGAL ALLOCATIONS OF LAND

Mr. Kamuyu, on behalf of **Mr. J.N Mungai**, asked the Minister for Lands and Settlement what immediate steps he intends to take to stop illegal land transactions and allocation of public utility facilities, such as road reserves, in Molo, Elburgon and Njoro townships.

The Minister for Lands and Settlement (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

All land allocations done by the Ministry are legal and are carried out under the provisions of the Government Land Act. I am not aware of illegal land transactions in Molo, Elburgon and Njoro. If the hon. Member has specific cases, then he should report to the police for appropriate legal action. I am also ready to carry out appropriate investigations if the hon. Member can give the necessary details.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, occupation of road reserves is not a police matter but that of the Ministry's officials. I have talked to the area Member of Parliament and I know that road reserves in Molo, Elburgon and Njoro are actually occupied and allocated. If the Minister is not sure of these particular facts, then can he appoint a Commission of Inquiry to go to Molo Constituency so as to get the real facts because he has not been given the real truth of the matter on the ground? Can he appoint a Select Committee to give the real truth of this particular issue because I know the same thing is happening in Dagoretti?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir, if it is true that the road reserves and all public utilities have been allocated to individuals then it is illegal and I would like to have the details of specific cases so that we can investigate and nab the culprits.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, cases of illegal allocations of public utility plots and road reserves is not only in Molo but all over the country and particularly in Gatundu where senior Government officials have been allocated such plots. Here I cite one of the Permanent Secretaries in my area who has grabbed and sold a road reserve plot and other plots belonging to Gatundu Hospital. Could the Minister ensure---

Mr. Kamuyu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Gatundu says that a Permanent Secretary has grabbed and sold road reserve plots in his Constituency. Could he substantiate and mention the name, which is the practice of this House?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I do not know whether it is in order for me to mention the name, but in Gatundu we have only one Permanent Secretary in the Ministry of Information and Broadcasting, Mr. Wamatu Njoroje. Could the Minister ensure that this land which is illegally allocated, or according to him legally allocated, is returned to the locals?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir, that is a different question. But, I would like to assist the hon. Member if he could give me complete details about the land he is talking about.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Nthenge! Hon. Michuki is on the Floor.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, the question of road reserves having been allocated is a fact. It has happened in my own Constituency at almost every market; Kiriaini, Gakira, Gikoe and other places. Since this is a fact, and the buildings are on the road reserves as we speak here, is the Minister telling this House that he has legalised these allocations since he continues to say that every plot so allocated, is legal? Is he telling us that he has legalised the occupation and building on the road reserve?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir, we cannot legalise the illegal allocations. Therefore, I am not aware of any illegal allocation of any plot.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. No person other than the Attorney-General of the Republic of Kenya---

The Temporary Deputy Speaker (Mr. Wetangula): What is your point of order?

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, I just want to explain before I come to that.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, given the land grabbing that is going on everywhere including the places, indicated in this Question, will the Minister accept that the Provincial Administration, the DO being in charge of the security committee--- It is not fair for the Minister to ask that reports be made to the police. Will the Minister accept that in fact, the police and even he himself are totally helpless and they cannot stop the land grabbing mania because it is being authorised from the highest levels of this Government? Does he accept that?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir, I am not aware of any illegal land allocations. The land is allocated legally and the procedure of land allocation is there. But I am not aware of any illegal allocation.

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is not aware of anything. Can he now resign if he is not aware of what is happening in his own Ministry?

The Temporary Deputy Speaker (Mr. Wetangula): That is not a point of order. The last one on that Question, hon. Shikuku!

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, arising from my old friend's reply that he is not aware, is it not time that, since we have Ministerial Committees which are provided for in our Standing Orders, the Minister convened a meeting of his Ministerial Committee so that we can appraise him? This is common knowledge because the Papers have written about it and everybody knows that the land is being given, even school compounds are being taken. Even the President himself is aware of this issue.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, you are making a speech. I gave you an opportunity to ask a question.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, could he convene the Ministerial Committee of his Ministry so that he is furnished with all the details, because this is no longer a secret?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir, I do not need to convene a Ministerial Committee because I have one. It is already existing and we meet every two weeks to discuss about these allocations. And all allocations made by the Ministry, the ones I know, are legal.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Minister is not understanding. There is a Parliamentary Ministerial Committee, provided for by the Standing Orders, for every Ministry. I am telling him about the Committee of Members of Parliament and not those other guys and "guyesses" he is meeting.

I am talking of Parliamentary Committees which are provided for in those Standing Orders. Each Ministry has got a Parliamentary Committee. That is what I am asking for and Standing Orders provide for that.

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

Question No.60

SUB-DIVISION OF LR 110/253

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

(a) if he could tell the House whether the sub-division of LR 110/253, Kasarani Road in Kasarani has been completed; and,

(b) if the answer to "a" above is in the affirmative, when the two co-owners of the plot, Mr. Elias Muigai Kagwima and Mrs. Salome Njeri Mbugua will be issued with title deeds.

The Assistant Minister for Lands and Settlement (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The sub-division of LR 110/253 in Kasarani was approved on 12th April, 1996.

(b) The co-owners of the plot, Mr. Elias Muigai Kagwima and Mrs. Salome Njeri Mbugua, will be issued with title deeds once the sub-divisions are surveyed and given new numbers.

Mr. Mbeo: Mr. Temporary Deputy Speaker, Sir, this is one of those rare Questions that do come into this House based on the circumstances that have surrounded this particular plot. The truth about this plot is that, in 1989 the allocation had already been approved and the sub-division recommended.

I have documents which show that the plot in question was approved for sub-division in 1994 and the Ministry of Lands and Settlement had already done the sub-divisions and approved. I have all these documents in my hands and this was in 1994. It now beats me to hear that after I have put the Question, the plot all of a sudden is sub-divided in April, 1996. It beats all odds. Now, will the Assistant Minister assure this House that the

sub-division as it is, as recommended, will be done as soon as possible and the title deeds given to the particular people?

Mr. Kaino: Well, Mr. Temporary Deputy Speaker, Sir, I think the only source of those sub-divisions is the Ministry of Lands and Settlement and I do not know exactly what the Member has and the source of his information. The only thing I can tell the Member is that the sub-division was approved on 12th April, 1996 and they should be patient. They will be given the titles when the numbers have been given to each sub-divided plot. So, the Member has to be a little bit patient until LR numbers have been issued.

Question No.071

TARMACKING OF BUNGOMA-KAKAMEGA ROAD

Mr. Sifuna asked the Minister for Public Works and Housing:-

- (a) whether he is aware that the Bungoma-Sanal-Nambacha-Kakamega Road has not been tarmacked, despite recommendation by the Bungoma District Development Committee;
- (b) whether he is further aware that the road is full of pot-holes rendering it impassable; and
- (c) when the Government will tarmack or gravel the road to make it passable.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House to reply to the Question at a later date.

An hon. Member: Which date?

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): It could be either Tuesday or Thursday next week.

Mr. Sifuna: While appreciating the sentiments from the hon. Assistant Minister, I hope it will be a relevant reply, because the road was recommended for tarmacking in 1982, before DDCs were established. We want to know the truth about---

Mr. Temporary Deputy Speaker (Mr. Wetangula): The issue is whether you agree for the Question to be deferred.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, I am prepared to get the answer on Tuesday next week. There is no problem.

The Temporary Deputy Speaker (Mr. Wetangula): Thank you; that is all.

Question No.079

IMPORTATION OF CHEAP SUGAR

Mr. Achola asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) whether he is aware that the sugar-cane industry is threatened with imminent collapse following the importation of cheap sugar into the country;
- (b) whether he could give a list of all sugar importers since January 1995 to date and state how much transit sugar has passed through the Port of Mombasa since January, 1995 to date; and,
- (c) what definite action he is taking to save the sugar industry.

The Temporary Deputy Speaker (Mr. Wetangula): Anyone from the Ministry of Agriculture, Livestock Development and Marketing? The Question is deferred.

(Question deferred)

MOTIONS

BANNING OF MIRAA CONSUMPTION

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

THAT, in view of the fact that miraa, also known as *ghat*, is a drug widely used in Kenya and has a strong antisocial effect causing economic and medical harm to those consuming it; this House urges the Government to ban the growing, selling and consumption of miraa.

Mr. Temporary Deputy Speaker, Sir, *ghat*, also known as miraa or mairungi is a product of a plant called

catha edulis. This plant grows principally in the highlands, receiving a lot of rainfall, and the principal growing area for this plant is in Meru District. The portion of this plant which is consumed as a drug is the young shoot or twig, and there are many varieties of miraa. There are varieties which are short and long. But one of the two most common variety is what we called "Kisa" which is a variety of miraa which is of a short type and the stalk of the twigs are about five inches long. The other variety is "Kangeta", whose twigs are 20 inches long. Miraa is consumed within 22 hours of harvest. Usually, it packed into bundles. I have an example of the short type of miraa which called "kisa" in my hands here. A bundle of this type will contain about 100 of these twigs and the street market value of these 100 twigs is about Kshs100. A bundle of long type which is called (Kangeta), will contain about 20 to 30 sticks, and the street value is about Kshs120 a bundle. Usually, a bundle is wrapped with banana leaves, and one bundle is referred to as one kilo of miraa, and this "Kilo" has got no relationship with the kilogramme weight that we know. It is much lower than a kilogramme. Most of it is less than 250 grammes but is referred to as a "kilo". Usually, the addict consumes about two to three bundles or two to three "kilos" a day. What is consumed is not the whole twig, but it is the outer skin or the bark. Usually, the consumer will peel the outer skin using the front teeth; the incisors. After peeling it he will form a "bolux" in the mouth of this fibre and the bolux will be about a quarter of an inch in diameter. This bolux is chewed or masticated using the masticator teeth usually on one side of the mouth. The result is that you find that people who are consuming miraa have a protrusion on the side of the cheek; the size of golf ball. This is chewed for about five to 15 minutes. The juice is extracted and this juice is what contains the active ingredient. The chewing goes on for about five to 15 minutes, and then the chewer spits out the indigestible fibre which is thrown away.

Mr. Temporary Deputy Speaker, Sir, miraa is very bitter in taste, so that you have to take it with sugar or sweets or chewing gum or sodas. So, the cost of consuming one "kilo" or one and half "kilos" of miraa, and that is the minimum a person can consume, is something like Kshs250 per day.

Mr. Temporary Deputy Speaker, Sir, miraa contains a lot of chemicals. The chemicals are the ones which stimulate. Actually, the chewing of miraa will take six to eight hours. It means that a person will sit down six to eight hours to consume enough miraa to reach the peak of stimulation. The chemical contained in the miraa, the active ingredients includes "Pseudoephedrine" which is the most active ingredient of miraa. There are others like amphetamines, seletin, coline, nicotinamide and a number of neuroleptic drugs in miraa.

Mr. Temporary Deputy Speaker, Sir, some of these chemicals are mentioned in the First Schedule of Narcotic and Psychotropic Act of 1994. In that Act, a narcotic drug is any substance specified in the First Schedule, or anything that contains any substance specified in that schedule. Some of these chemicals that I have mentioned here, are included in the First Schedule of the Narcotic Psychotropic Substances Control Act of 1994.

Also, some of these chemicals fall under the category of psychotropic drugs. As defined Narcotic Drugs and psychotropic Substances and Control Act of 1994. Psychotropic substance means any substance specified in the Second Schedule or anything that contains any substance specified in that Schedule. What I am trying to say is, that the chemical content of miraa qualifies both as a narcotic and psychotropic substance, and it should have been covered in the Narcotic Drugs and Psychotropic Substances Control Act.

Mr. Temporary Deputy Speaker, Sir, in addition, there are several Ordinances which were passed in the country by Parliament which control the sale and the consumption of miraa. The first Ordinance which I would like to quote, is the Ordinance which was passed in 1947, by the colonial Government. This Ordinance, which was passed in 1947, prohibited the sale and the consumption of miraa. But this was repealed in 1951. It was repealed in 1951 and I have both the two Ordinances here; the 1947 and the 1951 Ordinances which were passed by Parliament at that time and which controlled the growing, the selling and the consumption of miraa.

Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, the 1951 Ordinance has not been repealed. In addition to that, this country participated in an international conference held in Tanzania and the deliberations of that conference were reported in the report of the International Narcotic Control Board of 1992. The resolutions passed then are contained in the report of the International Narcotic Control Board of 1992, page 20, and the Kenya Government participated. It says: The Board notes the increase in the traffic in the *Catha edulis* which has taken international dimension. *Ghat*, a stimulant drug that is not subject to international control is cultivated mainly in Ethiopia, Kenya and Yemen. Large quantities of fresh *ghat* leaves are consumed locally in neighbouring countries, but increasing quantities of freeze-dried and vacuum packed *ghat* also is being shipped to Europe. Some European countries have introduced national control measures to prevent the importation of *ghat*. The consequences of *ghat* traffic are first mainly in the whole of Africa. The International Conference On Drug Abuse Control in East and South Africa held at Arusha, United Republic of Tanzania and which Kenya also participated from 20 to 21st January, 1992, recommended that cultivation, use and trade should be put under national and international control." This is what was agreed in this conference besides our own Ordinances passed in Bunge in 1947 and 1953. That there is a need to ban or control *ghat*, cannot be argued.

I will briefly dwell on the effects of *ghat*. *Ghat* is harmful to any person who consumes it. It causes a lot of diseases. I do not have to go through them now, but I would like to talk about what happens after somebody has taken *ghat*. *Ghat* produces hallucinations and euphoria; euphoria is a good feeling. You feel "high" when you take *ghat*. This is caused by the chemical which is called pseudo-epinephrine which is present in *ghat*. There is also another chemical called umvitamin. This is a well known drug which is contained in one of the schedules of the Narcotic Drugs and Psychotropic Substances Control Act of 1994. Umvitamin causes lack of sleep and slow alertness. This is the reason why long-distance drivers like to take *ghat*. Also, this drug which I call pseudo-epinephrine has an action on the blood vessels. It sort of constricts the blood vessels in the body, but makes the blood vessels in the brain become large. It dilates them, in other words, it increases the blood supply in the blood and makes you feel good.

It has one side effect. It also has a substance which increases sexual drive. It makes a person want to have sex all the time, but there is a very big problem. It causes semi-impotence because the blood supply in the body is low and you require blood supply to consummate sex. The blood supply to such an organ is decreased and, therefore, you cannot consummate sex. As a result of this, one ends up trying it with different partners and for those who have HIV/AIDS virus they may end up spreading it. One tries the act with various partners because the sexual drive is very strong.

It takes about six hours to consume *ghat* and then the effect lasts for eight to 16 hours. You can imagine somebody consuming *ghat* from 2.00 o'clock in the afternoon to 8.00 o'clock at night. By this time he will have consumed about two killogrammes of *ghat*. During that particular time he cannot sleep. He is agitated and to counteract the effects of *ghat* at around 11 or 12 o'clock, midnight, he has to take other drugs such as alcohol, cocaine, bhang and so on. The taking of these drugs is a common feature among those who take *ghat*. They take these drugs to counteract the effects of *ghat* so that they can go to sleep otherwise they cannot sleep. So, *ghat* leads to taking of other drugs.

Ghat is very expensive. It is assumed that an average consumer takes one and half killogrammes and this costs Kshs 260 per day. There is also the loss of working hours when one is consuming it. Many hours are wasted. I want to make it clear that about 80 per cent of the consumers of *ghat* are Muslims and the reason why they consume it is because they believe that it is not intoxicant. Islamic religion does not prohibit it, but they are wrong. It is an intoxicant.

In Mombasa, there is an association called Muslim Education Welfare Association which sponsored a data collection on *ghat*. They employed university students to collect this data. It was noticed that Mombasa received three metric tonnes of *ghat*, and this is about 50,000 bundles of *ghat*, a day. These bundles cost about Kshs 100 to 120. They actually counted those people who were buying *ghat* and they estimated that in Mombasa alone there are about 30,000 consumers of *ghat*. This adds up to about Kshs 5 million per day spent in Mombasa on *ghat*. In one year it amounts to Kshs 1.8 billion spent in Mombasa alone. Mombasa is not the biggest centre of *ghat* consumption; Garissa, Wajir, Mandera, Lamu, Malindi, Nakuru and Eldoret also consume it.

This is a multibillion shillings trade and I would like to draw the attention of hon. Mudavadi to this. Unlike cigarettes where he can control the prices and charge taxes on them, this business goes on without any taxation. If we had control over the trade of *ghat*, then hon. Mudavadi, through taxation, might be able to collect billions of shillings from *ghat*. In addition to that, there are many hours wasted. I estimated, in Mombasa alone, there is 7.2 million hours per year spent by the 30,000 consumers consuming *ghat*. I tell you that there could be as much as 86 million hours spent by consumers in this country wasted in eating *ghat*. I think both hon. Mudavadi and the Minister of State, Office of the President should taken these facts into consideration.

Also, *ghat* is a driving force for the bandits. Without *ghat*, there would be no bandits. They are actually spending a lot of money and making several efforts trying to hijack vehicles which take *ghat* to Wajir, Garissa and elsewhere. So, in principle, *ghat* is very expensive and in such high demand that there are a number of planes that are trafficking it to Lamu, Mandera and Somalia.

The first priority or driving force for the bandits is to get *ghat*. There are a lot of planes leaving Mandera for Somalia carrying *ghat*. The civil war in Somalia is fuelled by *ghat* from this country. Without *ghat*, those people would be very peaceful. Mr. Temporary Deputy Speaker, Sir, let us not make the mistake of the United States of America (USA).

When drugs were first introduced in the USA, they were confined to the blacks. The Government said: "Let the blacks finish themselves". A short period later, it spread to the whites and that is the time when the Government got worried. So, let us not repeat the mistake of USA here in Kenya by allowing consumption of *ghat* to be free simply because it involves Muslims alone.

With those few remarks, I beg to move.

The Temporary Deputy Speaker (Mr. Wetangula): Who is seconding the Motion, Prof. Mzee?

Prof. Mzee: Hon. Farah Maalim. Can I table this ghat?

An hon. Member: You can consume it!

The Temporary Deputy Speaker (Mr. Wetangula): It is perishable and you cannot table it.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to second this Motion.

We have been trying to move this Motion since the beginning of the Seventh Parliament. In short, there was a feeling that if somebody brings a Motion like this, he might not be supported by some of his constituents. I prefer to be on the right side and at peace with my own conscience than to try and use something for political convenience.

Mr. Temporary Deputy Speaker, Sir, ghat is very destructive. It has destroyed a society and nation. The Somali nation has been destroyed by ghat. The Muslim community in Kenya, particularly in North Eastern Province is on its way to total destruction as a result of this drug. The same way cocaine spread among the white population of USA over a period of time, is the same way ghat is spreading among other communities in Kenya. Currently, Maasai watchmen consume it.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I cannot hear myself. Can you ensure there is silence please?

The Temporary Deputy Speaker (Mr. Wetangula): Order! Can you hear him? He says he cannot hear himself.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, the consumption is spreading to other communities. This is a drug which is in the same group as cocaine and LSD. They are called *Ostiole Hallucinogenics*. Ghat is in the same category with cocaine and LSD.

Ghat disfigures the intellect of a mature man. It destroys our students in high schools and universities and to a greater extent, even in primary schools. It develops a false personality which is characterised by ascending memory, indifference, loss of drive and schizophrenia.

There was an effort to stop this drug soon after Independence but because of two overriding reasons it was not possible. Since it was being consumed by the Shiftas, and secondly, the Government wanted to ban it because it was allowing them to stay awake at night. However, pressure from certain sectors like growers and traders who constituted nothing more than the Mafia in a certain given context, prevailed upon the Government of the day and made sure that the growing, trading and consumption of ghat was legal.

The social problems of this consumption is that there are increased school dropouts. There is reduced performance among our students. There are so many intellectuals and professionals who after being addicted to chewing of ghat, destroyed themselves by losing their jobs and integrity.

Mr. Temporary Deputy Speaker, Sir, ghat makes one to develop a false bravado. It creates a feeling that you are very strong, powerful and brave. Consequently, the so-called war lords instead of using bhang and other things in a place like Somalia, give ghat to very young boys who are 13 to 14 years old to distort their personalities. This makes them to behave like animals and do unimaginable things. As long as one is able to constantly supply and meet their addiction to ghat, one can do anything including killing one's father and mother.

The international community has come out very strongly on this issue over the last few years. There is an organisation called International Narcotics Control Board. I am going to quote to you what they said in their last issue. Between 1991 and 1995 when the Board has been in existence, it has maintained that this drug should be stopped. In their latest release, they wrote as follows:

The consumption of ghat *catha edulis*, an habit considered by some Governments in Africa to be a problem has risen, but measures against the trade in ghat have been taken in only a limited number of countries. The extent of the inter-regional trade in ghat, mainly eastern parts of the continent is substantial. Shipments of ghat has been seized in countries on other continents where trading and use of ghat is prohibited. This has taken place in Europe, USA and Canada.

A working group of the eighth Committee of heads of the National Drug Law Enforcement Agencies in Africa observed that the consumption of ghat has created serious social and health problems in some Eastern and Central African states. It is recommended *inter-alia* that in states where ghat plants grew should introduce vigorous measures to eradicate the growth of such plants.

Mr. Temporary Deputy Speaker, Sir, I am conscious of the fact that there are people who grow ghat instead of coffee and tea because it is more profitable. I would say that the Government should assist those farmers in having a substitute for that. They can be assisted to grow soya beans, coffee, tea, flowers and anything

else. There are traders and businessmen who depend on ghat. The figures indicate now that in Kenya alone, between Kshs28 and Kshs30 million is spent on a daily basis on ghat. We are talking about in excess of Kshs10 billion per annum. Where I come from, that is Garissa district, we spend Kshs3 million daily. That totals to Kshs1 billion per annum. Kshs1 billion would have done a lot for the district in the area of development.

A man would rather buy ghat instead of giving it to his family for food. The children would rather go hungry than for the man to miss his ghat. A parent will not pay for school fees for his own children before making sure that he had money for buying miraa. You cannot perform because when you chew it, you get a hangover and you spend so many hours trying to nurse it. The following day you try to overcome the hangover by going into another miraa chewing session. Consequently, we have rendered ineffective, an entire 30 per cent of the productive labour force of this country. This proportion is not contributing effectively to the welfare and economy of this country. This is a burden on our economy. It is a massive and serious drain on our economy.

Also, Mr. Temporary Deputy Speaker, Sir, in the miraa congregations in North-Eastern Province, where people are idle and only chew miraa, people talk about clan clashes or fights. They plan these things and do all sorts of things. The hon. Mover has mentioned bandits. The biggest driving force behind bandits is the desire to waylay miraa transporting vehicles and rob them of the miraa. This is because addiction to miraa overrides everything else. In a sense, our security, educational and economic welfare will be enhanced if miraa chewing is stopped. And the practice should not be stopped tomorrow or after a year or 10 years to come: It should be stopped now. This is because it is just as bad as cocaine. Furthermore, it has effects on health. Many people who chew miraa cannot eat. Quite often they chew this thing---

Mr. Arte: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member says that miraa is just like cocaine, and that it is a very dangerous drug. Can he substantiate that? Does he have either medical or researched proof of what he is saying?

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Arte! First, that is an argument and not a point of order. Secondly, that is a matter of opinion.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, if the hon. Member knows amphetamine he should take an opportunity - I know he is a chewer - to study what miraa contains and he will find that it contains amphetamine and many other chemicals found in other drugs like cocaine. This is a psychotropic drug. We have passed in this House a Bill creating very stiff penalties for use of psychotropic substances.

With those words, I support the Motion.

(Question proposed)

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I am grateful for this opportunity to oppose this Motion. I believe that for these two hours, it would have been better for the House to debate something else, which is more substantive.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is the practice of this House that an hon. Member declares his or her interest before debating any Motion in which they have an interest. Could the hon. Member contributing now declare his interest?

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I represent an area where miraa is grown. I do not have any other personal interest apart from that of obeying my bosses. So, I do not have any interest to declare here.

From my analysis of this Motion, I will actually declare it alarmist, extremist, reckless and one that has been drafted in bad faith. It is not acceptable to try and legislate on matters bordering on morality, just because we have a social problem. People over-indulge in taking coffee; they waste a lot of time sitting over morning coffee. This is the case in the Middle East, Cyprus, Greece and other places. If we have a problem like that one, we do not just legislate on it.

Mr. Temporary Deputy Speaker, Sir, there are so many other problems around us, which we should be able to handle before handling the one we are being treated to this morning. If we have the problem of sexual promiscuity among young people, we do not legislate to ban sex. Instead, we teach the young people morals and how to restrain themselves. If we have a problem of side effects from taking an overdose of coffee, tea, tobacco and alcohol, we do not ban those substances. Instead we teach our people and ourselves to resist any temptations of over indulgence. The issues we are being treated to here have not taken into consideration what has actually been happening with miraa trees. I guess that many of those people who are supporting this Motion may not have seen a miraa tree, and may not know the origin of it. In Kenya, it mainly grows in parts of Nyambene District. The people who live around there have been chewing it for generations.

The Assistant Minister for Local Government (Dr. Wameyo): And they give birth!

(Laughter)

Mr. Maore: Thank you, hon. gynaecologist, for the remark. For generations, the old men who chewed miraa never had any problem in reproducing, otherwise we would not be here. In the Meru tradition, you cannot start the dowry-bargaining process without first presenting to your in-laws, a very neatly tied bundle of miraa. For us, miraa is part of our culture and tradition. We do not have any problem with miraa. We have not experienced any problem, whether medical or otherwise, with the many varieties of miraa that were mentioned by the hon. Mover.

As of 1996, the largest income generating commodity in Nyambene District is miraa. It supersedes tea, coffee and all other commodities combined.

I would like to emphasise that both the Mover and the Seconder were very good at entertaining and articulating in very good rhetoric, the benefits of the Motion; but they did that without listing the specifics of what they feared might be the problem with miraa. There should have been enough data, or information, from the Mover and the Seconder as to how many people have died annually from the consequences of what they are labelling a drug, as dangerous as cocaine. If you go to many universities, hospitals or any other medical care centre in the United States of America, you are likely to find that over 40 per cent of the patients have drug-related problems. The Mover and the Seconder should have mentioned which hospital in this country has a certain number of patients who are being treated from miraa-related ailments. Secondly, they should have stated the percentage of the many chemical substances they mentioned, contained in miraa. Even if these percentages exist in miraa, they are of such negligible level as not to cause any health hazard to any human being.

Mr. Temporary Deputy Speaker, Sir, we have a Government Chemist. Since there are a lot of medical reports from the World Health Organisation, I am sure that these people would not have let us "hang" ourselves using a dangerous substance, as it was termed.

As I am standing here, I am supposed to be in Nyambene District, facing the members of the Electoral Commission of Kenya. When I saw this Motion, I thought I should be here today to give my contribution. We do have a lot of myths and superstitions over certain items. I would like to plead with both the Opposition and the Government side to oppose this Motion---

An. hon. Member: Very good!

Mr. Maore: ---for the simple reason that there was nothing, in the first place, to support. What we do want to emphasise is the fact that the actual story or the truth about miraa that has never been told by anybody; its primary strength is what is not known about it. So, it will be morally wrong for this Legislative Assembly to legislate on something that borders on superstition, witch-hunting and raw jealousy about a multi-billion trade that, maybe, some cartel here and there would want to control, but are not able to.

An. hon. Member: Hapana hivyo, bwana; sasa unaharibu!

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I would not wish to have the sentiments of my colleague--- I know, of course, he will oppose the Motion. We are on the same side. I am talking of the cartel that is supporting this Motion that would wish to control the business.

Without wasting a lot of precious time, I would like to plead with this House to reject this Motion with enough majority to assure the people out there who depend on this substance for their livelihood, that this House is able to listen to their sober voice, and not to emotional and ill-conceived alarmist statements.

Thank you.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, on behalf of the Government, I would like to give the following response.

In the first place, I do consider that the spirit in which this Motion was brought is a good one, and that the hon. Member who brought it clearly stated that due to the fact miraa has strong anti-social effect, causing economic and medical harm, if this was a proven fact, I think that it could have been a good reason to bring this Motion. Though I am not a medical practitioner, I do know for one thing that if you say that miraa has the same psychotropic substance as cocaine, that needs to be proved. That has not been established by any person to be the fact, scientifically. It is not established and I think the mere fact that you need to chew a lot of it. and hon. Prof. Mzee has said that in order to be quite stimulated, you need about six hours. I think that, in itself, tells you that it is not of the same degree as cocaine because the stimulating effects of miraa are not that strong.

The Government would not have allowed its citizens to consume a substance that would have been dangerous to them. However, what I do know and what I think is the case is that excess consumption of anything

is dangerous. It has even been established that excess consumption of tea, because of its nicotine content and the excess consumption of coffee, because of its caffeine content, is also dangerous. What we require to do is exactly what hon. Maore has said, that we must tell our citizens that excess consumption of anything is dangerous.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. For the sake of records, the speaker on the Floor is misleading the House by saying that there is nicotine in tea. There is caffeine in tea, but not nicotine.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I stand corrected. That is, in fact, the position.

I do not know whether to agree with hon. Maore, that it is mainly superstition. But I do know also that it is not a scientifically established fact that miraa affects the libido of the citizens. I do not think that there is a scientifically established nexus between the consumption of miraa and the increase or decrease of sexual desire. I think that these are not facts which we can say have been established.

I do know that because of a little content of some certain psychotropic substances, eventual and continual consumption---

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister is misleading this House. This is a Report of the International Coffee Control Board, which is a UN body. In this Report, it is clearly said that it does very adversely affect the health of a human being. And the health of a human being is one thing which is very important. If you have got a problem with this finger or you have got TB, your libido cannot be good. So, you are misleading the House. It is going to affect us.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, that is a remote connection. What hon. Prof. Mzee has stated clearly is that there is a direct nexus between the consumption of miraa and the libido. I am saying that that has not been established. If it does affect the health of our citizens in the long run, I think we must be able to categorise miraa along with other things like tobacco and the consumption of cigarettes. I think, we need to say this because, if we say that it creates hallucination--- I think that this is what I am trying to say, that in the long run, it might be dangerous to consume a lot of miraa. We must be able to tell our citizens that is important not to put the consumption of miraa above our own family so that we do not spend the money we are supposed to spend on our family on miraa.

You should not consume miraa more than you consume the ordinary food. I think it is a question of control. That is what we are required to say here, that miraa *per se*, in itself, is not dangerous or, at least, has not been established to be dangerous. But, excessive use of miraa can, in the long run, affect a human being's health and it can also affect the economy of a family, given the fact that many people who consume miraa are, in fact, poor people.

Hon. Prof. Mzee has brought before this House a notice that in 1951, the Governor of the Colony of Kenya passed a law prohibiting the consumption, selling and production of miraa. I just wish to say that, that in fact, is the case. There was even a stronger law in April, 1947, which actually prohibited that in full. This one just tried to control. But, upon Independence, the Parliament of Kenya did not adopt this particular regulation. Therefore, this does not form part of our laws. As we stand now, miraa is not considered in the Second Schedule as a psychotropic substance. Miraa is a commodity like tobacco and anything else. Therefore, I must say that we are not breaking any law by not controlling the production and consumption of miraa.

I do not want to say a lot of things here, apart from what I have already said. I think that the situation here is that we must control the production, selling and consumption of miraa for economic reasons too because it would be a good earner to the Exchequer. I think it would be able to make a good turnover. Therefore, I would like to propose the following amendment. I would like to propose an amendment by deleting the words from "ban the growing, selling and consumption of miraa", and substitute them with "consider controlling the selling and consumption of miraa", so that the whole Motion reads as follows:

THAT, in view of the fact that miraa, also known as *ghat*, is a drug widely used in Kenya and has a strong anti-social effect, causing economic and medical harm to those consuming it, this House urges the Government to consider controlling the selling and consumption of miraa.

With those few remarks, I beg to move.

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, I rise to support the amendment which urges this Government to consider controlling, selling and consumption of miraa. Many people, particularly the hon. Members on the Opposition side, hon. Prof. Mzee and hon. Farah, have talked at length and they indicated miraa to be a very dangerous drug.

I oppose very much that notion that miraa is a dangerous drug as the hon. Members want us to believe. One thing they should know is that miraa is a stimulant and not an intoxicant. It is just like tea, coffee and so on.

To prove further that miraa is not dangerous, hon. Farah is an addicted chewer of miraa and you can see how healthy he is!

(Laughter)

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. That is gross misleading to this House. I have never ever tried miraa or alcohol or promiscuities, the way he does with women!

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, last Tuesday, hon. Farah and I chewed miraa together for six hours!

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is in connection with the dignity of this House. Can the House entertain the remarks first made by hon. Arte and the reaction by hon. Farah? I would not like us to run this House to "nothingness," the dignity is not there. Is he in order to say what he said about hon. Farah and was hon. Farah in order also to say what he said about hon. Arte?

The Temporary Deputy Speaker (Mr. Wetangula): They are both out of order. Proceed.

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, one important point which hon. Members have not mentioned is that hon. Farah's constituency, 80 per cent of people depend on miraa selling and buying.

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Why do you not protect me from hon. Arte's allegations?

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Farah, I have not given you the Floor. He has not even finished the point he was making.

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, the biggest employing body---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Arte, remember that we are not debating hon. Farah!

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, yes, we are not debating hon. Farah. But I was just giving his constituency, as an example, because we need to give supporting arguments.

The biggest employing body in the North-Eastern Province is miraa business. They did not talk about the number of people who are employed in the course of handling miraa, 80 per cent of people in the North-Eastern Province are involved in selling and buying of miraa.

Mr. Shabaan: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that 80 per cent of people of the North-Eastern Province are employed in selling and buying of miraa while we know that more than 90 per cent of the livelihood of the people of the North-Eastern Province depend on pastoralism and livestock development?

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, where the hon. Member comes from, hon. Salat has bought recently a plane for the purpose of transporting miraa. We know how expensive it is to buy a plane. If this is not a profit-making business, then he could not have bought the plane!

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker. I do not know whether you heard what the hon. Member has said. He has said that hon. Salat has bought a plane to transport miraa. Can he substantiate that?

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, I am prepared to substantiate. If one wants to prove me correct, let him go to Wilson Airport tomorrow morning and he will see hon. Salat's plane being loaded with miraa!

(Laughter)

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Members! Hon. Arte, I will caution you to avoid personalising debates. We are discussing the possible banning of the growing, selling and consumption of miraa and not hon. Salat and his aircraft.

Mr. Salat: On point of order, Mr. Temporary Deputy Speaker, Sir. I take great exception to the allegation made by the hon. Member, and unless he is able to substantiate that, then he should be asked to withdraw.

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, I have already substantiated, and if the hon. Member wants the whole House to go tomorrow morning to Wilson Airport, let us go and see and I will show you. It is as simple as that.

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is that hon. Arte is making a lot of serious misleading allegations in this House. Hon. Salat's plane is ferrying tourists from

Mombasa to the tourist lodges in the country. Can he substantiate or withdraw?

The Temporary Deputy Speaker (Mr. Wetangula): Order! This House is not interested in hon. Salat's planes or what they do. It is not an issue here.

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, they are wasting my time.

The point is, if one takes excessively either tea or water, he will fall sick. The point that I would like to put through is to control the consumption of miraa. I agree with the hon. Assistant Minister that we must control consumption, selling and trading of miraa. For anything one takes excessively, it becomes harmful to the body.

Hon. Members are talking about being "un-Islamic" to consume miraa. If they are worth their salt, why do they not talk about banning of pombe? If they are Muslims and they are serious about their religion and they want anything that is not allowed by Islamic religion banned, then they should have brought a Motion to ban drinking of alcohol in this country, if anything. The point is that we are not debating the main Motion, but mine was to second the amendment.

With those few remarks, I second the amendment.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Akumu, you do not have to raise your hand in order to catch the Speaker's eye. Do you?

(Laughter)

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion although it is brought by my very good friend hon. Farah. I am afraid, on a matter of principle like this one, we have to disagree.

Mr. Akumu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interrupt hon. Murungi, but I wanted to propose an amendment to the amendment. Can the Chair guide me?

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon Akumu! You surely know how to forward your amendments to any Motion in this House. Do you not know? We are debating hon. Sunkuli's amendment and not the whole Motion.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I support the amendment proposed by hon. Sunkuli because it does not touch on the production of miraa.

Miraa is the lifeline of the Meru people and, as a representative of Meru people in Parliament, I cannot stand here and support the Motion which is intended to "cut" their legs and ruin the economy.

Mr. Temporary Deputy Speaker, Sir, this Motion is alarming and it is largely based on ignorance about miraa. The two gentlemen, who have never grown, sold or chewed miraa have come here to tell us how dangerous this product is. I think it is dangerous for people who have been told to take it upon themselves to crusade against something which they have been told about. They should ask those people who have grown, chewed and sold miraa, and who know its value to come here and advocate for it to be banned or expanded.

The colonial Government, either through similar kind of ignorance, or due to the fact that the colonial governors never tasted miraa, passed the miraa Prohibition Act in the 1950s. When this country became Independent, a delegation from Meru came to Gatundu and brought miraa to late President Mzee Jomo Kenyatta. After he had tasted miraa, he ordered the miraa Prohibition Act to be repealed. So, Mzee Jomo Kenyatta, upon tasting miraa, came to know how nice and good it was and that is why he ordered the law to be repealed. I would invite hon. Farah and hon. Prof. Mzee to go and taste miraa first. It is available in Eastleigh. So, I would invite the two hon. Members to taste miraa which is available for them right here in the House and I am sure that they are going to change their minds after they have tasted it.

We should ask ourselves why the colonial Government did not succeed in banning miraa despite introducing a law, banning its production, sale and consumption. Despite the law, that was passed by the colonial Government, the people of Meru continued to grow, sell and consume miraa. It was a law which had no effect on the ground. In fact, it is like bigamy. In this country, we have a law which says that if you have married in a church, you cannot marry another woman. But that law only exists in the Statute books.

(Hon. Akumu moves to the Government Bench)

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Akumu is flouting the

regulations of this House by passing between the Chair and the Table!

Mr. Murungi: We are being told that miraa has anti-social effects. I would tell you from experience that miraa does not have any anti-social effects. In fact, miraa promotes very good relationships between the Meru people and the Somali people. If you would go to Maua Town now, you will see many Somalis who have come to buy miraa from the people of Meru. This is promoting good social relationships between the communities of this country. You do not eat miraa alone; you eat it with some other people and you interact. You can discuss in the evening while chewing miraa and you are promoting social relations. Maybe the hon. Member did not know that one cannot marry from Nyambene, unless you give some miraa to your identified in-laws. Miraa is an essential ingredient of dowry. You cannot be accepted as a son-in-law if you cannot give miraa to your father-in-law. You cannot have the capacity to marry unless you can show that you understand the goodness in miraa by giving some to your father-in-law. So, if we ban miraa, our girls are not going to get married or our young men are not going to marry and we are going to have disastrous social consequences in Meru District.

We have also been told that miraa has caused economic harm to some people. The question which we should be asking ourselves is: Whose economic harm? In Meru we have never complained about any economic harm that has been caused by miraa. Miraa, as a cash crop is the top earner in Meru District. In fact, I am campaigning for the expansion of the production of miraa in Meru District. The way we package and transport miraa in this country is quite primitive because it is still wrapped in banana leaves and it has to be rushed to Nairobi by these speeding pick-ups, which are causing accidents between Meru and Nairobi. This is because the commodity has to reach Wilson Airport for export before it dries up. In fact, we are thinking of requesting the Ministry of Commerce and Industry to look into this commodity and find out whether we could process it the way we process tea, so that we can have a miraa factory in Meru and be able to extract the caffeine and package it properly so that it can be long lasting. The packaged product can then be ferried for markets in Nairobi. Who knows, maybe we could have a beverage which people like hon. Nassir could enjoy in Mombasa. I think we need to involve the Kenya Industrial Research Institute to find out how we can process miraa in order to be able to market it in Europe and other places. Of course, there is a complaint that miraa--- However, as hon. Sunkuli pointed it out here, too much of anything is dangerous. So, we appeal to our friends from the Somali community to avoid chewing miraa from dawn to dusk. They should come to us so that we can teach them how to chew miraa without being faced by those harmful consequences which they are talking about. If you chew miraa for 24 hours, you will not even have ten minutes to spend with your wife.

Those people who produce miraa in Meru, have no complaint. So, we would urge the Somalis to learn from us how to consume miraa, instead of bringing a Motion like this to the House.

Thank you, Mr. Temporary Deputy Speaker, Sir.

*(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. Salat: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Dr. Lwali-Oyondi: Declare your interests.

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, the Mover of the Motion may have had some reasons in mind as to why he brought this Motion, and this was evident when he was contributing, and all the evidence he was giving to support his argument. On the other hand, the opposers of the Motion, may also have some good reasons to oppose it.

Mr. Temporary Deputy Speaker, Sir, what is very important before us now is to ascertain the socio-economic effects the consumption of this commodity has on our people. Will banning of miraa alleviate

those problems currently being experienced by our people? Will consuming of miraa bring more hardships to our people? These are some of the pertinent questions that we should ask ourselves.

Mr. Temporary Deputy Speaker, Sir, the amendment proposed by the Assistant Minister by deleting "to ban growing, selling and consumption of miraa" and substituting it with "consider, controlling, selling and the consumption of miraa", according to me, it is of no consequence.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Yes, hon. Dr. Lwali-Oyondi.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, it has just been alleged in this House that the hon. Member speaking owns an aeroplane which transports miraa. Could he, therefore, declare his interests before he proceeds with his contribution?

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, the Motion is about miraa and not about aeroplanes. So, I do not think that I have got any interest to declare because I am not a miraa trader.

Mr. Temporary Deputy Speaker, Sir, what I was essentially saying is that the amendment is of no consequence.

The Temporary Deputy Speaker (Mr. Wetangula): We are through with the amendment. We are debating the amended Motion.

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, I did not get any opportunity to talk about the amendment, so I would include it in my main contribution.

Mr. Temporary Deputy Speaker, Sir, if the Minister admits, he admits because the first part of the Motion says:-

"That, in view of the fact that miraa, also known as *ghat*, is a drug widely used in Kenya and has a strong anti-social effects causing economic and medical harm to those consuming it."

He did not dispute the fact that the drug has got a strong anti-social and economical effects on the consumers. Why does he have now to say that we consider controlling the consumption and selling of miraa? How do you control the consumption and selling of miraa? Is the Government able to do that? When the Minister is bringing an amendment to a Motion, he should bring logical amendment, which the Government can effect within its powers.

The Temporary Deputy Speaker (Mr. Wetangula): But you are opposing an amendment that has already gone through. I do not know what you are trying to say.

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, I am contributing to the Motion and I am also entitled to give my opinion as far as the Motion as amended is concerned and that is what I am doing.

Mr. Temporary Deputy Speaker, Sir, I think many Members in this House do not know the consequences of chewing miraa. I will give you just a brief over-view of what or how a consumer of miraa looks like because even some MPs from Meru, I do not why they have gone out, might may not even have chewed this stuff. Their constituents maybe trading in miraa, earning them a lot of money, but they may might not have any experience as chewers of miraa. I am talking through experience. I happen to have chewed miraa, though I do not chew it now. It is something that is purely the responsibility of the chewer. The Merus are naturally in my view and, of course, growers of miraa just like other growers of coffee, sisal and other produce. They grow miraa and bring it to the market. Then, I go to the market and buy this stuff and chew it. We have to approach this Motion with very, very sober minds. If we impose a total ban on miraa, we may be affecting the livelihood of miraa farmers. While on the other hand, we know its social effects on our people, then, we cannot blame those social effects on the grower. We may blame those social effects on the consumer.

Mr. Temporary Deputy Speaker, Sir, I would like to analyze the effects of miraa, and they vary from one person to another. It is not true for some people to say that chewing of miraa makes men sexually impotent. It may make some men sexually over-active and others to lie low, even lower than envelopes.

(Laughter)

Therefore, you will see that the effects of miraa is biological. It is the reaction because it reacts the same way as a drug and it may not have side effects on hon. Arte. I know hon. Arte is a very, very active member when he chews miraa. It stimulates him and he may even do some other things that I cannot even mention in this House, when he chews miraa. What we require of ourselves, as leaders, because we are assembled as legislators of this country, is to educate our people on the effects of miraa. You would find that in a low-income earning family, the father may use the little earnings to buy miraa, and chew the miraa leaving the children without food and school fees. I think it has the same effects as alcohol has on alcoholics. They sleep in bars and when they

get salaries, they disappear from home for a whole week while their children lack food and school fees. This is a problem that is also experienced by alcoholics. So, there is nothing that is unique with miraa. In fact, I happen to have been a chewer of miraa and I believe there is no difference between miraa and alcohol, only that miraa will not make you *ujikojolee barabarani* like beer. But it will make you do something you would never have done if you were sober. Mr. Temporary Deputy Speaker, Sir, we have to balance these two equations. We should be able to have control over our people by educating them on the ills of chewing miraa. I know in North-Eastern Province, we have the greatest consumers of miraa, and Somalia is the biggest consumer. Apparently, the muslims are the ones who consumer miraa more than even the growers, the Merus. They do that because they are forbidden by their religion to drink alcohol. We also go round and try to get some scapegoats that we want to get stimulated. We start chewing miraa while cheating ourselves that miraa is not forbidden by our religion. Miraa is also forbidden in Islamic Religion the same way as alcohol is forbidden. In fact, these problems of miraa affect more, the Kenya Muslim community than their Christian counterparts. So, it is up to us, the muslim leaders in this House, outside the House and in the Mosques to tell our people to stop chewing miraa. If we will legislate the banning of miraa, then, we are going to be in trouble.

Next time we shall ban alcohol and later, we will restrict some other things. So, we should be convinced in our faith that we have been forbidden from taking any drug that is going to stimulate our heads and make us abnormal. We have been told that in the Koran and we have got to abide by that. I think the Motion is entirely and squarely addressing the Muslims as I believe, because Merus have told us here: "This thing is very nice and we chew it in our homes" But I do not think whether a Muslim will stand here in this House today and say "miraa is a very good thing that Muslims should continue chewing it". Anybody who says that is not a Muslim.

A hon. Member: What about hon. Arte?

Mr. Salat: Even if hon. Arte may call himself a Muslim, he is a half-Muslim or something.

Mr. Temporary Deputy Speaker, Sir, let us educate our people on the ills of chewing miraa. Let us tell them: "This thing is poisonous and it is better we stopped chewing it", so, that they can also be saved from the calamities of chewing miraa.

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

*(Hon. Nassir rose to speak
from the Opposition side)*

The Temporary Deputy Speaker (Mr. Wetangula): Order, Sharrif Nassir! On the account of that and that alone, then you lose your opportunity to contribute.

Mr. Akumu: Mr. Temporary Deputy Speaker, Sir, I would like to propose a possible amendment to the Motion as amended and which is now being debated. I would like to persuade the Government that, please, do not put another control in what you people are pushing.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Akumu, I want to advise you that I have received your amendment and the ruling of the Chair is that it is too late and we do not have the time to either debate it or consider it adequately. We have only 40 minutes to go to this Motion and that includes the Movers opportunity to reply. You can contribute and suggest your good reasons without necessarily moving an amendment.

Mr. Akumu: Mr. Temporary Deputy Speaker, Sir, that is still very kind of you. I just want to warn the Government that with the control, being put on miraa, we already have a lot of trouble controlling the growing, felling and consumption of bhang.

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

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

We are already controlling the brewing and consumption of chang'aa. Now, they are going to add controls on the growing, selling and consumption of miraa.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Akumu in order to say that this Motion is about controlling the growing of miraa when the Motion is only about controlling the selling and consumption of miraa?

Mr. Akumu: Mr. Temporary Deputy Speaker, Sir, the amendment says: "To control the growing, selling and consumption". Well, what I want to say is that the Government is putting itself in a very difficult position because they will have to increase their police force to check the sales and consumption of miraa. We already have enough problems with the police in checking bhang'i and chang'aa. That is one. Number two, I am surprised that the Mover of this Motion who is a distinguished professor--- I have a little problem with him in my party but he is a distinguished professor who should not authoritatively say that the consumption of miraa is causing economic and medical harm and this has not been properly established and published authoritatively. I am surprised that he should have moved a Motion saying that: I have not known that this was the case, because I was part of the people who have campaigned against banning miraa during the regime of Jomo Kenyatta because it was creating employment. I think his assessment is exaggerated because about 20 per cent of people in Meru and other parts of Kenya are earning their livelihood from miraa. Many peasants and workers earn their livelihood through the sale and growing of miraa and even in places where drug problems are prevalent like Colombia, the Governments of those countries have insisted that the Americans, who have insisted on the ban of these drugs, give them whole compensation before this drug can be uprooted. It is grossly unfair to come to this House when we know that the peasants have no other source of livelihood. We have not given those affected a viable alternative.

Mr. Temporary Deputy Speaker, Sir, I want to put it very strongly that the amended Motion is very unfair to the peasants and workers. I put it very strongly to the Government here that when we were discussing the banning of chang'aa, it was found that in Ghana they had installed a cheaper way of processing it, which they call *apeteshie* so that it is clean and therefore people could earn a livelihood. Our two neighbours here have followed suit and it is only Kenya which has police running around and chasing women on the brewing of chang'aa, instead of purifying making it clean and healthy for human consumption. People still consume lots of it under terrible hygienic conditions, because we refused to license its brewing. I am very unhappy that I cannot move the amendment because I would have preferred a proper research to be done to determine authoritatively whether miraa is harmful for human consumption and if that is established then we have an economic programme on how to phase out miraa growing and replace it with a cash crop that will help the people that are living on miraa proceeds. This House will be supporting Colonial things which we still do. Unfortunately like in the case of chang'aa, our neighbours have waragi, Ghana has *apeteshie* and yet, we are still banning miraa and chang'aa every now and then and yet the people still consume it. We would be following colonial laws and not protecting our peasants and our workers if we are going to condemn miraa wholesale without proper research and without working on an alternative. It is already in history that a Meru delegation went to see the Founding Father of this nation Jomo Kenyatta and explained everything to him. He said that, what was needed was cultural education. Even elders used to smoke bhang'i and there was no problem. Problems arose only when youths and university students took it up. Kenyatta said that what was needed was cultural education for our youth to know that the drug, if smoked excessively is harmful. I strongly oppose any attempt to begin to use some of the old Colonial laws which will deny our people the right to a livelihood and a decent living. I will be disappointed to see the Police Force being enlarged to have more officers running around and interfering with the sale and consumption of miraa. I would not be surprised if some hon. Members are not found on those shoe shiners places where people sit and chew miraa, and here they are telling us a different tale.

With those few words, I beg to strongly oppose this particular Motion. Thank you.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa Muda, nakushukuru kwa kunipa nafasi ili nami nizungumze na kuyatilia nguvu mabadiliko ambayo yamefanywa. Serikali haiwezi kupiga marufuku kitu chochote kwa sababu hata serikali ya kikomunisti zamani ilikuwa haifanyi hivyo. Lengo lake lilikuwa ni kuwashauri watu kuhusu namna ya mwendo.

Tunaweza---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor, if I can recall lost his chance for misconduct early this morning. Is it in order for him to have another chance again, when the Chair had ruled that because of misconduct he was not going to speak on this Motion?

The Temporary Deputy Speaker (Mr. Ndotto): You are totally out of order, hon. Mulusya! It is the discretion of the Speaker to decide on who speaks.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa Muda, siwezi kumlaumu huyu kwa sababu yuko katika Upinzani. Kazi yake ni kupinga kila kitu, hata kikiwa kizuri. Mimi yangu ni kusema kwamba ni lazima tuwaelimisha watu juu ya mema na mabaya katika Serikali yetu na kuwafahamisha njia ya kutumia kile walicho nacho. Kwa sababu siyo miraa peke yake ambayo ni hatari bali hata tembo ni hatari ukipitisha kiasi na mambo mengine mengi yakifanywa kupita kiasi huwa hatari kwa mwili wa mwanadamu. Hata kuna UKIMWI ambao ni ugonjwa hatari sana na hatuupendi. Ugonjwa huu huuwa, lakini

hatuwezi kuzuia watu wasionane ijapokuwa kuamkuana. Kwa sababu tunajua kwamba ni hatari, lakini ni lazima tujue njia ya kuwatahadharisha juu ya mambo fulani mabaya. Kwa hivyo, yafaa mhe. Munyasia atafute njia hasa kwa kuleta Hoja hapa ya kuwaelekeza watu katika mashamba kulima. Yafaa awaelimishe watu jinsi ya kufanya kazi na mambo mengine ya kuwafaa. Lakini mambo kama haya, hayawezekani katika Serikali yetu. Ni Serikali ya watu, ni Serikali ya kusikiza maoni ya Wakenya wenyewe wanavyopenda tuwafanyie, lakini hatuwezi kufanya mambo ya kuwaudhi.

Bw. Naibu Spika wa Muda, kuna mambo mengi ambayo tunastahili kuelimishana. Hata katika siasa kuna wakati watu kama Profesa na wale ambao wamekuwa katika Bunge hili kwa miaka mingi yatupasa tufundishane, na tukishindana, tusipigane kwa mawe. Hayo pia ni mambo ambayo yanafaa yaelezwe watu ili wafahamu kwamba, hapa nchini Kenya tuko katika siasa ya vyama vingi na ni lazima tufanye mambo fulani. Kwa hivyo, yangu si mengi lakini, namuomba Profesa atuwie radhi kwa sababu, hatuwezi kuwazuia watu kutofanya mambo kama kunywa tembo, kutafuna miraa na kutoambukizwa UKIMWI lakini tuna wajibu wa kutahadharishana. Na ikiwa ni mambo ya dini, katika Serikali yetu kuna Wakristo, Wahindu na kadhalika. Sasa kama tunataka kuzuia mambo kama haya ni wajibu wetu kwenda kwa mfano, misikitini na tuwaambie ndugu zetu Waislamu kwamba vitendo hivi ni haramu na wasifanye. Tena Profesa ni mtu ambaye zamani aliandamana na watu wenye itikadi kali za dini na kwa hivyo, anaweza kuwaambia watu wale wasifanye hivyo. Lakini wengine wametafuna miraa tangu jadi pamoja na samli na nyama nzuri na kwa wakati unaofaa huku wakifanya biashara chungu nzima. Hawa wengine waliokuja kuingilia mambo ya miraa juzi ndio hawajui maskini. Wao hutafuna miraa kutoka asubuhi hadi jioni na huku hawali chakula. Miraa ilikuwa ikitafunwa na matajiri ambao baadaye walikula samli, nyama ya mbuzi na kuku ili miraa isiwadhuru. Lakini wale ambao wanatafuna miraa kutoka asubuhi hadi jioni na hata asubuhi nyingine yakenuka na huku watafuna miraa, tuna jukumu la kuwaomba wakome. Hasa wale wanaowakilisha mitaa kama ile mimi na Bw. Profesa Mzee, tunayowakilisha, waliotupigia kura wote wanakula miraa. Jukumu letu ni kuwaomba wasipitishie kiasi, wale kwa utaratibu pamoja na chakula ili isiwadhuru. Lakini ukifanya mambo ambayo hatuwezi kukubaliana namuomba ndugu yangu atafute mambo ambayo yatawawezesha Wakenya kupata kazi, kusaidiana na kujua hali ya mfumo wa vyama vingi bila kupigana kwa mawe.

Kwa hayo machache, naunga mkono mambo haya.

The Assistant Minister for Research, Technical Training and Technology (Mr. Khalif): Mr. Temporary Deputy Speaker, Sir, I support this Motion and I would like to say that, if this Government really cares for its people and I know it does, it should do everything to completely ban miraa. Not to control it, because it will never be able to control it. Even if we pass it here, the effect of that amendment is only that, we are going to have a Motion which urges the Government to control the consumption and sale of miraa, which is not going to happen. What is going to happen is that, there is going to be a lot of bureaucratic rules which will empower the Provincial Administration and other people to harass our people without really doing anything to stop the use of miraa. This is a Government of the people and it should do everything to ban miraa because it destroys our people. We are talking from experience and we know that right now many students are out of school because of miraa, a lot of people have suffered economic havoc because of miraa, standards of education in our province and many parts of the Coast has fallen because of miraa; our teachers are using miraa and the effect of miraa medically on the person is proved. In fact 80 per cent of the people who use miraa have stomach ulcers. Let us not talk about the other effects of miraa which have yet to be medically proven, but we know that miraa is terribly harmful to the body of a person. It erodes the teeth, it eats away walls of the stomach, it causes fatigue. The chewer cannot work the following day and it disorganizes the whole society. It also kills the cultural values of the society so that there is no discipline. Today, if you go to where miraa is consumed, you will find that discipline has completely disappeared. Children are chewing miraa, mothers are chewing miraa, elders are chewing miraa and there is no discipline in this kind of society.

I am also a leader from the Islamic community and this is a matter that has been discussed at length by scholars in the Muslim community and the Government has been urged to stop it by scholars in the muslim community. It has also been urged, in writing, by an assembly of Muslim scholars, two years ago, to stop and ban miraa because it is destroying the people. Students of history know that nations have gone to war to prevent harmful drugs from reaching the people. You know of the Opium Wars. Right now, we know that the United States of America which is the most powerful nation on earth - so they claim - is fighting miraa and is using enormous amounts of money. Not only to fight it in its own territory, but to fight it everywhere in this world. Therefore, calling upon, or urging the Government to control the sale and consumption of miraa is not enough. What we should do is to completely ban it. It is today this Motion is going to be put to the vote. I will be the first person to support it and even if a division is called, I will be the first person to go and join those people who will support it, because it is affecting my people and I know that the future of many children, not only in my

Constituency but the entire Northern Kenya, in Mandera, Nairobi, the Coast Province and so many other places in this country, will be affected because of miraa. So, the Government is morally obliged to ban this thing. Many political leaders and religious leaders have agreed on this. Also many from the medical profession have accepted that miraa has a tremendous harmful effect on the human body.

Economically, it has destroyed us completely. It has really reduced us into refugees in our own districts. So many people are now having to depend on charities because they have been degraded and reduced to paupers by the use of miraa. They cannot work any more. If a drug has that kind of effect then the only remedy is to remove it completely from society. In fact, we can solicit the support of the international community, because today the whole world is fighting *hashish*, heroine and so many other things. Why not seek financial resources of the United Nations to fight this Drugs? This can only be done if the Government is committed. The Government should tell the world that "this drug is destroying our people and so we want it to be removed from us". Because the only alternative or the only thing to do is to try to help the growers of miraa to grow some other crops instead of miraa. If you ask the international community to help us, to give us the necessary funds to help those farmers to grow some other alternative crops, they will do it. Because they have done it for Colombia and enormous amounts of money have been given to Colombia.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt the Speaker who is on the Floor, but is he aware of the First and the Second Schedules of the Narcotics and Psychotropic Substances Act, of 1994? Can he explain whether miraa is one of the substances, otherwise it is an invention? As far as I am aware it is not. Why is he calling it a drug?

The Assistant Minister for Research, Technical Training and Technology (Mr. Khalif): Mr. Temporary Deputy Speaker, Sir, what we know, and people in the medical profession are ready to give the necessary information, is that miraa is harmful, and it is for the Kenya Government to carry out that campaign and tell the world. This is because we have not done that in any meaningful way. The Government of Kenya has never tried to do any research and if research has been done it is a haphazard, and it is always done by those people who would like to justify the use of miraa for their own benefit. I know the Member of Parliament hails from an area where they grow miraa. I really appreciate that he is going to be affected, if, in any way, one day miraa is going to be banned. But we are talking about 50-100 years to come; we are talking about your children and the children of your children, and we are talking about human beings. So, we know that this drug is harmful, and there is no doubt about it. We should help some people by taking it away from them because human beings sometimes cannot really control themselves. That is why the world is using a lot of money to control *hashish*, *marijuana* and things like that. Why do you leave them to test their will, because you know that if do that you are really endangering them? They will be overpowered by temptation and the urge to use that thing. So, the best is remedy here is to ban this thing completely. I know that the amendment calls for control. But the only thing, and at least I know that I will be recorded very well in this House, and that my people will know what I have said in this House, is that I would have called for a total ban of this drug, because that is the only thing that we will do for our people, if really we want to help them.

With these few remarks, Mr. Temporary Deputy Speaker, I beg to support.

Mr. Mathenge: Thank you, Mr. Temporary Deputy Speaker, for allowing me to rise and oppose both the original Motion as well as the amended motion, on the following grounds. The chewing of miraa and the use of nuts are age-long habits of some Kenyans. I do not see how you could control or ban already established habits of the people. Miraa production is an economic occupation of the people of Nyambene. If we ban or pass a Motion here that the consumption and sale of miraa should be stopped or controlled, are we going to follow the people of Nyambene and ask them or force them to uproot miraa. If we do that, is the Government prepared to give them an alternative economic crop? So, we are now being asked to pass a Motion which is useless, and we are spending most of our valuable time here debating on a Motion which should have taken only ten minutes to reject out of hand. What I consider necessary is that the Members who introduce this Motion and other similar Motions should undertake a campaign in their constituencies or countrywide to tell people about the dangers of consuming miraa. In the absence of any conclusive medical evidence, that chewing miraa is harmful to human health, we should not just assume that consumption of miraa is harmful. There must be conclusive medical evidence. If we pass this Motion, are we going to be asked next time to ban consumption of snuff or are we going to be asked to ban the consumption of cigarettes? If we are going to be asked to do that then we must consider passing this Motion. It is my view that the people of Nyambene should be allowed to continue growing their miraa, maintaining their plantations and that people who consume miraa, should be asked to consume miraa in moderation. If we ban the consumption of miraa today, how can we effect control on consumption? If it is a ban, it must be a total ban; ban in production, transportation, and in selling miraa. Is the Government prepared to have additional askaris in order to follow miraa wherever it is being sold? I do not think that this is an exercise that

the Government should undertake. We have no policemen or we should not employ extra policemen to do a futile job of controlling or following up people who sell miraa.

With those few remark, I oppose support both the original Motion and the amended Motion, and I think we should vote for total rejection for the Motion.

Mr. Temporary Deputy Speaker (Mr. Ndotto): It is time for the Mover to reply but I am advised he has given five minutes to hon. Shabaan, is that correct?

Mr. Shabaan: Thank you, Mr. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. The Mover of the Motion had very good intentions, because miraa has extreme and diversified economic and social effects on the community.

Mr. Temporary Deputy Speaker, Sir, the growers of miraa probably have nothing much to complain about because it is their economic livelihood, but what we are asking is: What is the benefit of miraa consumption? Which is more, the benefits of the use of miraa or the ethics of it? I think the Mover of the Motion had that in his mind. Is there more benefit to the communities who use it or is it more harmful? In my opinion, the use of miraa by those who use it is extremely harmful and it has extreme economic and social problems. Those who have spoken in this House today have given various reasons on why miraa should be banned totally. I support the Motion of the Mover that miraa should totally be banned. The reasons given---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Shabaan, we are debating the Motion as amended and not the original Motion.

Mr. Shabaan: Mr. Temporary Deputy Speaker, Sir, what I am saying is that by amending the Motion, it will not very seriously improve the intention of the Mover of the Motion. One reason is that the use of miraa has brought a lot of social and economic problems. As hon. Khalif has told us, many students have left school because of taking miraa. Three-quarters of women who are divorced in those areas where miraa is used is as a result of consumption of miraa by their husbands. It is a social problem. The children of these women have nobody to fend for them because men go out and for long periods and do not know what is happening in their homes. They do not even know about the education of their children or the welfare of their children. Every few shillings they get they spend them on buying miraa. Therefore, we shall have a total collapse of the economy and social welfare of those communities which use miraa.

One member has asked what will happen if we ban miraa in those areas which grow it. I think Nyambene and other areas where miraa is grown are very fertile areas for other cash crops. They can grow potatoes, tea, coffee and so on as alternative cash crops. In this way, we will assist those people who consume miraa and those who grow it. That area is very fertile and other cash crops can be grown there which can equally give those people a source of income like the way miraa is doing right now. I think by amending the Motion, it will not be of much benefit to those people whom miraa has already brought a lot of social and economic problems. I think the Government, "for the welfare of society and the just government of men", should ban in totality the trade of miraa.

With those few remarks, I beg to support.

Prof. Mzee: Thank you, Mr. Temporary Deputy Speaker, Sir. In the first place, I would like to thank all those people who contributed to this Motion and, in particular, hon. Farah for seconding the Motion, hon. Mwaura, hon. Arte, hon. Sunkuli, hon. Salat, hon. Murungi, hon. Nassir, hon. Khalif, hon. Akumu, hon. Mathenge and hon. Shabaan for contributing to the Motion. All these people contributed to this Motion and gave good ideas.

To come back to what hon. Sunkuli said challenging my authority, I must say that my authority is authentic. It is based on scientific findings in reputable journals, in international reports on drug abuse and on conferences and international meetings. They are not my ideas, but scientific facts and I never exaggerated them. The effects of drugs have been talked about in a lot of scientific journals and all the effects, as I have said, are based on scientific information and they are not my ideas.

The other thing which was said was that anything taken in large quantities is dangerous. That is true. Other drugs are taken in small quantities because they are in pure forms. Miraa is in the raw form and so the active ingredients have to be extracted slowly from the raw form. Had impurities been extracted then the effects would be just like for any other hard drugs like heroine and cocaine. The reason why people spend up to six or eight hours consuming it is because we are dealing with a raw form of a biological drug. Nothing has been extracted and that is the reason why you have to spend six to eight hours eating two to five kilograms of miraa to get the effects. Nobody is going to eat very little miraa, everybody has to eat a lot and that is why they spend time in consumption so that they can have the effects of miraa.

As hon. Arte said, miraa is a stimulant, but hon. Arte has to remember that all drugs are stimulants in the

first place. If taken in large quantities, you move from a stimulation to a depressant. Even the drugs which are used for anaesthesia are hard drugs like, for example, Barbiturate. If taken in tiny quantities they become stimulants and then when you go beyond that they become depressants. Quite often people are not satisfied with the stimulation they get, they always go beyond so that they can go into a depression as well. This is true with alcohol, heroine and other drugs.

Hon. Murungi said that there is a relationship between Somalis and Merus. I do agree that there is a relationship, but this is a relationship which is similar to a relationship between a predator and a victim. One is on the receiving end while the other one is on the paying end. That is the relationship which exists at present. He has also called for the processing of the drug. We are getting into an area similar to that of opium. In the beginning opium was taken in almost raw forms and then people processed it and got a pure form of heroine which is more potent than any other drug. So, if we talk about processing miraa we are talking about coming up with a very potent drug.

I do agree with hon. Salat when he said that the addict's interest is to fulfil his desire of addiction and so the first priority is to spend his money in buying the drugs and any other need becomes a second priority. I will agree with hon. Khalif that legalizing the growing of miraa in this country for economic reasons is like saying that we legalize the growing of marijuana. If we do that, we will be very rich. We will be the biggest suppliers in the world and we will have a lot of money. There is a lot of market for marijuana. If we grow marijuana in this country we will have so much foreign currency that we can finance International Monetary Fund and World Bank. We do not have to worry, but moral responsibility says we cannot do that. It is that same moral responsibility which dictates that we cannot grow miraa and export it.

Controlling the growing, selling and consumption of miraa is the first step. The second step, the Government has to consider a complete banning of miraa because we have to get our senses back. Controlling alone is not sufficient. This is a very dangerous drug. The international community outside Kenya is already putting a lot of pressure on miraa-eating-countries to ban it and this pressure is going to be put on Kenya and we have to start thinking about that.

With these few words, I thank everybody who supported this Motion and I beg to move.

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

Resolved accordingly:

THAT, in view of the fact that miraa also known as *ghat* is a drug widely used in Kenya and has a strong anti-social effect causing economy and medical harm to those consuming it, this House urges the Government to consider controlling the selling and consumption of miraa.

IMPROVEMENT OF INFRASTRUCTURE IN GARISSA

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

THAT, in view of the influx of refugees into our country from the neighbouring states namely, Somalia, Sudan and Ethiopia; and noting the fact that Kenya being a sanctuary of peace for these refugees who have overstretched the existing infrastructure, security and causing ecological disaster to our already fragile milieu and ecosystem; and further noting the importance attached to the role played by United Nations High Commission for Refugees (UNHCR) in providing essential services to these refugees; this House urges the Government to negotiate with UNHCR with a view to urgently secure adequate funds for improving the infrastructure and curb the looming ecological disaster in Dadaab and Liboi Divisions, Garissa District.

Mr. Temporary Deputy Speaker, Sir, I am moving a very important Motion. If you know the history of our neighbouring countries, you will notice that they have had a turbulent political climate. Wars have become the order of the day and so many governments have collapsed. For example, the Governments of Somalia, Rwanda and Uganda collapsed. When these Governments collapsing, people were leaving helter-skelter and seeking places where they could have a peaceful life. They were faced with so many wars. Their priority was to go to a place where they could have some peace.

Due to these wars, these refugees who were numbering over a million people, ended up in camps in our country. Today, Kenya is hosting the biggest number of refugees in this region. Uganda, Tanzania and Ethiopia have less refugees. The majority of these refugees end up in this country because there is peace, infrastructure and security. The question that I would like to pose is this: Does our country have the capacity to hold these

people? Do we have enough food in the stores, land, roads, social amenities and general infrastructure to contain and maintain these people in our country?

Mr. Temporary Deputy Speaker, Sir, that is why I am moving this Motion. Where I come from, that is Lagdera region of Garissa, which is bordering Somalia, we have been the worst hit. Today, as I am speaking, we are hosting the biggest number of refugee population in the entire country. We have about 250,000 people are hosted in a small market centre called Dadaab. Dadaab has become the centre of refugees in this region. We have refugees from Sudan, parts of Turkana District and from all over the Republic. Even those, who were repatriated from Utange Refugee Camp, ended up in Dadaab. It is a small shanty town which can only accommodate 5,000 people, but today, it has a population of 250,000 people. Mr. Temporary Deputy Speaker, Sir, if you go there today, you will find that it is a different story. What you say here and what exists on the ground are two completely different things. It is a negation of the environment, immorality, security and infrastructure.

On the environment, trees were cut down for firewood and charcoal. Trees were cut down indiscriminately for firewood in an area stretching for 50 or 60 kilometres. It has become a big time business. When trees are being cut down for firewood and then for shelter, you can imagine what it means. Trees are cut down and yet we have what is called life fencing systems in the camps because of cases of rape. Women in the refugee camps have been raped. Therefore, these trees are cut for first for fuel, then for shelter and then for fencing purposes because the refugees need protection from the people surrounding them or within themselves. So, when trees have been cut down and the rains comes in, and as you know, our rains are torrential type of rain, whereby there is a rundown where there are no trees. Even the natural wealth that we used to have, has been silted now. We do not even have water. What we have today is that UNHCR and other Non-Governmental Organisations (NGO) operating there have decided that they are going to dig boreholes.

Mr. Temporary Deputy Speaker, Sir, we cannot take things for granted. We cannot take the water resources in the ground for granted. The ground water will be depleted and eventually dry up. The ground is going to cave. Water is pumped out to fend for over 250,000 people. We know very well that the more you drill boreholes, the more the desertification. Even in Brazil, digging of boreholes is actually discouraged because when you have a borehole here and another one there, animals come in to drink the water and then we end up using the same water for our domestic purposes. What we have in place today are those few boreholes. The infrastructure has gone and you cannot use that road. Even if it is graded today, due to the fact that food has to be transported from Nairobi or Mombasa by large 50 tonne trucks, it will still be ruined.

Let me touch on the issue of security. When the Government of Somalia collapsed, all the guns including AK 47, G3, Bazookas and other makes found their way here. At times, those guns became even more cheaper than goats. You can imagine a situation whereby a AK 47 was cheaper than a goat.

Mr. Salat: It was even cheaper than a bundle of firewood!

Mr. Shidie: It was also cheaper than firewood as hon. Salat has said. So, you find that each person is armed to the teeth. This has increased insecurity in the area. Already, our security system was faced with a banditry problem. With every person possessing firearms, you can imagine how the situation is.

Mr. Temporary Deputy Speaker, Sir, insecurity has become a pestering wound. Recently, we had clashes between the refugees and the local people. The refugees, who were supposed to be confined within camps, are moving out and as a result of that tension has been building up and causing much scare. Today, it is a really dangerous situation. You cannot travel by road from Garissa to that part of Liboi and Dadaab, because you will be waylaid. So many people and soldiers have lost their lives. After 30 years of Independence, we are still talking about insecurity! I would like to suggest something, and it will be very important if the Minister of State is here. We had commissions, even on devil worshipping. So, why do we not have one commission on insecurity in that region and then we brainstorm as to why, after 30 years of Independence, we are still talking about insecurity in that area? This is something that needs to be addressed. It is a pestering wound. We have been treated as if we Somalis from that area are warlike, belligerent and bellicose, while the situation on the ground is different. We do not have two protruding horns similar to those of a warthog, ready for an action. We are humble people, who want to work with the Government. The Press has been writing negatively about our people. But, if you want to know the truth, we are the most peaceful people.

I would like to touch on the social dimension of this issue. As a result of the settlement of refugees in that area, you will find that immorality has become the order of the day. There are so many people with diverse cultures. Sudanese, Rwandese and Somalis from across the border have come and settled in that place. As a result of this, immorality has increased. Today, diseases, like sexually transmitted ones, AIDS, meningitis, tuberculosis and all sorts of diseases, which were not known in the area, have become the order of the day. What safeguards do we have? We have given our land for the sake of refugees! We have told them: Here it is; take

it. The Ministries of Environment and Natural Resources, Culture and Social Services and Home Affairs and National Heritage know this. The question is: What compensation do we have? How can we be compensated? How are our people going to live in the wake of so many problems? Their animals are dying in large numbers. We used to have drought every 10 years, but now we are having it after every three or four years. With the cutting down of trees by refugees, desertification, which used to be a story to be read in the Bible--- Today, an area which was a semi-desert has been turned into a real desert. You can just see it approaching. So, what do we do? Do we fold up our arms and just wait for the Government to act, or do we wait for the cows to come home or for Jesus?

If the Government is serious, it can force these international organisations to do something. After all, the United Nations Environmental Programme (UNEP) is headquartered in Kenya. Yet, there is a looming ecological disaster. The environment has been tampered with by none other than these refugees. We know that Kenya is a signatory to the Geneva Convention, and so we cannot flush out these refugees. We cannot do that as it will be inhuman. But what safeguards do we have for this country? What is the UNEP doing? What is the United Nations High Commissioner for Refugees (UNHCR) doing? What are the non-governmental organisations (NGOs) and the Government of Kenya doing? Are they doing nothing? We are told that the GTZ organisation has started an afforestation programme. Forget it! It is a tree nursery, on which they have been working for the last three years. Two years down the road, the tree nurseries are still there! We are told that even the "mathenge" type of a tree, which "kills" other indigenous trees, has been introduced in those nurseries.

Mr. Temporary Deputy Speaker, Sir, when there is gully erosion there is no pasture and water. Life is almost coming to an end in that area. If we are really serious and do care for our nation, population and the people of Dadaab, Garissa and North Eastern Province in general, something should be done by the Government. It should coerce these organisations into doing something. They cannot just have things done left and right and then just go. If the organisations want to help the people of that area, they should build hospitals and schools. They should undertake intensive environmental programmes, and design an alternative energy policy which would use the solar energy. After all, we have a naturally hot climate. The sun in that area is so hot that you can even fry an egg on the bonnet of a vehicle. Why do they not use the solar energy? The UNHCR, UNEP and all these other organisations, including the Government, are not serious and committed.

The Minister for Home Affairs and National Heritage is in this House. He should listen to what I am saying very keenly, because it touches on human rights. If he thinks that environmental degradation will not reach his home in West Pokot District, soon or later, he will find desertification right in his home district. Desertification is like an avalanche. You know that when an avalanche starts it gains momentum. The moment the avalanche gains momentum, nothing can stop it and it will even fly on the face of the Minister. He knows that it is very dangerous.

On the other hand, the refugees who have settled in this City have overstretched our resources. Look at the housing problem in Nairobi! All the Rwandese and other people who have looted their governments are all here. The Sudanese and Somalis are all here. Today, housing has become very expensive. All the estates are occupied by people who have Dollars! This is happening in the midst of poverty. We know that the majority of Kenyans are very poor and yet, the rents have gone up! Even telephone services are affected. Go to all the booths to make an international call and you will not make it because the queues are very long. These are issues which need to be addressed.

If we are going to accept refugees in this country, let us ask ourselves the question: At what price shall we do so? If we are going to accept refugees here, we must have safeguards and the facilities. If the Government of Kenya does not have the facilities, it must coerce the international organisations to provide them. Recently, the United Nations Development Programme (UNDP) were helping in a crash programme, but they withdrew from it in the last minute and we know it. If you go to the UNHCR and tell them that you want a school, a hospital or a community centre, they will tell you: "Look here: a school is not an emergency thing!". They will tell you that provision of infrastructure is not an emergency! Then, what is an emergency? Is preservation of the environment not an emergency? Do you wait until you have no water, pasture or tree to shelter under, to say that there is an emergency? This is a grave situation and we must take it seriously.

With those few remarks, I call upon hon. Kituyi to second the Motion.

Dr. Kituyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance in a most modest way to second what I consider to be a very important Motion.

From the outset, I wish to congratulate the people of Kenya and to some extent, their Government, for the generosity with which they have faced their neighbours who have had crises of instability and refugees. It is the spirit of solidarity that it is very important, and it is a spirit that in many areas of the world is very first getting eroded. The plight of refugees is a plight and a collective shame for all humanity. It is a reflection of a failure

for mankind do devise capacity to sustain political differences without excessive recourse to violence, and it is a constant reminder for those, who do not have it, about what we risk when we play around with peace and solidarity. But while one appreciates the devotion that the Government and people of Kenya have given to victims of collapsed social orders, it is important to ask ourselves a number of fundamental questions. The first question is: Certain countries in the world which have usually been the main sources of funding, accommodation and maintenance of refugees have progressively over the past half decade, tightened the methods of scrutinizing and allowing of refugees to enter their territories.

One particular bad decision that was made by the European Union (EU) was the notion that a refugee should not get into the European Union if he is not coming directly from his original country. This is a very strange resolution because, once you say that refugees cannot come to Europe unless they are coming directly from their country of origin, is like saying: We will allow the importation of all citrus fruits apart from oranges, lemons and limes. By the nature of pogroms that lead to the emigration of refugees, one of the first things to exclude is direct access to a European country by a refugee from an African country. Of necessity, a refugee will need to pass through a second country before he or she can gain access air transport to a European destination. But, basically what was happening then was that the EU was abdicating its part of international solidarity with the hosting of refugees from trouble spots around the Third World, and basically saying: Only frontline countries, like countries towards Eastern Europe can absorb refugees of a European origin, who are likely to be able to get to another European country without passing through a third country.

I think it is important that Kenya, as one of the main domiciles of refugees from the African continent, leads an initiative by African countries, which are hosts to refugees, that either the EU alters those conditions for access of refugees or else special facilitation be availed to countries which are in the frontline in receiving refugees from trouble spots. It is useful that we have international solidarity, but Kenya alone does not have the material resources nor the moral obligation to bear the collective burden of human kind from trouble spots in our neighbourhood. It is in the national interest that our solidarity be tapered by our concern about our capacity to give solidarity to the vulnerable in our own society.

Mr. Temporary Deputy Speaker, Sir, I wish now to turn to the problem of the refugee centres of Dadaab and Liboi. First of all, there is something racist, almost tribalistic about the allocation of the largest refugee centres, indeed, the main refugee centres in Kenya, in Garissa. To the casual observer, what we are doing is this:

We have Somali refugees, who form the largest section of refugees in the country. Implicit in what we have done in locating the refugee centres in Lagdera Constituency is to say that the people of Lagdera, either share the blame for what happened in Somalia to make those people come, or they are not like any other citizens of this country. Those refugees are part of their problem, that the Somalis of Garissa have a moral obligation larger than the Kenyan citizens to bear the burden if Kenya is expressing solidarity with the victims of the collapse of social order in Somalia. After nearly 30 years of deliberate discrimination, abuse and abandoning of the Somali community of this country, virtually labelled non-citizens, seen as terrorists, it is not pleasant for a Government at this time and age, to be, by its action, implying that the people of that part of the country have a larger moral obligation in bearing the burden of persons displaced in their countries than the rest of us. There is no justification whatsoever as to why refugees based in Thika and Mombasa had to be rounded up and taken to Garissa.

However, apart from the racist and tribal implications as this, apart from the sore note that it strikes in the way we have had crimes of omission against the people of Somali origin of this country, there are more glaring problems when one is thinking about Lagdera. Two of the most critical resources that are required for a rapidly assembled population as a refugee centre are; substantial supply of water and fuel. If you look at these two considerations, Liboi and Dadaab should have been the last places in this country to establish refugee camps. Because when we establish refugee camps where there is no permanent source of water, we start mining the sub-terranean water resources. The sub-surface water level in the environs of Dadaab and Liboi substantially declines and the consequences are the destruction of the riverine and plant resources. If you know about the fragility of the ecology of the rangeland, it may be easy for you to cut down a tree in Thika and within two and a half years you have replaced it. But with regard to some of the hardy trees that are found in the environs of places like Liboi, it is very difficult to conceive that they are going to be replaced. The destruction of the sub-terranean water flow through uncontrolled establishment of boreholes, is destroying the fragile bio-diversity of the rangeland because of unjustifiable establishment of large human settlements in an area that has no carrying capacity for such human populations.

Similarly, the need for fuel resources forces the refugees to cut down the few hardy trees in the neighbourhood of Liboi and Dadaab, and these are trees that are not going to be possible to replace in the short term. On the basis of the ecological consequence of the concentration of human population in a range area, one

has problems understanding why the Government has found it relevant and necessary, that the principal refugee camps should be established in this hardy area. Apart from that, every person who knows anything about the dictates of pastoralism, knows that the pastoral Somali, just like the pastoral Turkana and the pastoral Maasai, have been able to be custodians of a very fragile eco-system because they have controlled access to permanent water sources, which reduces pressure of livestock and human population in certain areas that are most vulnerable.

For example, among the Borana, the "father" of the dip well can control who can access that water during the dry season. This means that he can control how many people will bring their livestock in a critical area. In all these other areas, the location of permanent water sources and implicit settlement of human populations for long periods, is directly controlled as a way of reducing pressure on the ecological resources in the neighbourhood. But by the Government allowing the establishment of large refugee centres in these places, the automatic consequence is not only the blowing up of the population of refugees, but the additional settlement of locals, who would otherwise not be settled in those environs because of the arrival of permanent water resources, with the consequent increase in the livestock in the environs of the refugee camp settlements, and the additional consequence is further denuding of the rangeland. This is a misfortune that does not have to be imposed upon the people of Liboi and Dadaab.

More critically at this point, the custodian of the interest of local Kenyans in an area where the refugees are is the Government of Kenya. It is a shame when the leaders of the local community have to negotiate directly with a United Nations Agency, on how they have to be assisted. The Government should take more direct charge of its responsibility to negotiate for a fair deal for the locals, who are sacrificing their ecological resources, paying for their generosity, sacrificing their trees, water, livelihood and pasture by accommodating people, while the decision of accommodating which people is not their own. The Government should take the initiative. Instead of negotiating with the United Nations, it should be negotiating with Geneva about how to pay for the price that is being borne by the people of the area which is domiciling the refugees.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, on this question of the refugees and environment, I would like to say that the influx of immigrants into Kenya, especially illegal immigrants, has been great. Many people who have come from states that have collapsed or states that are getting into disarray have come to Kenya. This has had a lot of effects on our environment. It has also had a lot of effects on our security as Kenyans.

This House will note that our immigration regulations are, perhaps, not as stringent as they are in the rest of the developed world. To get into any of the states in the United States of America, is a very difficult thing. Even the very many refugees from Cuba cannot directly go to Miami. They have to go to Guantanamo where they have to wait to be cleared and eventually they are returned to their country. Our regulations are not as stringent as those of the European Union, or as stringent as those of any of the countries in Scandinavia.

Mr. Temporary Deputy Speaker, Sir, because of these regulations and the internal conditions pertaining within our country, we have had to receive very many people from particularly Somalia, Sudan, and Ethiopia. A few years back we received refugees from Uganda, and much more recently, we have had very high influx of refugees from Rwanda. That is why although I am supporting this particular Motion, I am hoping that my colleague, the Minister for Home Affairs and National Heritage, will actually take into account that this Motion should cover all the areas where the refugees have resided within Kenya so that the environment within the areas that the refugees have settled in will also be taken into account.

The coming of refugees into Kenya has had a lot of impact on our resources. Our schools all of a sudden have become over-flooded, hospitals and everything within the country, has all of a sudden suffered from this artificial influx of people into this country. Because of this, I would like to say that we in the Government believe that human beings must be relieved of their problems, if they come to seek assistance. But, we have got a price to pay and, perhaps, this is what the Motion is addressing today.

The refugees from Somalia have particular peculiarities. We have set up very many camps within the country, but many of the refugees especially from Somalia do not like to stay in their camps. This has created a problem because, in the first place, when you introduce a population that is carrying weapons and you cannot be able to control these weapons because the people carrying them are not restricted within a particular area, this is giving us a problem. I would like to call upon our colleagues from North-Eastern Province to assist us in identifying refugees who do not stay within their camps so that we can be able to take them back to their camps where they are supposed to stay. This is one of the reasons why a lot of weapons are filtering even into the City

because we do not know where these particular people are. They come into Kenya and because some of them have clans within Kenya, they actually filter into them and get accommodated. This is the appeal that I would like to make so that people of the North-Eastern Province can assist us. The refugees from Ethiopia and Sudan have come and have abided with our regulations. They have stayed within the camps when we have requested them to do so, and we have no special problems with them. Our problem is with the refugees from Somalia.

Our policy is that our country would like to be as hospitable as possible, but the refugees should go home.

That is the essential point that the refugees should go back to their countries of origin so that they can reconstruct their countries. We know that the situation is bad, but it is only the people of Somalia who can go and reconstruct a state in Somalia. They cannot become Kenyans. They have to go back and face the reality within their country and help their fellow citizens to reconstruct a better Somalia.

With regards to the Sudan, we have participated in the negotiation for peace in Sudan. We would like to call upon the Southern Sudanese, who are within our country, also to go and reconstruct their country. We would like also to call upon the people of Ethiopia, now that they have held elections within their country and now that their country has a stable and democratic Government, to go back to their country and reconstruct it. They cannot be permanent Kenyans and our resources cannot hold that large population that has not been created by birth of our Kenyan citizens. That population has been injected into us and now we are forced to act in order to sustain a population that we had nothing to do in bring it about.

Our policies of family planning indicate that already the population, as it is, needs to be controlled for the sake of the future. But if we are going to have a situation where we are going to control our own locally-generated population and we have no way of controlling population from outside, I think it is going to be an irrational way of development. We are never going to develop because we are always going to have unplanned population migrating into Kenya.

I agree with the Motion that the environment needs to be protected because one of the things that have suffered a lot from influx of refugees has been our environment. The environment has been degraded, the trees, the very rare trees of the dry lands of Kenya and the vegetation of the dry lands of Kenya have been interfered with by this large presence of human beings in an area that was hitherto scarcely populated. I would like to say that this Motion should be supported.

With those few words, I beg to support.

Mr. Mwaura: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving this opportunity to contribute to this very important Motion because we are talking about the suffering of millions of Africans.

Africa today is the leading continent in the world in hosting the largest number of refugees. It is sad to note that during the colonial period, it was unusual to hear about refugees in Africa and yet for the 30 years when African States have been independent, we have seen crisis, human rights abuses and suppression of the African citizens by their own people. This is what is causing a lot of problems that we now face in this country.

Recently, an African writer from Ghana wrote a book which is known as *African Betrayal*. This book tries to specifically highlight the fact that more than ever before, African people are suffering more under their own leaders than they did during the colonial time. With regard to the question of refugees, and this country, indeed, has hosted a large number of refugees for many years, since the days of Idi Amin in Uganda. Never before, have we had to deal with refugees who have come to this country and who have gone to the extent of creating a situation of insecurity. The collapse of Somalia has created a bad situation in our country because that country has totally collapsed. That meant that a lot of people who were armed, both civilian and members of the Armed Forces moved across the border to our country with a lot of ammunition.

Several hon. Members here have talked specifically about the problem of refugees from Somalia. The problem here is that we have our own citizens who are of the Somali origin and it has, therefore, become extremely very difficult to identify and differentiate the refugees from Somalia and our own people. It is, therefore, very important for our Government to ensure that the kind of support which we get from the United Nations to support these refugees is significant. That will help us to provide the much needed facilities like schools and health centres in the refugee camps. I believe that these refugees should be settled in areas that are a bit far from our main towns because we have huge chunks of land in this country which are not inhabited. If we do that, we will be helping these people. It is very difficult to say that these refugees must go back to their own countries. If you look at the situation in Somalia today, you will see that country is not stable. There are various leaders, who lead their own clans and continue to fight. There are many examples of this nature in Sudan, Rwanda and Burundi where the situation might explode very soon.

Let us not think always that only other countries that can face civil strife and hence an influx of refugees.

In our own country, such a situation can even occur. The stability of this country is threatened because most of

the leaders and especially politicians take this situation for granted. As a result, you find some leaders here making very inciting statements which usually cause tension in our own country. We have had tribal clashes in this country and yet people think these are small-scale problems and we should worry about them. Let us make sure that this country does not have people running away from this country to other countries to seek refugee status.

Recently, the British Government, which is a Commonwealth country, introduced visas requirement for Kenyans travelling to that country because they feel that there is a very large number of Kenyans, who are running to the United Kingdom, seeking refugee status. Let me appeal to our leaders that if you want this country to remain peaceful, we must advocate a situation whereby Kenyans live like brothers. We should not be practising tribalism because these are the same factors that have caused civil strife in other countries like Rwanda because the Hutus and Tutsis could not live together. They see each other as enemies. We must avoid such a situation because when there is instability, then we have a very serious problem.

The other area which I would like to comment on so that the Government can take very concrete measures, is that the Government should send some officials to other countries where there are crisis. The Kenya Government should send officials to countries like Yugoslavia, where there are a lot of refugees to study whether the facilities that are being offered by the United Nations in other countries for the refugees are the same as the ones we are being given in this country. We know that in the world today, it is a general belief that the African people do not have to be given proper subsistence to live on like other human beings. The Government must make sure that the same treatment that is given to refugees in other countries is the same as the one given to the refugees in this country.

Recently, we saw people being assassinated by people with guns. I would like to say that this is due to the fact that we have so many refugees in this country who possess guns. The Government must do everything possible to ensure that these people are eliminated.

With these few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Minister, do you want to move an amendment? Would you have time to do so because we have only 10 minutes left? Hon. Minister, you can do that next week. Hon. Saina, you want to say something about this Motion?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, the Government of Kenya, under the leadership of His Excellency the President, has done quite a lot to bring State governance in refugee camps.

Mr. Temporary Deputy Speaker, Sir, IGAD has policies which actually project ideals and to improve security and environment by protecting the land that is affected by desertification, drought, depletion of water sources and destruction of catchment watersheds. IGAD has been spearheading all these policies and it is with great pleasure that Kenya has been this responsibility to steer-head it and has made great strides in improving developmental and environmental situations in member countries. Mr. Temporary Deputy Speaker, Sir, the question of refugees is a very touchy issue because all these refugees coming to Kenya are now competing with indigenous Kenyans for the meagre resources which this country has. We all know that only 20 per cent of our country is productive and it is mainly agricultural land. It is this 20 per cent that has got the best soil, the source of water and the catchment areas where all the forests which are the main suppliers of power, fuel and water for major towns and cities. The rest, over 80 per cent where the districts now on debate lie is the Arid and Semi-arid Land (ASAL). This is where the refugees from the neighbouring countries have camped.

The resources in those areas are very limited because those are the areas where the ecology, the ecosystem is so fragile that trees there are very scattered. The soil is so tinny and in terms of scientific research, it is not rich soil. It is also a pastoral area where cattle move from one area to another, from A to B, and from A to B over thousands of kilometres and water is also very scarce. In fact, where the water is drilled from underground, we say it is water which is difficult to obtain. So, to keep the refugees in an area where the resources to support life are meagre or scarce for such a long time, it is a great challenge to the Government of Kenya, to all Kenyans, in general, and also to the people in those semi-arid areas like Liboi.

I think we have been too generous. The body that looks after the refugees should now be thinking of refunding us the money that we have used in rehabilitating these refugees. They should be repatriated to their countries where they can create an environment which can support them because we have experienced insecurity in Kenya because of so many refugees in our country. It has been a common practice that every now and then people are being shot and killed in Nairobi and in our smaller towns which borders Uganda, Sudan and Ethiopia. They are being killed by thugs who get the weapons from these refugees. Some of these refugees escape from their

camps and go out to do a bit of magendo selling sophisticated weapons like AK47 sub-machine guns. A lot of our people have suffered because of these refugees. I think we have created a mess by accommodating refugees. Our security has been threatened and it is high time the Kenya Government realised that and I hope the Minister concerned will take this into account that our people are in danger. We have to pursue another approach from the point of view of security.

Mr. Temporary Deputy Speaker, Sir, I had said earlier on that a large part of our country is semi-arid and, therefore, the water resources are very limited and so is the rainfall. This is because the rainfall a country gets depends on the amount of water in the rivers and in the lakes because of the evaporation. We have a cycle of rainfall in this country but I think this year we are going to have a much leaner cycle of rainfall whereby the precipitation is going to be very low. This is going to affect food security in Kenya and if that is going to be so as it has been in the past, there will be a shortage of food for the people of Kenya. Where then will the food come from for the refugees? I know that grains, the source of carbohydrates has been liberalised, but we would like to have our own food grown at home and kept in stock for food security for our own people. We should not actually be harbouring refugees and depleting our meagre resources from National Cereals and Produce Board to give to the refugees. That is an international agreement but I think first of all we should think of our houses and feed our own children first before you feed others.

Mr. Temporary Deputy Speaker, Sir, the United Nations High Commission for Refugees (UNHCR) should be asked, at this time to formulate another policy of rehabilitating refugees and repatriate them back to their countries rather than keeping them in Kenya. I think we have kept them for too long and because of this, we have landed ourselves into a mess whereby our people are killed and our resources are depleted. It is high time this international organisation took action and agreed with the Minister who is going to respond to this Motion next week. I hope that refugees will be repatriated back to their countries systematically. After this we can be able to rehabilitate the environment of our country together with the eco-systems.

With these few remarks, I beg to support this Motion.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndoto): Hon. Members, it is now time for the interruption of Business and the House is now adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.