

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th November, 1996

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 1010

ENACTMENT OF NATIONAL YOUTH DEVELOPMENT POLICY

Mr. Farah asked the Vice-President and Minister for Planning and National Development:-

- (a) whether the Government has a National Youth Development policy; and,
- (b) if the answer to "a" above is in the negative, when the Government will enact such a vital policy.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Nooru): Mr. Speaker, Sir, I ask for the indulgence of the House so that we can give a sufficient answer for this Question.

Mr. Speaker: I cannot hear you!

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Nooru): I am asking for the permission of this House to give us some more time, so that a sufficient answer could be given to this Question. The answer that I was given this morning is not sufficient. I ask that this Question be put on the Order Paper for Wednesday, so that I can give a sufficient answer.

Mr. Speaker: Very well, the Question will be deferred until Wednesday.

(Question deferred)

Question No. 771

PAYMENT OF MR. M.P. NGULI'S PENSION

Mr. Nthenge asked the Minister for Finance:-

- (a) why the payment of pension for Mr. Oscar M.P. Mang'eli Nguli, Ref. No. APC/PC 37426, was stopped; and,
- (b) whether he could ensure that the complainant's pension is paid.

Mr. Speaker: Is anybody here from the Ministry of Finance. We will leave that Question until the end. Let us move on to the next Question.

Question No. 1079

PRESENCE OF GHOST WORKERS IN LIMURU

Mr. Speaker: Hon. Members, Mr. Nyanja has requested that, due to his inability to ask his Question, that the Question be deferred until a later date. Therefore, the Question is accordingly deferred.

(Question deferred)

Question No. 724

ERECTION OF BEACONS AT
KIANDUTU CEMETERY

Mr. Speaker: Is Mr. Ndicho here? We will leave his Question until the end. Let us move on to the next Question.

Question No. 984

IMPLEMENTATION OF RURAL
ELECTRIFICATION PROGRAMME

Mr. Speaker: Is Mr. Kapten here? We will leave his Question until the end. Let us move on to the next Question.

Question No. 418

FATE OF EMPLOYEES OF MINAR RESTAURANTS

Mr. Anyona asked the Minister for Labour and Manpower Development:-

- (a) whether he is aware of the serious problems of the employees of the Minar Restaurants belonging to the Balla Group of Companies;
- (b) how many Kenyans and foreigners hold managerial positions as managers and chefs in the Minar Restaurants; and,
- (c) what urgent measures will the Minister take to deal with the situation and protect Kenyans in the Minar Restaurants, and other foreign establishments against discrimination and exploitation.

Mr. Speaker: Is anybody here from the Ministry of Labour and Manpower Development? We will leave that Question until the end then. Next Question!

Question No. 417

DISCONTINUATION OF WEEKEND
KIKUYU PROGRAMMES

Mr. Speaker: Is Mr. R.K. Mungai not here? We will leave his Question until the end. Let us now go to the second round.

Question No. 771 for the second time!

Question No. 771

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- (a) why the payment of pension for Mr. Oscar M.P. Mang'eli Nguli, Ref. No. APC/PC 37426, was stopped; and,
- (b) whether he could ensure that the complainant's pension is paid.

Mr. Speaker: Is anybody here from the Ministry of Finance. Question deferred.

(Question deferred)

Mr. Speaker: Question No. 724 for the second time!

*Question No. 724*ERECTION OF BEACONS AT
KIANDUTU CEMETERY

Mr. Speaker: Is Mr. Ndicho still not here? Question dropped.

(Question dropped)

Mr. Speaker: Question No. 984 for the second time!

*Question No. 984*IMPLEMENTATION OF RURAL
ELECTRIFICATION PROGRAMME

Mr. Speaker: Is Mr. Kapten still not here? Question dropped.

(Question dropped)

Mr. Speaker: Question No. 418, for the second time!

Question No.418

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(a) whether he is aware of the serious problems of the employees of the Minar Restaurants belonging to the Balla Group of Companies;

(a) how many Kenyans and foreigners hold managerial positions as managers and chefs in the Minar Restaurants; and,

(c) what urgent measures the Minister will take to deal with the situation and protect Kenyans in the Minar Restaurants, and other foreign establishments against discrimination and exploitation.

Mr. Speaker: Is anybody here from the Ministry of Labour and Manpower Development? Question deferred!

(Question deferred)

Mr. Speaker: Question No. 417 for the second time!

*Question No. 417*DISCONTINUATION OF WEEKEND
KIKUYU PROGRAMMES

Mr. Speaker: Is Mr. R.K. Mungai still not here? Question dropped!

(Question dropped)

Mr. Anyona: On a point of order, Mr. Speaker, Sir. What is the point of sitting here, if Ministers--- I am afraid some hon. Members, are not here to ask their Questions. What are we going to do?

The Minister for Local Government (Mr. ole Ntimama): But we are here!

Mr. Anyona: Well, but I am talking about the Ministers who are concerned, Mr. Speaker, Sir!

Mr. Speaker: Order! Order! I think the House will appreciate that the Chair is always present and

available. The Chair gets disappointed---

(Mr. Mathenge entered the Chamber saluting)

Order! Order, hon. Mathenge!

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Is the hon. Member for Nyeri Town in order to keep on saluting you each time you say, "Order?"

Mr. Mathenge: Mr. Speaker, Sir---

Mr. Speaker: Order, hon. Mathenge! Order! I am reminded of the saying that habits take a long time to die off.

(Laughter)

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. We must congratulate the Chair because every Wednesday, it is on time. But both sides of the House are letting down the Chair. This is because when the Chair calls upon hon. Members to ask Questions, they are not there. When other hon. Member who are there ask their Questions, those who are supposed to reply to them are not there.

It looks as if something should be done so that hon. Members who have Questions are here on time. This is because 9.00 O'clock is not too early. Even the courts and other organisations are already working at that time. So, it looks very silly for me to be called upon to ask my Question and I am not there, or the person who is supposed to reply is not there. It looks as if the Chair is being belittled.

Mr. Speaker: Order! Before hon. Mathenge saluted, I was, in fact, expressing the Chair's total disappointment with the absence of hon. Members to ask Questions, and Ministers to reply to them on Wednesday morning. Maybe it is just about time, that this House decides whether we should have any Questions on Wednesday morning.

The Minister for Local Government (Mr. ole Ntimama): On a point of order, Mr. Speaker, Sir. I would only request that we do not bunch the Ministers together. This is because we are all here answering these Questions. It is the hon. Members on the other side of the House who are not there!

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! I have expressed my displeasure on both the Front Bench and the Back Bench because today, a lot of Back-benchers were not present to ask their Questions. As a matter of fact when we were dealing with ordinary Questions, only three Back-benchers were present, and the balance were absent. Of the three who asked their Questions, there were no Ministers to answer. So, the Chair is disappointed with both the Front Bench and the Back Bench.

Mr. Farah: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Hon. Farah, I am afraid that these hon. Members are not taking their jobs seriously. We should then not be serious with points of order. We will now proceed!

Mr. Farah: On a point of order, Mr. Speaker, Sir. My Question has been there for the last six months, and then I am told that the Assistant Minister does not have an adequate answer. Why is it that the Assistant Minister does not have an adequate answer? How long does he need to have an adequate answer? Why is it that the technocrats are not giving the answers to the Ministers in time, so that the Ministers can determine months in advance whether the answers are adequate or not?

Mr. Speaker: Well, I only operate the business of the House.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. I am only appealing to the Chair. I do not know whether you can assist us. The basic reason why hon. Members are not here to ask some of these Questions is because the Order Paper comes fairly late on Tuesday evenings. I do not know whether the portion that is related to Questions can be given to hon. Members much earlier than the other business, which the Sessional Committee decides on Tuesday evenings.

Mr. Speaker: Order! That is an excuse rather than the cause because we normally give the programme of work for the whole week and it is the business of the hon. Members to find that out.

Mr. Falana: On a point of order, Mr. Speaker, Sir. In all fairness with Order Paper being there or not there, hon. Members from both sides have a duty to be in this House when the House sits. So, the question of

hon. Members knowing whether they have Questions on the Order Paper or not does not arise.

Mr. Speaker: I agree entirely with you. Can we now proceed in the hope that Rev. Ommani is there.

QUESTIONS BY PRIVATE NOTICE

FATE OF KAKAMEGA FOREST

(Rev. Ommani) to ask the Minister for Environment and Natural Resources:-

(a) Is the Minister aware that Kakamega Forest covering some 28,199 hectares has lost 600 acres through various illegal activities like timber extraction, charcoal burning, illegal human encroachment and so on?

(b) Could the Minister re-introduce the Non-Residential Cultivation System which would help cultivate the newly planted trees, while growing some food crops in order to save the situation?

Mr. Speaker: Is Rev. Ommani not here? Then the Question is dropped.

By the way, hon. Members I also want to bring the attention of this House as deterrent of hon. Members not coming on Wednesday morning, the Chair will not accept to reinstate any dropped question.

(Question dropped)

Next Question.

SHORTAGE OF WATER IN WAMBA

Mr. Leshore: Mr. Speaker, Sir, I beg to ask the Minister for Land Reclamation, Regional and Water Development, the following Question by Private Notice.

(a) Is the Minister aware that there is an acute water shortage in Wamba?

(b) What urgent measures is the Minister taking to provide water in this town, having regard to a special report undertaken by a team of engineers from the Ministry's Headquarters in 1996?

(c) Could the Minister consider stationing an additional water tank to alleviate the water problems in this area?

Mr. Speaker: Is anyone here from the Ministry of Land Reclamation, Regional and Water Development? I am afraid there is no Minister to answer.

Mr. Karani: On a point of order, Mr. Speaker, Sir. Just a few minutes ago, the Assistant Minister for Land Reclamation, Regional and Water Development, Mr. Ligale, was in the House and has just gone out of the House to avoid answering this Question. Can the Chair advise the House?

Mr. Speaker: Well, I am afraid, I do not want to say anything. I do not want to think that hon. Members are "escaping" from the House so that they do not want to ask Questions, neither will I say Ministers escape not to answer Questions. Somehow, this problem must be sorted out.

Mr. Farah: On point of order, Mr. Speaker, Sir. People in Wamba do not have water---

Mr. Speaker: Mr. Farah, who has given you the Floor?

Mr. Farah: The Chair!

Mr. Speaker: Very well, sit down then. The Question is deferred to tomorrow afternoon.

(Question deferred)

Next Question, Mrs. Asiyo.

SALE OF COTTON STORES IN KARACHUONYO

(Mrs. Asiyo) to ask the Minister for Co-operative Development:-

(a) Is the Minister aware that the Cotton Board is selling cotton stores in Karachuonyo which are the properties of Rachuonyo Farmers' Co-operative?

(b) Could the Minister take immediate steps to stop the sale and recover whatever might have been sold by the Board.

Mr. Speaker: Is Mrs. Asiyo not here? I am afraid, the Question is dropped.

(Question dropped)

Mr. Icharia: On a point of order, Mr. Speaker, Sir. Wednesday morning sittings are unpopular and as a result, hon. Members and Ministers are not here. Can I suggest that we cancel Wednesday morning sittings and reinstate Friday mornings?

Mr. Speaker: Order! Mr. Icharia, the business of this House cannot be altered through a point of order. If you really want to remove the sitting of this House from Wednesday morning to Friday morning, then you do it through the proper procedure.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The other day I raised this very question about what should be done to instil discipline on both the Front and the Back Benches in respect of hon. Members who are not there either to ask or answer Questions. All these Questions which have been dropped on the Floor today do not belong to the hon. Members who raised them, because they belong to Kenyans who have problems which should be addressed by this House. Whereas I appreciate your position, I think, you need to take a much strong position and the House should be prepared to back you up to ensure that there is full discipline in this House.

One thing you may have to consider, as the Chairman of the Standing Orders Committee, is maybe to change the time for Wednesday morning from 9.00 a.m. to 10.00 a.m, as they do in the House of Common to see if that can help Members a little bit. But this way, we are becoming a laughing stock of this nation.

Mr. Speaker: Order, hon. Members! I think I have already said enough on that. I think we have finished with Questions.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! First of all, Mr. Ndicho, where were you? I will not "see" or "recognise" you! An hon. Member who has just come late and caused this House not to have Questions, now would like to be heard that he is present I am afraid, I will not "recognise" him.

(Applause)

Next Order!

MINISTERIAL STATEMENT

CERTIFICATION AND SUBMISSION OF THE AUCTIONEERS BILL TO THE PRESIDENT FOR ASSENT

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I rise to make a Ministerial Statement, as requested by the hon. Member of Parliament for Kikuyu, hon. Muite, on 21st November, 1996.

The Auctioneers Bill (1996) was debated by the National Assembly and passed together with the amendments thereto as shown on the Order Paper of 1st August, 1996. The Bill, together with the amendments, was forwarded to the Government Printer for the preparation of copies of the Bill. These are the vellum copies which are presented to His Excellency the President for assent. Vellum copies are fairly big, sealed and so on.

After the preparations of vellum copies of the Bill by the Government Printer, they were sent to the Clerk of the National Assembly who certified them, and here I quote, "A true copy of the Bill as passed by the National Assembly on 1st August, 1996." That is after we went through the Committee Stage under Third Reading. A Bill cannot be presented to His Excellency the President without this certification and in this regard see Standing Order No.115(2).

Following the certification, I, on 16th October, 1996, at 8.45 a.m. submitted the same to the President who gave his assent immediately. Subsequent, upon the assent, my officers embarked on preparation of the new Act for publication.

During the printing of the Act by the Government Printer, some of the amendments approved by Parliament were erroneously or by an oversight not reflected on the final proof. Unfortunately, this was not detected by my proof-readers before publication. And for this reason, the Act released to the public on 25th October, 1996 had the said errors. The matter was, however, drawn to the attention of my officers who acted expeditiously and efficiently and instructed the printers to stop the circulation of the erroneous copies. The error was promptly rectified and the Act, as passed by the National Assembly and assented to by His Excellency the President, was available to the public by Wednesday, 30th October, 1996. This was barely a day or two days after

the error was noticed.

Mr. Speaker, Sir, by the time it was brought to my attention by my Public Relations Officer and the *Press*, my officers had already taken action to rectify the matter as aforesaid. However, I wanted to satisfy myself as to the constitutionality or legality of the action taken, which is also, I believe the legitimate concern of this august Assembly. I, therefore, called for the vellum copy of the Act that had errors and the correct Act. After getting the briefs, two relevant facts emerged. One; there was no error in the vellum copy signed by the President. The errors occurred in the printing of the Act. Two, Section 46 (6) of the Constitution, in so far as it is relevant, states and here I quote:-

"A law made by Parliament shall not come into operation until it has been published in the Kenya Gazette, but Parliament may postpone the coming into operation of a law"

As far as the Auctioneers Act is concerned, although it was published in the Kenya Gazette, it has not come into operation. This august Assembly, in its collective wisdom in passing that Act decided that the Act shall only come into operation - I here I quote - "On such date as the Minister may by notice in the Gazette appoint". The Minister herein defined as the Attorney-General has yet to fix a date when the Act will come into operation. Consequently, the Act does not have the force of law. Therefore, as there was no error in the vellum copies signed by his Excellency the President and as the Act is not operational, the administrative action taken by my officers and the Government Printer was correct and lawful. Let me add that if the vellum copies signed by His Excellency the President had contained errors and if the Act with errors had come into operation on publication in the Kenya Gazette, then I would have exercised the powers conferred on the Attorney-General under Sections 8 and 13 of the Revision of the Laws Act, Chapter 1 of the laws of Kenya or taken any other legitimate means to correct the patent errors. As the Minister responsible for the fixing the dates when the Act would have come into force, I would not have fixed the dates without first ensuring that the Act was thorough in accordance totally with what this Parliament had passed.

Mr. Speaker, Sir, therefore, I want to assure this House that the Attorney-General will always ensure that only an Act, as passed by this National Assembly through who the legislative power of Parliament is exercised, shall have the force of law in the Republic. The Attorney-General has taken steps to ensure that errors of the kind that happened in this case or, indeed, errors of any kind, are detected in good time. Any anxiety that this incident has caused is highly regretted.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I would like to raise two issues. This is an extremely important matter. If it were to be the case that Bills passed in this House in between here and State House change, then that will be a very serious constitutional matter. I have two points that I want the Attorney-General to explain. One; he has not satisfactorily explained to this House how this errors occurred. Yes, it is human to err, but what happened? Was somebody asleep? How can you convince this House that there was no deliberate attempts to meddle with the Bill? You have not convinced the House and you have given us satisfactory explanation.

The second point that I would like him to explain is this:- He referred to subsection 6 of Section 46 in terms of the Bill or an Act of Parliament coming into force. The explanation he has given does not necessarily refer to what happened in this case. In this particular Bill, even if there had been no errors, he still would have had to fix the date when it would come into operation. Now since there have been errors how does the explanation he has given explain those errors because that situation would have been the same, even if there had been no errors? So, can he explain clearly those two issues?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, indeed, these are important issues. The hon. Member wants to be assured that nothing deliberate was done to change the law after it had been passed by Parliament before the accent by President. I can assure him that nothing deliberated was done. What appears to have happened and we are still investigating this, was that in view of the fact that a Bill had been typed, vellum copies were produced and so on. I think when publishing the Act itself, the Government Printer, might have used wrong type-setting. Sometimes that happens. As I said, from the Government printer it comes to my Chambers for proof-reading in order to ensure that everything is correct. Unfortunately, that did not happen. It may not have happened because the officer in charge of the Bill was away attending the Commonwealth Law Conference in Canada and, therefore, a junior officer proof-read and gave the corrections. What is important here is that, I am satisfied that it was a genuine mistake and not a deliberate move. When it was brought to the attention of the very same officers within one day, they moved to correct the error. This is also made me to believe that it was not deliberate. They moved to correct the errors very expeditiously and very efficiently and I am quite sure that the junior officers have learned a lesson about proof-reading, which they may think is a usual mechanical thing, because it can be a very serious matter.

Secondly, the issue of fixing the date is revenant as I said. If you read my statement very carefully, this

was the relevant in light of the type of action that was taken. In other words, if the Act or publication had come into force and if I had fixed the date when it would become into force and that date had passed and the law in force had the errors, then I would have used an alternative method of correcting those errors. I have said already in my statement that I would have used one of the methods open to me, which would have been to use the powers conferred upon me under Chapter 1 of the laws of Kenya. But since the law was not yet in force or in operation, and as the vellum copies were correct, then an administrative action was taken to correct and the errors and that administrative action was correct and lawful because of those facts. Therefore, that is why I was assuring this House that whichever alternative you look at, this Act would have been corrected and we would have ensured that whatever is in force in this country was in accordance with what was passed in this House.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I also take this matter quite seriously, but could the Attorney-General make sure that in future the vellum copy is the one that is used during corrections and also for printing? They have to use the vellum copy for printing so that such an error does not recur. Thank you.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, indeed, I think you are right. In fact, these are some of the things that we are going into. It ought really to have been vellum copies. Vellum copies are something like this.

*(The Attorney-General (Mr. Wako)
showed the House the copy)*

It is very different from the other small print. But, I think it can be run. I do not know whether they have the technical capacity to do that. But they ought to be doing that. What I can assure this House is that the Attorney-General will always ensure and he has the powers to ensure that whatever this House passes is what becomes the law in force in the land. This type of the vellum copy that I am talking about is very different from the published one. It should be something like this. Thank you very much.

Mr. Speaker: Next Order!

MOTIONS

LIFTING OF BAN ON EXPORT OF MANGROVE POLES

THAT, since the ban (for the last 20 years) on export of mangrove poles has resulted in deterioration of mangrove forests and since the ecology of mangrove forests require regular harvest to stimulate regeneration, this House urges the Government to lift the ban on the export of mangrove poles.

(Prof. Mzee on 20.11.96)

(Resumption of Debate interrupted on 20.11.96)

Mr. Speaker: Who was on the Floor? Mr. Kiliku was seconding and he had five minutes to go. Since he is not here, he loses his chance. So, I will propose the question straightaway so that we can proceed with the other Members who want to contribute.

(Question proposed)

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Spika, hili ndilo lengo la watu kutambuliwa kama Wabunge ili kuwasaidia wasiojiweza. Namshukuru mhe. Rashid Mzee kwa kuleta Hoja hii. Naunga Hoja hii kwa roho na moyo wangu. Serikali ikifungua mikoko sio ya kujengea nyumba pekee, lakini pia kuziua katika nchi za nje. Hii ni kwa sababu biashara ambazo ziko katika Pwani ni uvuaji wa samaki na upandaji wa mikoko pekee. Ningeiomba Serikali iwasaidie watu wa biashara walio matajiri kuziua mikoko hii katika nchi za nje. Ni vizuri pia wananchi walioko nje ya Kenya ambao walikuwa wakinunua mikoko hii waarifiwe juu ya mienendo hii mipya kwa sababu walikosa tamaa ya kufanya hivyo kwa sababu ya ukosefu wa mikoko katika Kenya. Lakini leo naiomba Serikali iwasaidie watu wa Lamu ambao biashara yao kubwa ilikuwa uuzaji wa mikoko ili waweze kujenga nyumba zao na pia kusomesha watoto wao. Na hii jambo likitekelezwa basi litasaidia sana. Kuna mambo mengi ambayo nataraji katika siku za usoni Wabunge watafikiria watu wa Pwani.

Mfano ni kama uvuaji wa samaki. Hii ni kwa sababu uvuaji wa samaki kama biashara haijafua dafu. Katika mkoa wa Pwani kuna bahari ya kihindi ambayo ina samaki tele. Lakini kwa sababu ya kutoiwekea biashara hii ya kuvua samaki nguvu, ndipo tuna taabika. Tunataka wapandaji wa mikoko na pia wavuaji wa samaki wasaidiwe kwa sababu sisi watu wa Pwani huona wivu. Juzi vifaa vya ukulima viliondolewa ushuru na Serikali, hali vifaa vya kuvua samaki haviondolewi huo ushuru.

Kwa hivyo, ningeiomba Wizara ya Kilimo ifikirie kufungulia biashara hii ya mikoko ili wazazi waweze kupata pesa ile walipia watoto wao karo na pia nafasi za kazi zibuniwe. Hii ni kwa sababu watu wengi huhama Lamu kutafuta kibarua huku na kule na kupata kibarua ni vigumu. Lakini ikiwa uuzaji wa mikoko utakubaliwa, basi watu wa Pwani wataweza kujisaidia haswa kukabiliana na shida ya umaskini. Kwa hivyo, mimi naunga mkono Hoja hii na pia nataraji tutapata Wabunge wengine wenye kusaidia watu wa Pwani ambao wanakumbwa na taabu, kabla Bunge hili halijaenda mapumzikoni. Wabunge hawa wanafaa wasaidie watu wa Pwani kuhusu mambo ya kutafutia soko wauzaji wa maembe na kuondosha duty juu ya vifaa ya kuvua samaki ambavyo vinagharama kubwa na maskini hawaezi kuvinunua. Vifaa hivi ni kama mashini ya motorboat.

Kwa hayo machache yangu, namshukuru Prof. Rashid Mzee, hata akiwa chama gani kwa sababu moyo wake umeonyesha kipwani.

Kwa hayo, naunga mkono.

Prof. Muga: Thank you, Mr. Speaker, Sir. I stand to support this Motion because it raises many important problems of resource management and continued sustainable prosperity of this country. It is very rare in this House or in any other place in this country to discuss mangrove forests. The mangrove forests of this country and for that matter the mangroves of the tropical world are some of the most productive eco-systems that we have. At the same time, they are some of the most neglected ecosystems that we have. Now that hon. Prof. Rashid Mzee has raised this question of harvesting the mangrove forests, may I appeal to this House in the following manner: The Motion urges the Government to lift the ban so that there can be export of mangroves. That means that you harvest the mangrove poles for export. These mangrove forests are so important that upon their harvest, certain things of necessity have to be attended to. If we are going to harvest the mangrove forests, that pre-supposes the question of continued harvesting, that is, sustainable harvest rates. Sustainable harvesting rates can only be achieved if the Ministry of Environment and Natural Resources will ensure that they know the harvestable rates. That means that there shall be Government control of the rates at which the poles are cut. If there is that control, then it also pre-supposes that there will be continued research and management of the mangrove forests. If there is going to be controlled harvesting and continued sustainable management of the mangrove forests, then that means that some of the problems which these mangrove forests face today will of necessity have to be tackled and possibly solved. That is why I am supporting the Motion. I am supporting the Motion because if the Government agrees to lift the ban and if this House agrees to tell the Government so, then the neglected mangrove forests of Kenya will be attended to for the first time in many, many decades. Apart from banning the cutting down of mangrove forests, there are many other problems that the mangrove forests are facing, and in another two to three decades, they will be non-existent in many places. I am not an alarmist, but if you enter Mombasa from the mainland, you will notice to the left and to the right of Makupa Causeway that the mangroves have died. They have died because of human neglect and anthropogenic pollution; pollution brought by man's activities, including oil slicks, which are not attended to. If we begin to harvest the mangroves and see them as a source of foreign exchange when they are harvested and exported, maybe the Government will have to attend to the problems of the mangrove forests before it is too late. There are countries, for example, where the mangrove forests were not attended to like Mauritius. The result is, they have lost 90 per cent of their mangrove forests because of neglect and we are systematically losing our mangrove forests because of neglect.

Mr. Speaker, Sir, I support this Motion because it draws attention to a neglected resource and we may wake up to the fact that there is a plight at the Coast.

Mr. Speaker, Sir, rather than just support the Motion without showing the significance of the mangrove forests and the mangrove eco-system, allow me to say very briefly some of the great things that the mangrove forests of the Coast do and can continue to do to this country. Wherever there are mangrove forests, the coast is not eroded and coastal erosion is a major problem to tourist resorts in many countries including Tanzania. Where mangrove forests have been removed, the coastal resorts-the sandy beaches are systematically eroded away by new waves and currents. So, protecting the mangroves by drawing more attention to them and harvesting them systematically will help to preserve them and preserving them means preserving the Coast from systematic erosion by the waves.

Mr. Speaker, Sir, some of the marine resources we have, are very closely tied to the sustainable growth of the mangrove forests. For example, the mangroves are the great nurseries of the Coast where the fish nursery and the fish fingerlings grow. If the mangrove forests die, we shall have less fishery resources. Fewer fishes will be

available for our harvesting and one way of maintaining the fisheries of the Coast is to maintain the mangrove forests. One way of maintaining the mangrove forests is to have an integrated management and harvest of them. Therefore, lifting the ban and allowing the mangrove forests to be harvested will ensure that the other integrated ways of managing it and ways of harvesting the total resources of the mangrove forests are attended to and therefore, the fisheries will benefit. Sedimentation, for example, of the fisheries occur very frequently where you find rivers like Sabaki River and others that go into the Coast, pass through areas where the mangroves have died. The silt which comes from expressive erosion of the land has nothing to filter it whereas where we have got the mangrove forests, they act as filters to this silt and prevent siltation of the fisheries beyond the mangrove forests.

Mr. Speaker, Sir, it may be over technical, but what I am trying to say is that, there are many things that mangrove forests do naturally to us. I have spoken of prevention of erosion, siltation, erosion of the fisheries resources and then, the mangroves themselves are a great genetic bank. There is a great gene bank at the Coast of flora and fauna of great importance which have been used at the Coast for medicine and should continue to be used for that purpose.

Mr. Speaker, Sir, the more we allow the rare resources and the rare eco-systems of this country to die off, the poorer we become as a nation today and in future. Every eco-system has got some great benefits and I am speaking now of medicinal benefits. The natives, that is the local communities of the various places know how useful the various plants and animals are to them and I am sure at the Coast, there are people who know what medicines they get and which should be preserved in the mangrove forests communities.

Mr. Speaker, Sir, we have got traditional art and craft which can only be practised if they use mangrove wood. I do not know which ones they are specifically, but go, for example, to Southern Tanzania and see what the Makonde carvers do. I am sure our own Digo, Giriama, Mijikenda, Rabai and the others have certain traditional arts and crafts which could be preserved only if we preserved indefinitely the existence of the mangrove forests. There is the boat making and housing systems. These are all important things that I cannot go on enumerating. What I am trying to say is, I support the lifting of the ban, specifically of exporting mangrove poles. But I am doing so because I know that the Ministry of Environment and Natural Resources through the Department of Forestry cannot allow the harvest and the export without controlled management. It is one way of ensuring that they will wake up to the need of controlled management through integrated management of the Coastal resources as a whole. Controlled management is essential for the sustainable existence of the mangrove forests. We have neglected the mangrove forests and as a result, they are dying. They are dying because of oil pollution and other reasons.

Mr. Speaker, Sir, it is known that in East Africa for example, the savannas are fire maintained. The moment the savannas are not fired, then they turn into other vegetation climaxes. For the last over 1,000 years, since the 9th century, the mangroves at the Coast have been sustained through harvesting. It is therefore, highly probable, though I do not have factual final evidence, that the state of the mangrove forests at the Coast can only be sustained as they are if they are harvested. Because they have not been harvested for long, most likely, they are what we call an anthropogenic vegetation climax. Therefore, allowing these mangroves to be harvested once again will enable the foresters to ensure they know the rate of harvesting which will ensure that the mangroves are managed and sustained. I support on condition that there is integrated planned management, research and control.

With these few remarks, I support the Motion.

The Minister for Local Government (Mr. ole Ntimama): Mr. Speaker, Sir, mangroves are part of the general environment. It is so important to state here that the environment in this country, in Africa and the world is one of the issues that humanity must address now, if we have to survive and if the world has to have some sustainable development. It is unfortunate that in Africa, we have been rather unconscious of the environment and the relationship that the environment has with the lives of the people. Now the time has come when we all have to sensitise the importance of the environment to our people and to the leadership of this country. I can only say that we have been unfair and rather unconscious about the environment as it were.

Mr. Speaker, Sir, I can say very frankly that I support hon. Prof. Ouma Muga for saying that some of these forests should be the responsibility of the people themselves in those areas, and they should be protected by the people themselves, because, if anything goes wrong with those forests, it will be the local people who will suffer. It is true that we have had problems in the part of the world that I come from. The problem is that, because of our culture and tradition, we have taken care of the environment and the forests. We have also taken care of the wildlife and the rivers and streams, but that has not been a blessing to our people. It has been a curse, because most of forests and rivers have been invaded by people from outside and because of the greed of some of these people, most of these forests have been slashed, burned and destroyed either for charcoal, or commercial greed. What has happened is that in some of these areas, these forests have been cut and water from rivers and streams has stopped flowing downstream. Normally, we have got the highland and lowlands, and most of our

people live in the lowlands in the rangelands areas. When the forest up on the hills is interfered with, then there is no water flowing downstream. The people suffer and die when you complicate it together with drought and famine. Also the livestock dies altogether, and not because there is no grass, but because the water is not flowing.

This has been a question of this famous Enoosupukia area. It is because it has been cut, slashed, invaded and settled by unauthorized people. That, exactly, is what has happened and people say that this is tribalism. I have been blamed here in this House, because of that.

Mr. Speaker, Sir, this question of tribalism does only arise when the oppressor is right on top of you and sitting on you. When he is sitting on you sucking your blood, he says, you must co-operate because if you do not co-operate, then you are a tribalist. This scenario must change and it must be that everybody has a right to live and survive. I think this is the situation that we must look into now. I can agree on other situations like the one I saw hon. Members fighting on the other side of the House, because they say, my tribe, my tribe! I was very happy to see some of those things, because now, it has come to surface that people live peacefully. There is no tribalism at times, but it is just because some people have historically been marginalised and pushed into the periphery. They have not had education, or time, and this is the situation when you say, please, do not destroy that forest because it affects the lives of my people. It affects the lives of our cattle. It is a question of life and death. Then people say that Ntimama is a tribalist and he must---

Mr. Mathenge: On a point of order, Mr. Speaker, Sir. Is my friend, Mr. ole Ntimama, in order to say that oppressors sit upon him while he is trying to stop the destruction of the forests and that he cannot do anything to stop the oppressors sitting right on him and the oppressors continue to devastate the forests, so that water flowing from the forests downstream is stopped and he is helpless? Is he really helpless in this matter?

The Minister for Local Government (Mr. ole Ntimama): Mr. Speaker, Sir, I do not really understand what the hon. Member is saying and I do not think that was a point of order. But I want to drive this point home, that there are some situations where people were not protected, and these are the people who must be protected. They have not had the education, the consciousness and have been at times oppressed and denied the rights that they should actually have like everybody else. This is why I am saying that and people say it is tribalism. It is not tribalism. People are not going to co-operate any more for these situations where they step on somebody, choke him alive and refuse him to breathe the normal beautiful air of this country and you say that he is a tribalist. That situation must change. We must look at this thing in the proper perspective. This question of people destroying the forests and then saying Mr. ole Ntimama is to be blamed, is wrong. It is also wrong to say that, we are separating people, like ole Ntimama from their communities. How do you separate Ntimama from his community when the communities themselves are suffering with no water and grass? If you want to blame somebody, you have to blame the whole community. If you have to blame Ntimama, you have to blame the people where he comes from. We must protect the forests and environment.

Mr. Speaker, Sir, I know we have the Constitution which guarantees everybody the freedom to go to any part of this country and do business everywhere. I agree with that. But that does not give anybody a licence to sit on anybody and deny him his birth rights. It does not. This is exactly the situation where some people are using the Constitution for going anywhere. It is not a licence to suppress and trample on anybody like a rogue elephant, like it is happening in some of these areas. I am saying that, we have to protect the environment. The indigenous people of this land, who know the forests, bees and flies must be given the opportunity to protect their environment. For example, it must be recorded that this wildlife heritage that all of us are enjoying in the Mara, Amboseli, Tarangire and in many other areas, has been there, because the Maasai have protected this wildlife, not only in Kenya, but also in Tanzania. It is protected so that our children can enjoy this heritage and the world over. Today, a lot of money is coming to this country through tourism, because people protected this environment. We must recognise these things and we must give credit to some of these people who have protected the environment, and they must benefit from the revenues accrued from some of these resources, including the people who have taken care of beaches. All the time, I have supported Prof. Mzee when he talks about the beaches, fishes and all the fishermen, because I realise that they must benefit from some of these resources.

Mr. Speaker, Sir, it is so important that we must also decentralise this question of looking after the environment, because it is only the people who have protected it originally and traditionally, that can protect it. Some people, traditionally have no conscience of the environment. They get into the forest and start felling the trees like every tree is their enemy. There are some trees which God said they are sacred. But some of these invaders do not know which tree God likes and this is why sometimes they get into trouble, because they cut those trees that God said should be protected. When you cut some trees, milk comes out like when you are milking a cow. Some of these people do not know that, because traditionally, they have not protected the forests or the wildlife. So, when people protect their rights and forests, they are not tribalists. We will not accept the situation

anymore being called tribalist if we protect our rights and forests.

With those few remarks, Mr. Speaker, Sir, I beg to support.

Mr. Farah: Thank you very much, Mr. Speaker, Sir. I was not very sure whether I should support this Motion, or oppose it, not because I did not know what is the best thing to do; but I did not know exactly what will be the implementation of this Motion.

This Motion deserves to be supported, but it has to be supported for the sake of the people of Coast Province and Lamu. The ban should not be lifted to enable people from Nairobi to get big tracts of land, the same way that land in Lamu was taken away by well-connected people.

Mr. Speaker, Sir, I do agree with hon. Nitmama on many occasions. The only time I do not agree with him is when he says that the KANU Government is good. If we decide to treat a section or sections of this society as a permanent under class and exploit them to the maximum, then we are creating a situation which is as good as that of Rwanda, Burundi and all the major catastrophes that we have witnessed in this century. The harvesting of mangrove trees by the people of the Coast, the Swahili, the Bajuni and the Miji Kenda, has been there for centuries. This harvesting of mangrove trees shows the diversity of our culture and that of the people we traded with.

Mangrove trees used to be taken from here to places as far as Spain and Portugal. If you go to Spain today, you will see houses that have been standing for 1,000 years, and you can be sure that they were built using the mangrove trees from East Africa. When we decide to do away with the harvesting of mangrove trees, we should know that we are taking away the source of livelihood of some people. In fact, we are taking away their coffee and tea. Just imagine what would happen if you decided today to take away the coffee of the Kikuyus of Central Province. What would happen? This country would go up in flames. If you decided to take away milk from the Nandis then this Government would come down.

We have to understand that mangrove trees are the coffee, tea and the milk of the Swahili and Miji Kenda people of the Coast. This is more so for the people of Lamu. Over the last 14 years since this ban came into effect, the people from the Coast can tell you that mangrove trees are fewer than they were when they were being harvested. The harvesting itself involved people protecting the mangrove trees as if they were in their own farms. But now, it is as if these trees are in a Government farm. The situation is the same as that in Maasailand. First the Maasai knew how to protect the wildlife and co-exist with it. But when it was decided that the wildlife belonged to the Government, the Maasai began to look at it as a Government cow.

When something becomes a threat to the livelihood of the local people then, of course, they will not co-operate in its protection. You have to allow the local people to sustain the environment in their own traditional way. Mangrove trees at the Coast have been harvested for over 1,000 years and the people should be allowed to continue harvesting them. Their growth can only be sustained and expanded if this activity is left to the local people themselves. This is because in that case, the local people concerned will enjoy economic benefits. They will thus see it as a source of their livelihood.

You have to ask yourself today what the people of Lamu are sustaining themselves on. If you go to the land office now, you will see that the entire beachline in Lamu has been taken by people who have never seen a sea before. This has happened even though the local people who have been there for over 1,000 years are still there! In fact, they are being kicked out of the land and made squatters. What will you do tomorrow if the local people take guns and start killing everybody who does not come from that area? How can we respond to a situation like that one? Mr. Speaker, Sir, you can say, for example, that the North Eastern Province (NEP) cannot be developed because it is very marginal, there is no sufficient rainfall in it and massive investment would be needed for it to be developed. But what will you say about the non-development of the Coastal area itself? There is adequate rainfall, there are people and land. But the land is only being preserved for speculation by the Government by the well-connected people! That land belongs to the local people, and they should be allowed to use it their own way. It should be there for the benefit of the local people.

You remember that some time back, there was the issue of the Hirola animals. A young European, who is in charge of the Kenya Wildlife Service (KWS), and his other experts - I believe they are from Nyanza or Western Province - came to the NEP and said: "The Hirolas cannot live here because the Somalis will kill them".

He himself had never seen a Hirola before: The Hiloras are found only in our area. We have lived with this animal since time immemorial. How can somebody come today and say: "I can take better care of this animal elsewhere. It will perish here because the environment is very harsh". If the environment is very harsh, why does he not say: "Let us translocate the entire population of the NEP to an area where they can live better?". Human beings should be more respected than animals!

This European does not know that it is a taboo for a Somali to eat game meat. Just as you cannot see an uncircumcised Somali girl, you cannot see a Somali eating game meat. This is part of our culture. So, it is

surprising for somebody to come to the NEP and say: "This animal cannot co-exist with you because you are going to eat it". This is not true. We cannot eat it. A Somali had better kill another Somali and take his camels and cows rather than eat game meat. We can kill an elephant for its tusks but not for its meat. We can talk about other Kenyan tribes who eat elephants, gazelle or hirola meat, but not us. These people should have tried to find out why this animal was perishing. If they were very clever they would have known that it was the KWS themselves---

Mr. Speaker: Very well, Mr. Farah. We have heard enough of that. Now come back to the matter before the House.

Mr. Farah: Mr. Speaker, Sir, what I am trying to say is that people will say that they are trying to protect the environment by maintaining the ban on harvesting of mangrove trees in Lamu and the rest of the Coast. They will say that is the only way in which these trees can be protected. I am saying that is not the case: The trees can only be preserved by the local people, and I am drawing a parallel between the preservation of these trees and the Hirola animal in the NEP. You cannot pretend to be an expert on things where the people on the ground are better experts than you are.

The people of the Coast are today the wretched of this country, in that they have nothing to themselves. They are not to be found in public institutions. We should develop these trees for them so that they can have something for their benefit. You cannot even find 10 boys from Lamu in the national universities. The same applies in the Civil Service. Even their Member of Parliament was, probably, initially from my side. This is basically what happens. These people have been taken for a ride all the way through. Let us give Lamu people their fair share of the resources of this country. Let us give them that one sustainable resource. Let them make money out of it and sustain themselves. In fact, this resource has sustained them all along.

Mr. Speaker, Sir, currently, there is no proper management by the Forest Department of the mangrove trees in Lamu and the rest of the Coast. The Government is doing nothing about them. But it should come up right now and say: "We are going to formulate a master plan for this resource".

However, whenever you raise a very sensitive issue, the Government tells you: "We are in the process of formulating a master plan on this issue". We have been independent for 33 years. When will the Government formulate its master plans and implement them? There should be no more formulation of a master plan. The Government should lift the ban, allow the local people to trade in mangrove trees products and should not allow outsiders to go in there and try to take advantage of the mangrove tree trade.

We want young boys from that area being allowed a chance to study how to incorporate their traditional methods into the modern methods of sustaining these trees. If need be, such boys should be sent to Moi University which offers masters programme courses in environmental studies.

With those words, I support the Motion.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Bw. Spika sijui nitaanzia hotuba yangu wapi. Lakini nitasema kwamba leo ni Idd day; leo ni siku kuu, lakini si "Shikuku", kwa watu wa Lamu. Ngingependa Bunge hili lisichukulie---

Mr. Shikuku: Jambo la nidhamu, Bw. Spika. Mhe Ali anasema kwamba haongei juu ya "Shikuku", lakini ningetaka kumwambia kuwa maana ya jina "Shikuku" ni kwamba nilizaliwa wakati wa siku kuu ya Christmas. Kwa hivyo, ni haki kwake kuongea juu ya "Shikuku". Jina langu lilitokana na siku kuu, na ndiposa unaponiona, unajawa na furaha.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Bw. Spika, jambo ninalosema kwa kuunga mkono Hoja hii na yule aliyoleta Hoja hii ni kwamba, isichukuliwe ya kwamba Hoja hii imetoka kwa upande wa Upinzani na ina mambo fulani.

Hoja hii ni muhimu sana kwa maisha ya wananchi wa Lamu hasa, na sehemu ya Pwani kwa jumla.

Mr. Orengo: Wacha kushikashika ndevu yako Bw. Ali.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Bw. Spika, ndevu ni utamaduni wangu na kwa hivyo, ninazipenda sana. Pengine mhe. Orengo anaonea wivu ndevu zangu. Kilio cha watu wa Lamu kila mara kwa Serikali tukufu, wakiwa katika mikutano ya hadhara na kupitia kwa magazeti ni kwamba Serikali iondoe fungwa kwa usafirishaji wa mikoko katika nchi za nje. Leo imedhihirishwa kwamba wananchi wote wamekubaliana na maoni ya watu wa Lamu ya kwamba ni muhimu sana ili uchumi wao uweze ratibika. Kama vile waheshimiwa wengine wameshasema, ardhi yetu imenyakuliwa na watu wengi sana. Kilichobaki tu ni huu mkoko. Tunaiomba Serikali hiondoshe haraka iwezekanavyo kuzuia usafirishaji wa mti wa mkoko katika nchi za nje, kwa sababu uchunguzi ulikuwa umeshafanywa hapo mbeleni. Na wakati huo uchunguzi ulipokuwa ikiendelea hivi majuzi, sijui ilikuwaje yule mtu mwenye kufanya huo uchunguzi akaondolewa? Serikali ilikwa tayari kuondoa kile kizuizi. Lakini mambo yamekuwa yakienda pole pole. Wale

watu waliokuwa wakizorotesha mambo haya wamegunduliwa. Kwa hivyo, tunaomba mambo haya yaharakishwe kwa maana mkoko huu unatoa huo mti si pekeyake.

Ningetaka kueleza pia kinaganaga vile itasaidia uchumi wa nchi hii. Wakati mkoko unapokatwa, matawi yake yanatumiwa kwa makaa. Kwa vile mafuta ya kupika chakula yamekuwa na bei gali sana, wananchi watapata makaa ya kupika chakula. Ganda la mkoko huu pia linaweza kusaidia tanning. Hilo ganda linatoa rangi ya kutumiwa kwa tanning. Rangi yake ni nzuri zaidi kushinda ya wattle barks. Mimi nimefanya huo uchunguzi katika research centre na tayari niko na certificate yake. Kutoka kwa mkoko huo, tunaweza kupata makaa na hilo ganda. Hizo zote zinaweza kupelekwa ng'ambo na pesa za kigeni zinaweza kupatikana kwa nchi hii. Makaa kutoka kwa mti wa mkoko ni mengi sana. Sikitiko kubwa ni kwamba ule mti wa mkoko umewachiliwa kwa miaka 20 na sasa hauna maana kwa sababu haumei kikamilifu. Umekuwa ni msitu kwa sababu mpaka ukatwe na ile mbegu yake ikianguka ndani ya maji ndio ipate kuzaa. Sasa kama haukatwi, ninataka Bw. Waziri aeleze watalamu ya kwamba, kile kipande kikianguka chini ndio kinapata kumea mkoko. Vile ilivyo sasa ni msitu. Mkoko si mkamilifu, yaani hakuna tena miti mirefu, mpaka ikatwe haraka haraka, ili tupate yale mazingara ya kamba. Kamba Mzee--- Bw. Spika--- Hiyo ndiyo ninataka kumwambia Mzee akija Pwani. Hiyo ndiyo hotuba ninatayarisha. Maana yamo kitwani yameingia vibaya sana kwa sababu umri huu nilio nao na hizi ndevu nyeupe nimekulia na mkoko huo. Kama si huo mkoko hatungekuwa na maisha mazuri. Lakini hivi sasa tuko tabani kiuchumi. Hali ya kazi ni ya udhaifu wa ajabu kabisa. Vijana wanazurura ovyo ovyo.

Hii italeti kazi kwa vijana na wanawake. Kazi ya wanawake ni kutoa lile ganda. Kwa hivyo, mambo ya leo ni mambo ya muhimu sana kwa watu wa Lamu. Kwa hivyo, ningepomba kila Mbunge hapa aunge mkono Hoja hii ili maisha ya watu wa Pwani, hasa watu wa Lamu yaweze kuwa bora kuliko yalivyokuwa hapo mbeleni.

Umuhimu wa huu mkoko ni kulindwa. Hata wakati wa Ukoloni, kulikuwako na mipango ya kukata mkoko kutoka Zimabai, Kiunga, Faza na pande zingine na kadhalika. Kwa hivyo kulikuwa na mipango ya kuzuia huu mkoko usimalizike na usiharibike vile vile. Mazingara ya samaki yangehifadhiwa pamoja na hayo.

Kwa hayo machache Bw. Spika, kwa maana leo ni furaha nyingi sana--- Leo ni Idd kwa watu wa Lamu. Ninaunga mkono Hoja hii.

The Minister for Environment and Natural Resources (Mr. Kosgey): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity.

I would like to move a minor amendment to this Motion which I believe has been brought to the House in good spirit. I propose that, after this House urges the Government, the words " "In formulating a master plan for the management of the Mangrove eco-system, consideration be given to lifting the ban on export of mangrove poles."

Mr. Speaker, Sir, in moving this amendment, I am aware of the sentiments expressed by the mover of the Motion and those of hon. Members of Parliament on that particular area. It is true that Mangrove forests are comparable to coffee, for those people living in Lamu. Mangrove forests cover an area of 54,000 hectares of forest stretching from Vanga in the south to Kiunga in the North. They are just scattered along the beaches and Lamu District has got the majority with an acreage of 33,000 hectares. The Motion as amended will read thus:

THAT, Since the ban for the last 20 years of export of mangrove poles has resulted in deterioration of mangrove forests and since the ecology of mangrove forests requires regular harvest to stimulate regeneration, this House urges the Government, in formulating a master-plan for the management of mangrove ecosystem, consideration be given to lifting the ban on export of mangrove poles.

Mr. Speaker, Sir, as you are aware, our policy in natural resources is sustainable management for the benefit of the people of this country and the future generations. When we talk of a forest area of 54,000 hectares, it is a very small area indeed. So, it is not something we can say there is a large quantity of it. It is not that the exploitation of this natural resource has been stopped completely. At the moment, it is the export which is banned. Local consumption of Mangrove poles and rafters is going on locally. At the moment, 60 per cent of this forest is in Lamu District. The consumption which is going on currently cannot fully satisfy local demand. In Malindi and Watamu areas alone, the development and maintenance of tourist hotels uses approximately 4,040 cubic metres, while household use accounts for 24,263 cubic meters. Over 65 per cent of the mangrove poles used in Mombasa come from Lamu. The Lamu District residents, who number about 73,000 according to the 1994 estimates, rely mainly on mangrove poles for the construction of traditional houses. The whole population of the Kenyan Coast rely on mangrove poles for their daily use. Therefore, the aim of the Government in banning the export of mangrove poles, at that time in 1982 was to stop over-exploitation and to preserve them for local use. From time to time, the need arises, of course, to earn foreign exchange, particularly by the local people. I support the fact that this natural resource should benefit, in some way, the local people. I do support that fully and it is probably the only heritage or natural resource the people of Lamu and the people of the Coast have and they

should derive some benefits from this resource. Therefore, I am requesting for this master-plan which is just about to start so that we know the exact quantity of these mangrove forests. There was a survey which was conducted earlier in 1991, and the results show that there is a serious deficiency of *mkoko* and *mkanda* in the *masio* and *boriti* sizes. There are various sizes, the smaller ones are called *fitos* or whatever. *Fito* is a Swahili word.

The mangrove poles grow big and become *masio* and *boriti*. I hope the hon. Member for Lamu will excuse me because I am learning this terminology. The *fitos* are, as I said, the thinner ones which are used for roofing while the bigger ones are used for building and so forth. That survey of 1991 shows that the bigger ones are in very short supply. Therefore, as you know, it is the Government's intention, to earn money from its natural resources. I do not think we, as a Government, would like to sit on something from which we could earn money just for the sake of sitting on it. If we are able to earn money from export of mangrove poles, we will do so. At the moment, as I said, the people of Lamu will bear with us until we complete this study so that we will know---As I said the policy is sustainable management. We want to be able to effect that sustainable management, not just in the mangrove plantation, but in our plantations all over, whether they are cypress, pines or even the indigenous trees. As you know, mangrove is an indigenous tree and we have totally banned exploitation of indigenous trees, but we have not banned exploitation of mangrove because as I said, it is a plantation and we do exploit.

Mr. Speaker, Sir, I would like to seek the indulgence of the House so that within this study also, the Government can formulate a way of making sure that the local people do benefit. At the moment, I am not sure how much they derive from the current exploitation for local consumption.

With those few remarks, I beg to move.

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Speaker, Sir, for the opportunity to second the amendment. In seconding the amendment, I want to thank hon. Prof. Mzee for bringing this Motion to the House because the Motion's intentions and objectives are excellent and honourable. It is because we appreciate that the Lamu people are dependent for their livelihood, to a very large extent, on the business of the mangrove poles.

While we appreciate the need for this ban to be lifted, it has got to be done within the context of a management plan of action. It is this master-plan which the Government has embarked upon for which the Motion, as amended, is seeking the indulgence of the House indeed, to permit that, in the master-plan, this aspect of lifting the ban be taken into consideration. Therefore, under these circumstances, even the amendment is honourable. I want to add here that what the Government seeks to achieve is sustainable utilisation of the mangroves. Sustainable utilisation means that, not only do we continue with cutting the mangrove poles for local consumption and for export within the master-plan, but we need to consider also several other factors, notably, the bio-diversity aspects of the environment, the eco-tourism aspect of the environment and as well as the conservation element. As we have been told, there are nine species. Some of these species are good for the poles, while others are good for timber. Some are dwarfs and they are a good breed because they provide good breed for the prongs. So, it is important, and here I would like to commend the Ministry for coming up with this study. As I understand it, this study is in conjunction with and being financed by the European Union (EU). Under these circumstances, since we have an on-going study, financed by our development partners, the European Union, it would be pre-judicial if we were to go ahead of the completion of the study and lifted the ban today. This would not be judicious. Under these circumstances, we are seeking the indulgence of the House, and we are seeking Members' support in this minor amendment. I must emphasize that while the master-plan is in progress, it must include management by the people of Lamu. I must underscore that fact. The management must be first and foremost the people of Lamu and the people who live along the shores where mangrove trees grow. We do not want to see any situation where this master-plan benefits people other than the people from the area where mangrove trees grow. People from other areas take advantage of these people. They tend to use certain superior powers to take advantage of the situation and, indeed, to benefit themselves to the detriment of the indigenous people. This habit must stop. We have examples. Those who are benefiting from the licensing of trawlers are Koreans and other people masquerading in the guise of partnership with a few people from areas outside Coast.

Who is benefiting from the natural resources at the Coast? If you carry out a research, you will find that the people who have been issued with licences are not the indigenous people. This disparity must be condemned. I want to take this opportunity to say that we as a Government want to do this and we must be seen to be doing it. In talking about the---

Mr. Farah: On a point of order, Mr. Speaker, Sir. The hon. Assistant Minister says that by and large the majority of the people with licences at the Coast are not Coastal people, but other people. It is the Government which gives licences and so you cannot exonerate the Government from that. It is the Government that gives licences to these people to exploit those natural resources. Do not mislead the House.

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, the Government is very large and it includes Ministers, Assistant Ministers and civil servants. He knows very well who I am talking about.

Mr Gitau: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead the House on the issuance of licences? Can he table the names of Coastal people who applied for licences and were denied? If they are lazy, do not mislead the House. The people at the Coast are lazy---

Mr. Speaker: Order, hon. Gitau, wait for your time. Mr. Keah, proceed.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, if I heard the hon. Member right, he said---

The Assistant Minister for Labour and Manpower Development (Mr. Ali): On a point of order, Mr. Speaker, Sir. Did you hear the hon. Member saying that people from Coast are lazy? Is he in order to insinuate that?

Mr. Speaker: Did he say that? Mr. Gitau, did you say that all the people from the Coast Province are lazy?

Mr. Gitau: Mr. Speaker, Sir, I said a few people at the Coast are lazy including the ones who have come from up-country. I did not talk about the indigenous people---

Mr. Speaker: Order! Order, Mr. Gitau! When an hon. Member is specifically asked by the Speaker whether he has said a certain thing, the hon. Member is duty-bound by his own honour to be truthful to the Chair. You know that I can find out what you exactly said through the HANSARD. There cannot be anything you say here and it is hidden. So, can you be truthful to the House.

Mr. Gitau: I did not talk about indigenous people. I withdraw and apologise for calling all Kenyans lazy.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. As you said, we are supposed to be honourable Members and whatever we say is recorded. I heard him loud and clear saying that the Coast people - not Kenyans - are lazy and this can be found in the HANSARD. Could he be kind enough to withdraw those remarks?

Mr. Speaker: It is just last week that I warned Members from involving themselves in a blanket condemnation of communities on the Floor of this House. You are now ordered to apologise to the Coast People, not Kenyans generally, for your allegations that they are lazy unless you can prove that they are.

Mr. Gitau: Although I should prove that, I apologise and withdraw those remarks.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, it can only be pitiable that hon. Members can go to such a degeneration level. It is most unfortunate that a whole community can be condemned. It is really a pity and shameful. We condemn such malicious statements and allegations.

Let me continue with the Motion as amended.

(Hon. Gitau interjected)

I need to be protected from the comments---

Mr. Speaker: Order, hon. Gitau. You have no business when you are sitting there calling, Mr. Speaker. Proceed.

The Assistant Minister for Finance (Mr. Keah): We will ignore those remarks, because one of these days the truth will certainly be loud and clear. We will continue to ensure that, that truth is really upheld.

I was on the point of emphasizing that within the master-plan for the management of the mangrove eco-system along the shoreline, emphasis should be given to the people where those mangrove trees grow. Those people's culture, upbringing and livelihood are dependent on the environment that surrounds them and they must be given every opportunity to manage that environment.

With these remarks, I beg to second.

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

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, while supporting the Motion as amended, the economic value of the mangrove plant has been stated both by the Mover and by the Minister as well as my colleagues here. The mangrove tree is valuable as a tree because it is hard-wood. The bark of the mangrove tree is good because it contains approximately 20 to 30 per cent tannin which is good for industrial use of tannin. In fact, the bark of the mangrove tree produces a heavier type of tannin that becomes more useful than the ordinary tanning. That is the value of the mangrove tree. The mangrove tree is one of those

species that have been protected by a ban from the Government and now it is clear from what the Mover and the other Members have stated that this ban is, in fact, threatening to make the mangrove tree extinct. The mangrove tree is growing in population and it is going unattended. That is the reason why it is important to support a gradual ban in this case. This is because the moment we say that the only reason why we are uprooting and exporting the mangrove is because of its economic value, then we are writing on its extinction. I think it is important to allow the cutting of the mangrove tree and export it until such a time when the Government sees that it is becoming threatened once again. Immediately we start selling the mangrove, it becomes an economic thing and it will become extinct.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, while stating this, I would like to say that the mangrove tree is not the only thing that has been banned by the Government. Due to international convention, there has been a ban on the export of ivory. I support the ban on the export of ivory. But the population of elephants in this country has become too much. It is starting to threaten the existence of the people surrounding the national reserves in this country. The number of people who are dying in Transmara because of the conflict with animals and elephants in particular, is just unimaginable.

This is because of two reasons. The first thing is that we have banned the export of ivory and, therefore, the elephants are safer now. I am not saying that we should unban ivory. But I am saying that in future, it may be important to have a partial lifting of the killing of elephants. That is different from talking about ivory. This is because we can still kill elephants and put the ivory in some safe museum, which does not involve the trade in ivory. If we do not do this, we are also going to threaten the existence of the elephants. The communities living there will obviously consider their lives to be more important than those of the elephants. They will always protect themselves against the elephants. Therefore, it is important that those of us who travel abroad should influence the opinion of those people who would like us to control the ivory and preserve the elephant worldwide, so that we can have hunting of elephants until a point where the elephants will become controllable animals.

Mr. Deputy Speaker, Sir, we had a ban on the horn of the rhino. Because of that, the population of the rhino is increasing. I must say that, that must continue. It is important that when we impose a ban on the destruction or the partial pruning of any part of the flora or the fauna, we must do it until a point where it becomes sustainable. At some point, it becomes irrelevant and we do not need it. I think that the question of the mangrove has arrived at that particular point, where it becomes important that, to save the mangrove itself, it is better to prune it and reduce its population. I am saying today that the mangrove must be discussed together with the elephants because both are being threatened by their growing population. Both are---

Mr. Shikuku: On a point of information, Mr. Deputy Speaker, Sir. I thank the hon. Member for his contribution. I am being advised by the veterinarian here, who is my brother that, as far as the elephants are concerned, why is it that the Government cannot consider spaying or removing of the uterus of the female, so that we do not have this problem of high elephant population?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I hope that does not raise gender issues within the elephant population. What I know is that there is certainly a need, for more information from all parties who are interested in the preservation of the eco-system, to come up and discuss, as a country, what we should do. This is because we must preserve our fauna and flora. But we must also, and more importantly, preserve our human beings. That is very important. Today, we are saying that there is no need to have a lot of mangrove trees, when the human beings around there cannot benefit from them. So, we are saying that the persons surrounding the mangrove forests, which are just as good as the tropical rain forests, should benefit from the mangrove forests. Otherwise, we cannot preserve in this generation, for a generation that may not benefit because of the destruction of these forests.

We are also saying that all the forests should be preserved. I have heard hon. Members saying that the forests of this country should be preserved by the communities themselves. I totally agree with that, that the community is the best person to preserve the forests. In some cases, the community is a tribe and in other cases, the community is a clan. Where there is a dispute between a clan, a county council or something, then it becomes important that we start explaining to the community in non-political terms. This is because, as long as we take away the role of the community and place it in a county council that is, perhaps, not representative of a community, then the forest becomes threatened because the particular clan affected may not see its security in the preservation of that forest. I do agree that we should put the task of the preservation of forests to the

communities, but let us not put it in a political community. Let us put it in its traditional form; to those people who know the benefit of the forest, and those who know what medicine can be fetched from the trees.

With those few remarks, I beg to support.

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

(Question of the Motion as amended proposed)

Mr. Mathenge: Mr. Deputy Speaker, Sir, I too rise here to support this Motion, because for sometime, I lived at the Coast, and I know how important the mangrove poles and the boritis are to the coastal people.

When mangroves are cut, you see them regenerating faster, and producing healthier trees. For ages, mangroves have been used for construction of traditional houses, charcoal and firewood production, as well as furniture making. Mangrove forests also provide good grounds for breeding of fish. The forests also help ameliorate the climate and the natural beauty of the places where those trees are. They are particularly in Lamu, Kiunga and Vanga.

The Minister said that we should allow the cutting of mangrove for sale by the local people, and I think it is fine. Before the Minister explained this, I was under the impression that the cutting of mangrove was completely stopped. But now, I understand that what is needed is the control, so as to stop the complete decimation of mangrove forests.

Mr. Deputy Speaker, Sir, so long as the local people are allowed to cut the mangrove trees and bolitis for local use, I do not see the need for pressing this matter very hard.

Mr. Deputy Speaker, Sir, one important thing is to curb corruption by the officers who impose control on mangrove trees. We have seen even in the Forest Department, some foresters have allowed trees to continue being felled through corruption. In this case, those who control mangrove forests must avoid getting involved in getting money out of the so-called control of mangrove trees.

Mr. Deputy Speaker, Sir, I do not see any need these days to stop exportation of bolitis because if forests are cut under control, a certain amount of export would help or will make the earnings of the people who live near the mangrove forests better. So, I think the Government should relax the present ban on the exportation of mangrove poles and charcoal. If the Government is determined to control corruption, there should be no fear that the forests will be devastated.

Mr. Deputy Speaker, Sir, with those few remarks, I fully support the Motion.

Mr. Arte: Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii ili nizingumze machache juu ya Hoja hii.

Miti aina ya mangrove hupatikana katika eneo la Lamu na visiwa vyake. Watu wanaoishi katika eneo hili hawana mapato mengine ila walikuwa wakitegemea uuzaji miti hii na uvuvi.

Bw. Naibu Spika, kusimamishwa kwa ukataji na uuzaji wa miti hii kulifanya hawa watu kiuchumi kuwa katika hali mbaya. Tangu kusimamishwa kwa ukataji wa miti hii, miti imeharibika. Hapo awali ukataji wa miti hii ulikuwa ukisaidia miti kuota tena na kufanya miti kuwa mikubwa sana.

Bali na hayo, miti hii ilikuwa inaletea nchi hii sarafu za kigeni. Ni mali ya asili ambayo Mungu ametupa na ilikuwa ikisaidia nchi hii kupata pesa za kigeni. Wakati huu wale waliokuwa wakitegemea miti hii ni masikini kabisa na nchi yetu haipati pesa za kigeni kupitia uuzaji wa miti hii.

Bw. Naibu Spika, tunapozumgumza juu ya miti hii watu wengine hawawezi kufahamu hali ilivyo. Miti hii inakua ndani ya bahari na kwa ajabu ya Mwenyezi Mungu, miti hii inapatikana katika eneo hilo la umbali wa kilomita chache.

Tunafurahi ya kuwa Waziri amekubali kutupilia mbali kauli ya kutokata miti hii. Lakini ningependa Serikali iwape watu fulani leseni ya kukata na kuuza miti hii hasa katika nchi za kigeni na wala si maofisa wanaosimamia mangrove trees. Ikiwa si hivyo, basi wataosimamia ukataji na uuzaji wa miti hii wanaweza kuharibu misitu hii. Tunataka wananchi wa sehemu hii wapewe leseni ya kukata na kuuza miti hiyo katika nchi za kigeni.

Bw. Naibu Spika, mimi ni jirani ya watu wa Lamu na katika eneo letu kuna taabu nyingi sana kwa sababu tulikuwa tunategemea miti hii kujengea nyumba na kadhalika. Hakuna miti ambayo inafanana na miti hii ya mangrove na inayoweza kutumika katika ujenzi wa nyumba za kudumu. Kwa mfano, kuna nyumba katika wilaya ya Lamu ambazo zilijengwa mwaka wa 1930 na mpaka sasa ziko imara.

Ningependekeza Waziri aanzishe vyama vya ushirika katika wilaya ya Lamu. Watu wengi wanaweza kujenga nyumba wakitumia miti hii. Kwa sababu hakuna watu wanaotunza miti hii, ninaamini ya kuwa ikiwa

kutafanywa utafiti wa kutosha, miti hii inaweza kutumika kwa njia nyingi sana.

Miti hii ilikuwa inauzwa katika mataifa ya Uarabuni na mpaka sasa Waarabu bado wanahitaji miti hii. Lakini kusimamishwa kwa kukata na kuuza miti hii kwa muda wa miaka 20 kumefanya miti isiote vizuri na watu kuwa masikini. Ningependa Waziri awape leseni wananchi wa eneo hili ambao wanajua jinsi ya kutunza miti ya mangrove.

Tangu Serikali isimamishe uuzaji na ukataji wa miti hii kuna watu ambao wanakata miti hii bila kibali chochote. Hawa watu wanakata miti hii ovyo-ovyo bila kujali kwa sababu wanakata usiku bila kujali kama mti umekomaa au la. "Wizi" huu wa miti umefanya bei ya miti hii kuwa ghali sana. Hata wafanyakazi wa Wizara ambao zamani walikuwa wakituza miti hii ya mangrove hawako tena.

Ikiwa kukatazwa kwa kukata na kuuza miti hii kutaondolewa, wananchi wa Lamu watahukuru sana. Wananchi wa Lamu ni wafuasi halisi wa KANU, wananchi wema na hawana kitu chochote cha kujisaidia. Wengi wao ni maskini na tangu jadi na jadi, wamekuwa wakitegemea miti hii katika uchumi wao.

Bw. Naibu Spika, kwa hayo machache, ninaunga mkono Hoja hii.

Mr. Deputy Speaker: It is now time for the Mover to reply, but I understand he has conceded five minutes to hon. Dr. Lwali-Oyondi.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute on this Motion.

I would like to say a few things on this Motion. I cannot over-emphasise the importance of these trees to the Coast people and Kenyans as a whole. I agree entirely with the amendment that was presented here by the Minister because of the experience we had with other natural resources which we are now unable to control and resulting in Kenya being ruined due to environmental mismanagement.

One thing we cannot possibly allow just exportation of these natural resources from the Coast somehow because I am almost certain that within two or three years somebody is able to export the whole forest from Lamu to Arabia or elsewhere and then we shall have very serious environmental repercussions.

Mr. Deputy Speaker, Sir, mangroves have died. I think more research has to be done to establish why they have died. They are not dying because we are not cutting them down. They have been in existence before man came to earth or before he began cutting them down. We should do proper studies and find out whether its pollution that is killing these mangroves. Of course, the obvious one is silting of the rivers because we have rivers which have been devastated forests upstream in our own highlands and a lot of soil is carried down to the coast where it is silting the beaches on where the mangroves grow. The mangrove do not get their air from the soil because there is no air there. They have to lift their roots over to earth surface. They breath like crocodiles do, or like we do from the air. As a result, when there is a lot of silting, this soil covers up to the roots which are in the air. When the tides come they overflow the roots and, therefore, they begin dying.

We cannot also underestimate the effect of artificial things like oil from the ships and various forms of pollution from the towns. Therefore, we must stress the question of pollution management in our factories and so on. The management of mangroves should also be controlled if possible by the Government. But we have doubts because if the Government cannot control our own indigenous forests and artificial forests which we have planted, and now they are being devastated--- A good example is Mau Narok Forest and Tururu Forests. They are all being devastated and these are the rain catchment areas. If we cannot control that, I am beginning to doubt whether the Minister will control the mangrove forests.

We have also the Kayas at the Coast. We have seen in the newspapers that the Kayas are the indigenous holy forests which act like shrines for the Coast people. Already some people are building houses in those kayas. Indigenous people consider to treat these trees to be their churches where they offer their prayers and get their medicines and so on. So, if these are already being exploited, I am not so sure whether the Minister would control the cutting down of these forests adequately.

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

Prof. Mzee: Thank you very much, Mr. Deputy Speaker, Sir. I would like to thank all the eleven hon. Members for contributing, particularly hon. Nassir, hon. ole Ntimama, hon. Farah, hon. Abdulla Khalif, hon. Kosgei, hon. Keah, hon. Sunkuli, hon. Mathenge, hon. Arte, hon. Kiliku and hon. Dr. Lwali-Oyondi.

I am very happy with the amendments which has been proposed by the Government because they have also included the phrase "to improve management of mangrove". The management of mangrove is a very important aspect. The mangrove forests constitutes 80 per cent of the gazetted forests in this country and over 60 per cent of mangrove forests are in Lamu district. 8 per cent of the gazetted forests in Lamu District constitute a very large forest area in the area. What we need is for the Government to pay more attention to the management of the mangrove forests.

Mr. Deputy Speaker, Sir, there is quite a lot of research which has been sponsored by the United Nations,

EEC and other bodies on mangrove forests. It is high time the Forestry Department which collects revenue from every pole which is being sold from mangrove, from every sack of charcoal and from everything which being sold from mangrove forests to put more efforts in improving these forests. There are certain aspects which has to be given a lot of attention; first of all vegetative propagation does not occur because mangrove trees only grow through seed germination and then we get seedlings. We would like to see the forest department, in particular, raising these seedlings in laboratories and distributing them especially in areas where these mangrove forests are deteriorating, say, in Lamu and elsewhere. We have seen that these forests are sensitive to pollution, not only pollution from oil spillage, but also from chemicals which are carried to the rivers. Indeed, artificial fertilizers affect them very much. Indeed, a lot of attention has been paid through the forest department and research stations in maintaining the mangrove forests as they exist in the present time because they constitute a very important socio-economic source of income and others things for the people of Lamu District and elsewhere and for the country at large.

Mr. Deputy Speaker, Sir, these mangrove forests are important in the production of timber and fodder. The leaves are very important source of fodder for wildlife. You will be surprised to learn that in the mangrove forests in Lamu District, we have a large number of buffaloes, elephants, different species of birds, reptiles, crocodiles, monitor lizards and a lot of wildlife. This is something which is totally unbelievable to other people. So, the Kenya Wildlife Services also has a part to play in maintaining mangrove forests and paying more attention to mangrove forests.

The mangrove forests also form a very important breeding grounds for the fish. All types of the common fish which we eat in Mombasa, have their breeding grounds in the mangrove forest. If you remove these mangrove forests or if no attention is paid to these mangrove forests, not only are we going to suffer from lack of timber, tannin for tanning leather and fodder. The leaves from mangrove forests also provide a lot of fodder. Not only are we going to miss all these, but we are also going to affect the fish and the coral reefs because the mangrove forests provide nutrients for the coral reefs. So, they form an important ecosystem in the entire area and maintenance of this ecosystem and the expansion become a very integral part of the development of the forests and the development of the natural resources in this country. For this reason, I urge very strongly that the Forest Department should pay a lot of attention in doing research work for the development of mangrove forests.

Mr. Deputy Speaker, Sir, before I sit down, I am thanking every hon. Member for supporting this Motion.

I would like to point out the disturbing factor which was pointed out by one of the speakers by saying that, the people in the Coastal region are lazy. People in the Coastal region are not lazy. Thank you very much, indeed.

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

Resolved accordingly:

THAT, since the ban (for the last 20 years) on export of mangrove poles has resulted in deterioration of mangrove forests and since the ecology of mangrove forests requires regular harvests to stimulate regeneration, this House urges the Government in formulating a master-plan for the management of mangrove eco-system, consideration be given to lifting the ban on export of mangrove poles.

CANCELLATION OF AFC LOANS

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

THAT, since more than 90 per cent of the Coast Province comprises arid and semi-arid lands, and considering the need to encourage the people of the Coast Province to pursue agricultural and ranching activities with greater zeal in order to boost their economic status, this House urges the Government to write off all the old Agricultural Finance Corporation (AFC) loans owed to the Government by farmers and ranches in this province.

Mr. Deputy Speaker, Sir, I must say right from the beginning that this Motion does not concern the people of Coast Province alone. It is a Motion that affects the entire country because farmers all over this country have a problem with the Agricultural Finance Corporation (AFC) in that they have colossal amounts of money which they are expected to pay to AFC.

Mr. Deputy Speaker, Sir, when we first of all come to Coast Province, I must say that it is only about ten per cent of the land which is arable. This is because the coastal strip itself which is fairly well arable is very productive. It produces a lot of crops like coconuts, cashewnuts and all types of tropical fruits. Taita Hills also do produce very useful foodstuffs which enable the people to survive. But most of the coastal land, particularly

the lowlands of Taita-Taveta District and Coast Province, are arid and semi-arid land.

QUORUM

Dr. Taita Towett: On a point of order, Mr. Speaker, Sir. There is no quorum in the House.

Mr. Deputy Speaker: I think I fully agree with you and I confirm that there is no quorum. I, therefore, direct that the Division Bell be rung.

(The Division Bell was rung)

Mr. Deputy Speaker: We have a quorum now. You may proceed, Mr. Mcharo.

Mr. Mcharo: Thank you Mr. Deputy Speaker, Sir. As I was saying, vast lands in the Coast Province are arid and semi-arid. I remember in the 1970s, large tracts of this land were paddocked to form ranches so that the people would be able to develop livestock in these areas for their benefit. Ranching companies were therefore formed and the AFC came in to assist the farmers or the ranching companies with loans so that they could run their ranches without much problems. One problem that arose at this time was that although the money was given to the farmers or to these companies, the AFC did not take much effort to educate the companies or the ranch managers on how to make use of this money.

So what happened is that most of these ranches went on to develop infrastructure such as the roads, a bit of water resources and other infrastructures which use a lot of the loaned money instead of going to buy cattle and other livestock to sell, so that they get money. As a result, most of these ranches begin to show signs of failing right from the beginning. Apart from this problem, the ranching companies in these arid and semi-arid lands were faced with severe drought. I remember very well that in the mid 1970's when these ranches were just taking off, severe drought came along and many cattle which were purchased by the ranchers died. The problem was compounded by cattle rustling. This was a serious problem which spelt doom to these ranches or companies. So, we find that these ranches were not started properly. Those which began to make a little profit were also faced by another problem. There was this payment of interests of the loans to the AFC. These people were not making much money, but the AFC expected the farmers including these ranchers to pay compound interest, so much so that, when these companies collapsed, the amount of money owed to the AFC in the form of interests was much more than the principle sum that the AFC loans gave to these farmers. Now what do we do in view of this kind of a problem?

Mr. Deputy Speaker, Sir, I do remember about two years ago in this House, I put a question to the Minister for Agriculture, Livestock Development and Marketing, asking him to write off the loans owed to AFC by the farmers and the answer which was given by the Minister was very encouraging. Because, the Minister stated very clearly that most of the problems which resulted in the ranches and other farms being insolvent or bankrupt was not as a result of the mistakes of the farmers only. The problems were mainly, lack of managerial skills, drought and cattle thefts. Therefore, each case was to be considered on its own merit with a view to writing off the loans. Up to now, nothing has happened and the ranches are still taking a lot of debts. What is most disappointing is that branch managers in the various districts write letters to the managers of these ranches especially, which amount to threatening the sale of their land in order to recover the loans owed by the farmers and the ranchers to AFC. Now, we must understand that most of the land is public land. It does not belong to one particular individual and if it does not belong to one particular individual, it is very dangerous to threaten to sell any public land.

So, Mr. Deputy Speaker, Sir, what I am asking is that, the Government through the Ministry of Agriculture, Livestock Development and Marketing must find ways and means of saving the farmers and their ranches. Everything must be done to ensure that these ranches are saved and a fresh start has been made. We in this country depend on agriculture and livestock for our livelihood. Every time we are told that about 80 per cent if not more of our people depend on agriculture for their livelihood. Therefore, there is no way we are going to develop Kenya and provide employment, if we do not make every effort to develop the arid and semi-arid land. One way of doing that, is that first of all we must find a way of clearing these debts because they are a nuisance to the farmers. The farmers are not happy, they are not comfortable because they owe AFC so much money. I do not have the figures, but I guess in the Coast Province alone, all the ranches combined together, owe the AFC approximately Kshs100 million in debts. I think these debts can easily be cleared if the AFC and Government as a whole is willing to assist the farmers immediately.

Mr. Deputy Speaker, Sir, I am informed that way back in 1989, the Ministers for Finance and Agriculture, Livestock Development and Marketing were supposed to prepare a cabinet paper concerning the

restructuring of the AFC in order to write off the debts owed by the farmers to the AFC. The writing off of these bad debts will enable the AFC to balance their books in order to create an agricultural development bank. The measure would probably assist the farmers, for it is better to borrow directly from the agricultural development bank than AFC, because AFC does not seem to have a good name today among the farmers. If that is done, and we are asking the AFC and particularly the Ministries concerned to expedite that action to move fast and facilitate the writing off of these debts and create an agricultural development bank for the benefit of the farmers. When that one is done, we believe, we shall have created an environment which will encourage the agricultural and livestock farmers to take off and begin a new chapter.

Mr. Deputy Speaker, Sir, one point that I must emphasise here when we are talking of developing agriculture and livestock, and boosting the economic status of the people of Coast Province, and the people of Kenya, as a whole, we must seriously begin to look into ways and means of providing water, something which in my view has not yet been given priority in this country. It has not been given priority, because Kenyans at the moment are suffering so much because of famine. When I say this, in my own district which is not supposed to fall under the famine relief zone, is already under famine relief zone, because our children are going to school hungry and yet we have a lot of land. It is because we do not have enough food, because water is not being provided. Arable land is inadequate. Water must be provided to encourage agriculture. If major water projects cannot be started because of financial problems, then we must endeavour to establish, or create boreholes in these arid and semi-arid lands (ASAL) all over the country and construct dams for the benefit of our livestock. This should be done all over the country where there is livestock, or where there is potential for livestock development. This is not being done. Sometimes we wonder where our priorities are.

If this kind of situation is put into effect, it is my view that the famine relief programme would cease. There is nobody who wants to be given relief food all the time, and nobody wants to complain all the time that he has no food when we have enough land in this country. I also believe that we have water and all that we need to do is to find money so that we can invest this money in water development for the benefit of our agriculture and livestock.

Mr. Deputy Speaker, Sir, today, we are talking about the National Youth Development Programme (NYDP). It is a very good idea, because it will assist our youths to secure employment. In my own district, and Coast Province as a whole, I do not see how we can find employment for our youths, unless we begin developing these arid and semi-arid lands. We must encourage our youths to go to the land. But we must look for money to invest in water development in order to encourage our youths to go to the land and develop agriculture and livestock, so that we can produce enough food for the youths to sell to get money for their welfare, so that we can develop livestock for both domestic consumption and for export abroad.

Mr. Deputy Speaker, Sir, the essence of this Motion is for the Government to find ways and means of alleviating the problems that farmers are facing because of the many loans which have accrued as a result of the problems I have already enumerated, and clear the farmers from this worry. Secondly, deliberately, find ways and means of making it possible for the farmers to use the land which is in plenty in this country. The land is fertile and when it rains properly, a lot of food is produced in this country. But these days the rain is very much unpredictable, because it is supposed to be raining heavily now, but in my own district and many areas in Coast Province; the rainfall is very inadequate so much so that we are now wondering what is going to happen tomorrow, next month, next year. We are not going to have food and we have our own land which should be watered so that we can grow food and other crops.

Mr. Deputy Speaker, Sir, the last point I want to emphasise here regarding the youths of this arid and semi-arid lands is that, when we are discussing the development of agriculture and livestock, the Ministry of Tourism and Wildlife should come in to begin advising the people who own some of these ranges which are failing, to assist them in developing tourist camps so as to attract tourists to these areas and to enable the local communities to secure funds which they can use in developing their farms.

Mr. Deputy Speaker, Sir, with all those remarks, I beg to move and ask my hon. friend, hon. Shidie, to second this Motion.

Mr. Shidie: Thank you, Mr. Deputy Speaker, Sir. This country depends on agriculture. About 90 per cent of Kenyans today depend on agriculture either for employment, or food and for other purposes. If we do not support agriculture in this country, then we will go hungry, many people will lose their jobs and the end result will be that many Kenyans will suffer.

Mr. Deputy Speaker, Sir, Kenya today has become the net importer of food. We import rice, sugar and literally every other commodity. I think very soon, we might even import coffee, because with the recent development of liberalisation, it appears that we are going to import every item and Kenya will be reduced to a trading nation, a retailer of these commodities, and yet we have one of the best soils, climate and one wonders why

we are still importing these commodities. One scholar once said that Kenya has one of the richest soils that, if you put your finger in it, it might grow. When somebody said that if you put your finger in our soil, the finger might grow, it clearly shows that we have one of the best soils in this country and yet if we go to the supermarkets, we will find that food from South Africa, Europe, America and sugar from Brazil is being sold here. One wonders why God dedicated all this good land to us and yet we continue to import these foodstuffs.

Mr. Deputy Speaker, Sir, this Motion is very important. The Agricultural Finance Corporation (AFC) has been giving us loans upto 1989. From there on, nothing has been going on. In our areas, for instance, people were given loans and bought some cattle which they were to resell. Unfortunately, they were all wiped out by severe drought while others have been rustled by cattle rustlers and the end result is that the people have become more beggars, because if you are indebted and you do not have anything, it becomes very difficult.

Mr. Deputy Speaker, Sir, the AFC was supposed to be restructured wayback in 1989. Consultant firms had been hired to do this particular job and a lot of money has been paid, but upto date AFC has not been restructured. It appears that there are people with interest, because the management of AFC is willing to restructure it and also co-operate with the Government, but it appears somehow there are people with interest and they do not want AFC to be restructured. I think they are afraid of this restructuring. At this rate, it cannot really be binding for AFC to collect these debts. After seven years if they have not been collecting these debts, they have *no locus standi* to ask for the money now.

Mr. Deputy Speaker, Sir, the Agricultural Finance Corporation (AFC) was supposed to be restructured and converted into an agricultural development bank which, in essence, is far much better than even the AFC. We in this country really want the AFC to be restructured into this bank, so that farmers can be given loans on a concessionary basis. Loans should be given at, at least, 12 or 13 per cent interest rate. When you give farmers loans at the interest rate of 26 per cent and then transit goods are dumped into this country, it becomes very difficult for them to repay the loans. The interest rates go up to even 40 per cent and yet, the farmer is supposed to compete with a person who is importing the same product, like sugar. Go to Muhoroni in South Nyanza and you will see sugar cane rotting in the farms precisely because it cannot be crushed. Even if it is crushed, the sugar produced cannot compete in the market with sugar from Brazil on which, normally, duty is not paid. Goods are brought here under the disguise that they are in transit. This puts farmers in a disadvantage, and they cannot educate their children nor afford medical services. They suffer all sorts of hardships. Even workers in industries will be affected.

We cannot throw our door ajar in the wake of this liberalisation policy. No country goes for full liberalisation. Even the economy of the United States of America (USA) is one of the most protected economies. So, why should we have an open economy when we know that our people will suffer? It is as if our policy of industrialisation has changed to one of de-industrialisation. The policy of import substitution is no longer in place now. We want to clear all our industries and become retailers of other people's goods. In that case very many people will lose their jobs and very many Kenyans will be rendered hopeless. This is very dangerous and we must be very careful with this liberalisation policy; otherwise, the Kenyan farmer, consumer and everybody else in this country will suffer.

We have been emphasising on cash crop production, but it is high time we realised that we have first to feed ourselves before thinking about cash crop production. The policy whereby we export cash crops and import food crops does not make sense. We must first feed this country and then after that, we can think of cash crop production. In the Coast Province, horticultural production can be one of the best farming activities. If we produce good programmes and give loans to farmers--- We had the Bura Irrigation Scheme, but today that scheme is just a monumental thing. It became one of the whitest of the white elephant projects.

Today the people who were settled in that scheme are just beggars. They are depending on relief food from the Government, and yet that was one of the biggest projects the Government had conceived at the time of its implementation. If you go to Bura, you will find very many villages. It is as if there was a business investment there. The problem is that we start a programme, like the Bura Irrigation Scheme, but do not think about how to sustain it. We only think of how we can get *kitu kidogo* out of it. That makes farmers suffer. Very many people were settled in the Bura and Hola Irrigation Schemes, but today what we see is really pathetic. Today these people have laterally been reduced to beggars. They have nothing and mainly depend on relief food.

Mr. Deputy Speaker, Sir, when you are applying for a loan, you are asked for collateral security. Even the few peasants who have farms do not have title deeds.

[Mr. Deputy Speaker left the Chair]

[The Temporary Deputy Speaker]

(Mr. Ndotto) took the Chair]

If the Government is really serious with providing loans to the farmers, the first thing to do is to adjudicate land and issue title deeds at the district level. After this, when a farmer wants a loan he can take his title deed, go to the nearest bank and get it. But it appears as if, if you do not own land, or if you own it but do not have a title deed for it, then you do not qualify to get a loan. Worse still, is the existence of the concept that only a person who owns land can be trusted with money. There are so many other people with entrepreneurial skills! I am not talking about profit-making skills, which are meant to just earn somebody a profit. I am talking about skills that enable somebody to make his undertaking continue to grow. When you go to a bank your titled deed is charged and you are given a loan at a high interest rate. The banks are borrowing money at 12 per cent interest rate and giving it to farmers at 26 per cent interest rate. Yet, the farmers' products are supposed to compete in the market with imported ones, on which duty is not paid. These are double standards which cannot work in the market place. The loans which were given out by the AFC should be written off. There is no need of having them in the books. After all, they are bad debts and bad debts are supposed to be written off. Loans should also be given for cottage industries. An example of these industries are the textile ones. These industries are labour-intensive and are to be found in India, Singapore and Malaysia. You see, as a nation, we must have a vision. Malaysia, for instance, is sure that by the year 2020, it will be another economic super power. That is why we, as a country, must have a vision. We must know where we are going next.

With those words, I beg to support.

(Question proposed)

Dr. Otieno-Kopiyo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a contribution to this very important Motion. First of all, it is, in my opinion, a Motion that affects farmers throughout the country. But I think emphasis should be put by this Government in re-analysing the approach to agriculture in arid and semi-arid areas of this country. It also happens to be a political accident that many of those areas support KANU. Therefore, KANU has an interest to ensure that its supporters are not left in lurch in terms of financing of, for example, agriculture.

The farmer in this country has nowhere else to go for money to carry out agricultural activities. This has resulted in a situation where most of our agricultural production is not saleable anywhere. This is because it is over-priced. If a farmer goes to the Kenya Commercial Bank, or any other commercial bank, and seeks money at commercial rates to undertake agricultural production, the net result is not feasible. For example, the cost of production of a 90-kilogramme bag of maize is nearly Kshs1,000 in Kenya when Ugandans can produce it at Kshs400. This makes the Kenyan farmer uncompetitive in that market. Therefore, the Government needs to come up with a clear policy of financing agricultural production in this country. The AFC, as mentioned by hon. Shidie, way back in June 1989, commissioned a consultant to undertake the restructuring of the Balance Sheet of the Corporation, aimed among other measures, at eliminating from the Balance Sheet loans and debts due to the Corporation but whose recoverability was in doubt. That took place in 1989. During that year, that figure stood at Kshs1.2 billion. As I speak now, that figure has climbed up to Kshs100 million or Kshs 2 billion. These are just book figures. Farmers took loans as GMR or other types of loans and they are not going to be able to pay these loans. So, let us not pretend that these farmers are going to pay back the bank.

The restructuring of the Balance Sheet has been done, recommendations made and the AFC has even formed a company known as the Agricultural Development Bank. But there is a tug of war between the Minister for Agriculture, Livestock Development and Marketing and the Minister for Finance. Let us not subject the Kenyan farmer to vagaries of KANU A and B politics. That is not where it belongs. Let us face the situation as it is and tell the Kenyan farmer that here is a bank to which you can go for finances. Before we establish that bank where the farmers can go for finance, let us start by writing off all these debts. The Minister for Finance was very active when it came to writing off debts for Kenya Airways because a foreign airline is involved and hence he was very quick in solving that problem; but when it comes to the Kenyan farmer out there in Taveta or in Oyugis who borrowed money in 1984 when crops failed, the Minister is not prepared to act that quickly.

Mr. Temporary Deputy Speaker, Sir, we demand to know the fate of the Cabinet Memorandum that was presented to the Minister for Finance and the Minister for Agriculture, Livestock Development and Marketing several months ago. What have they done with it? Has the Cabinet approved it? If they have approved it, let them give this House a programme when the AFC will be transformed into the Agricultural Development Bank of Kenya. Let that timetable come before the House, so that we can solve this problem once and for all.

The second issue which is equally important is that as we read into the question of agricultural financing,

we also have to read into the question of land use policy in Kenya. We must develop a global, futuristic attitude and vision that will enable Kenya to really stand up and be counted among the truly agricultural nations of this world. We keep saying that Kenya is an agricultural economy and agriculture is the backbone of our economy but it takes us seven years to transform AFC from a finance house into a bank. Why should this be allowed to happen? Why should the President of this country who happens to be farmer number one allow this to happen in his Cabinet? We are saying that the responsibility of governing belongs to the Government but the Government sometimes, proves to those of us on this side of the House that it lacks the political will to carry out very noble objectives which it has undertaken.

Mr. Temporary Deputy Speaker, Sir, the other point which I would like to mention here is that whatever we do today, Kenya is not going to make money by manufacturing the Nyayo Pioneer Car. We will not make money that way. We are going to make money by putting some money in the sugar-cane---

QUORUM

Dr. Toweett: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

The Temporary Deputy Speaker (Mr. Ndotto): No, we do not have quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Ndotto): We have a quorum now. You may proceed Dr. Otieno-Kopiyo.

Dr. Otieno-Kopiyo: Thank you, Mr. Temporary Deputy Speaker, Sir. I appreciate the second opportunity to make my contribution on this important issue. As I was saying before I was interrupted by lack of quorum, the tug of war between different sides of differing political views should not hamper the development of a nation. But more importantly, we should not just rush into signing contracts and forming new bodies if we have an element of "kick-back". I think the problem in AFC is that because there is an internal re-structuring and you are writing off debts on behalf of farmers, who are not going to pay you a commission, the Ministers and the Permanent Secretaries involved are reluctant to act speedily. That is the gist of the problem. This Kshs2 billion is going to be written off and nobody in the Ministry of Finance or Agriculture, Livestock Development and Marketing will receive some money. That is the problem. If the President of the Republic of Kenya is committed to ensuring that fairness is practised, particularly in relation to activities that affect the farmer, let him direct today, that a Cabinet Memorandum be passed by his Cabinet and the Agricultural Development Bank be formed within the next month or so. Let us not get into 1997 with this matter still pending.

The Minister for Agriculture, Livestock Development and Marketing as well as the Minister for Finance also owe Parliament an explanation. In 1993, Parliament passed the Fourth Report of PIC, which made a recommendation on this matter. The Committee recommended that: "The Chief Executive and the parent Ministry, in consultation with the Treasury, should expedite the approval of the recommendation submitted by the consultants by the 30th of June, 1994". That recommendation was passed by the whole House without amendment, but nothing has been done. The Fifth Report of 1994 made a similar recommendation, reiterating what had been recommended in 1993. Again it gave a deadline of June 30th, 1995, but nothing has been done. Why do Government Ministers feel that they can ignore Parliamentary resolutions with impunity? That must be a matter of concern. That might also explain why there is no quorum constantly in the House because a lot of Members are beginning to feel that the House is used for the convenience of Government. When they have some Bill to pass, like yesterday, they wanted to pass the Central Bank Amendment Bill, then they come in hordes, force the closure of the debate and then that Bill is rushed through. When there is something important as the re-structuring of the AFC, even the Minister for Finance is not here, the Minister for Agriculture, Livestock Development and Marketing has sent his two deputies. He is also not here. They are not concerned with these issues. This Government ought to state clearly what its concerns are. If it is not concerned with the development of agriculture, with enabling the farmer to produce competitively, what is it concerned about? Agriculture forms a substantial portion of the Government's source of revenue.

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

(Hon. Saina moved to the microphone)

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Saina, do you want to speak as a Minister or you want to continue?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): No, Mr. Temporary Deputy Speaker, Sir, I want to speak in my capacity as a Minister.

An hon. Member: Why?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): I want to make amendments.

The Temporary Deputy Speaker (Mr. Ndotto): Are you making an amendment?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Yes, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion, it affects 80 per cent of our country, in the areas we call Arid or Semi-arid Lands (ASAL). Therefore, I would like to make amendment on this Motion to be more realistic to cover, not only Coast Province, but to cover all the areas which are affected mainly by climatic and limitation of water. Otherwise they are completely potential areas for production of animal protein, from cattle, beef, sheep, goats and camels. So, I would like to propose an amendment to this Motion by deleting---

The Temporary Deputy Speaker (Mr. Ndotto): I am afraid, Mr. Saina, I do not have those amendments.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Temporary Deputy Speaker, Sir, just give me a few minutes to pass these amendments over.

(Mr. Saina passed a copy of the amendments to the Clerks at the Table)

This is a very important Motion and it appears that, to consider only Coast Province is actually to limit the gesture and the purpose of a large area which has a potential for production. So, I propose to amend the Motion by deleting the words "more than" in the first line and the figure "90 %" and substituting it with the figure "80%". I also propose to delete the word "Coast Province" and substitute it with the word "country" to cover the whole of Kenya. In the third line, I also propose to delete the word "people" and substitute with the word "farmers". Then I propose that the words "Coast Province" be substituted with the word "country" to cover the whole of Kenya. In the third line, I also propose to delete the word "people" and substitute it with the word "farmers". I also propose to delete the words "Coast Province", after the word "from" to cover the areas which are covered by 80%.

In the last line, I also would like to propose that the words "Coast Province" be deleted and be substituted with the word "country" so that it covers the whole country. So, the new Motion will read as follows:--

THAT, since 80 per cent of the country comprises of arid and semi-arid lands (ASAL), and considering the need to encourage farmers from those areas to pursue agricultural and ranching activities with greater zeal in order to boost their economic status, this House urges the Government to consider re-scheduling loans in arrears advanced to farmers by the Agricultural Finance Corporation to ease repayment.

We can only reschedule those loans---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. A while ago, I said that the Government side takes this House for granted. The Assistant Minister knows what I was saying a while back that they have prepared a memorandum asking the Cabinet to write-off these loans. Now, he is telling us that in a new Motion, which is going against four or five resolutions of the House on the same subject, he has a new idea. Which one is going to be followed; those old resolutions or the current one which he is proposing? We are being taken for a ride.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Temporary Deputy Speaker, Sir, we are debating a Motion---

The Temporary Deputy Speaker (Mr. Ndotto): Order! I am asking you to continue contributing on the Motion. We are on the Motion and not on the past resolutions.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): It is very important to have these loans rescheduled because it is a commitment---

Mr. Orendo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wonder whether or not this amendment is in terms of Standing Order No.48 which states:

"No amendment shall be permitted if in the opinion of Mr. Speaker, it represents a direct negative of the question proposed."

It has never been in doubt that the farmers are still required to pay these loans now or at some other dates agreed upon by the parties to the agreement of these loans. The Motion is actually saying that these loans should be written-off. This is the substance of the Motion. It is not asking for time. This proposed amendment, in my opinion, is negating directly what the Proposer was asking of the House. Are you convinced that this amendment---

The Temporary Deputy Speaker (Mr. Ndotto): Let us listen to the amendment first.

Mr. Orengo: But we know the substance of the amendment.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Temporary Deputy Speaker, Sir, I have read the amendment and it is common knowledge that this is another way of assisting the farmers. When a loan has been rescheduled, it is also possible to re-loan the farmer and in this way rehabilitate the lost loan. Rescheduling the loan will help the farmer whereas writing it off does not help him. The hon. Member should understand that the amendment is meant to assist the farmer by giving him an additional loan to rehabilitate the loan which has been lost.

This is why I have amended the Motion. To assist the farmer---

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister is misleading the House. It is not stated in the amendment given to the House that farmers will be aided with new and additional loans. Therefore, he is misleading the House.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Temporary Deputy Speaker, Sir, with due respect to the Member for Mosop who should have realized quite early that it is important to rehabilitate forests so as to create more rainfall---

Mr. Nthenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is stating what is not in the amendment. He is misleading the House by saying that his amendment includes something that is not there in writing. Can he withdraw that and apologise to the House.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): I am so amazed by the amount of ignorance in this House. The semi-arid and arid areas are affected by poor climate which the former Minister for Natural Resources should have helped to alleviate through intensive planting of trees. In fact, the reasons why these farmers fail to repay their loans is because of the poor climate in their areas. The hon. Member is so ignorant of this fact.

Mr. Mutere: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is misleading the House. The original Motion is quite clear and it states that the old loans should be written off. Once the old loans have been written off then any other new arrangement can come in. That is the intention of the Motion. Is he in order to mislead the House?

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Saina, I think the hon. Members are right. You are mixing the two issues; the old loans and the new loans. Can you confine yourself to the contents of the Motion and if you want to amend it, you amend what is in the Motion?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Temporary Deputy Speaker, Sir, I am not discussing the new loans. What I am discussing is the old loans---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. When you were communicating to the hon. Saina he kept standing like a tree. Would you not remind him that when the Chair is speaking he must resume his seat immediately?

The Temporary Deputy Speaker (Mr. Ndotto): You have been reminded of that hon. Saina.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Temporary Deputy Speaker, Sir, I stood like a human being not like a tree. I am a human being.

I think the House should not think that I am introducing new loans. I am talking about the old loans. I have proposed an amendment and I have read it.

With those few remarks, I beg to move.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek your guidance. The Assistant Minister is giving us information which is erroneous. Here we have the Report of the Public Investments Committee of 1993 and it reads as follows:

"The Committee was further informed that loans task recovery committees have been established at district level. Although the loans were written off due to drought in 1984, the Committee regretted that the write-offs were discriminative".

The gist of the Assistant Minister's argument is that there will be some rescheduling. How can we reschedule loans which were already written off anyway in many cases and the cry from the Coast is that that write-off was done discriminately?"

Now, he is misleading the House.

The Assistant Minister, Office of the President (Mr. Sunkuli): In seconding this amendment, it is my hope that---

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

The Temporary Deputy Speaker (Mr. Ndotto): Order! I am not going to allow any more points of order. Let us listen to the amendment and then we can decide on it.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir, I feel that we---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Sambu, I have not allowed you the Floor. You do not stand and start contributing before I allow you the Floor.

The Assistant Minister, Office of the President (Mr. Sunkuli): In seconding this amendment, it is my hope that my colleague and Minister for Agriculture, Livestock Development and Marketing will direct the AFC to allow those farmers who are affected by drought to have a long term repayment of their old loans. A majority of those people we represent are affected by defaulting because of drought.

Mr. Temporary Deputy Speaker, Sir, I am personally accepting to second this particular amendment because it is reasonable to say that if the farmers can be given a second chance to repay their loans, it might be of assistance to them.

I want to make a few comments in this regard. Many people even in the non-arid areas and various parts of Transmara which I represent took loans. But there are many civil servants, especially in the Ministry of Agriculture, Livestock Development and Marketing, who do not take their work seriously. I know that the farmers in Transmara have continued to grow maize, the same way that their grandmothers taught them. There is no extension officer who visits farms in Transmara.

Therefore, an area which is just as high in potential as Trans-Nzoia is just producing two bags of maize per acre. If a person takes a loan and spends Kshs5,000 to prepare one acre of land, and gets only Kshs2,000 out of an acre, how is it possible for him to repay his loan? I think it is important that the officers in the Ministry of Agriculture, Livestock Development and Marketing, especially those who call themselves extension officers, should be told to go to the farms and visit farmers, so that they can advise the farmers on how to work. The manner in which our people are producing their food is, according to me, miraculous. This is because nobody is telling them that there is anything like improved methods of farming. Nobody is telling them that there is a manner in which one acre of land can produce 20 bags of maize. It is for this reason that I know many farmers in Transmara defaulted in repayment of their loans. It is important that these loans should be re-scheduled.

Mr. Temporary Deputy Speaker, Sir, the Government entered into an agreement with the German Government, and the GTZ came to work here. They are stationed mainly in Samburu and Transmara. The agreement clearly stated that the mandate of the GTZ was to improve livestock production within those areas. The GTZ has now stayed in Transmara District for four years. The only thing that I know they have done, is to draw a beautiful map of Transmara. They even say that they have done it by satellite. Up to today, that has nothing to do with our cows. There have been no water dams built by the GTZ. The bulk crops that they have developed within their own compounds have not been extended to the farmers. So, the grass that our cows have been eating is the same grass that they have been eating all the time.

They say that they have done a perfect research on how to deal with wire grass. They say that the best way to get rid of wire grass, after four years of research, is to plough it. Even after four years of research, the GTZ has come up with only one conclusion; that the best way to destroy wire grass, which covers hundred of acres of Transmara, is by ploughing. I do not know whether that required any research. We knew that all along, and the GTZ are simply wasting their time. It is important that those civil servants who are working together with the GTZ should tell them to start serious business. They have spend millions of shillings, probably Kshs100 million by now, just pretending to be working in Transmara. They have bought a series of mercedes benzes, four wheel drives and houses to live in. But the cows of Transmara have not yet been improved up to today.

Mr. Temporary Deputy Speaker, Sir, how do you expect farmers, who are doing their farming with total disregard to technology because they do not know it, with total disregard to improved methods because they are not taught, to repay their loans? That is why it is important that this House, knowing very well that we must encourage our people to work hard, should really call for the re-scheduling of these loans.

Mr. Temporary Deputy Speaker, Sir, if we do not encourage our people to have their loans rescheduled or repaid, it may not be very useful to say anything else---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the provisions of Standing Order No.48(2) are being flouted. We are not asking in this Motion about rescheduling, but we want those loans written-off. That is what we want. The House is not demanding for rescheduling, but he is now

bringing a negation of the original Motion. Could the Chair guide us?

The Temporary Deputy Speaker (Mr. Ndotto): Dr. Otieno-Kopiyo, the Government is proposing an amendment and it is for the House to decide whether to accept those amendments or not. I do not want to engage in an argument which is not right. The Government is proposing for an amendment and it is up to the House to decide whether they accept the amendment or not.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, as I was saying, it is important that we help the farmers to be more productive because improved methods of agriculture will help our farmers to become more productive.

And the civil servants who sometimes do operate in a known interested manner probably because they do not necessarily support the Government of the day, do sabotage the production of food in this country by staying in their offices instead of going to the farms.

Mr. Mathenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. He says civil servants do not support the Government of the day, why does he not, as the Assistant Minister in this Government, sack those who do not support the Government?

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Mathenge! First of all, you are very much out of order! Nobody allowed you to speak. Proceed, Mr. Assistant Minister.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to econd.

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

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, the Motion as amended is not read.

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Members! We are on the amendment now. We want to dispose off the mendment first before we go back to the original Motion.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I would like to oppose this Motion vigorously.

(Applause)

Mr. Temporary Deputy Speaker, Sir, why should an ordinary Kenyan farmer suffer so much and when the farmers are asking for little mercies from this Government, they will never listen to the cries of the ordinary people?

There is a Mr. Somaia who owes this Government over Kshs200 million on account of goods which were never delivered to this Government. This Government has never taken a step despite the resolution of this House, to recover Kshs200 million which is owed to the Government and, particularly to the Office of the President, and hon. Sunkuli knows this.

Mr. Temporary Deputy Speaker, Sir, when the people of Coast Province are asking for little mercies that the loan---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Members, it is now time for interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.