

Kitui County Assembly

THE HANSARD

First County Assembly – First Session

Wednesday, 31st July 2013

The County Assembly met at 9:00am

[The Speaker (Hon. George Ndotto) in the Chair]

PRAYERS

(Motion: Regulation of Charcoal Business – Hon Peter Kilonzo)

County Assembly Clerk [Mr Mutambuki]: Mr Speaker, we continue with yesterday's Motion from one Honourable Kilonzo.

The Speaker: Yeah, Honourable Members, we did not exhaust the debate yesterday on the Motion by Honourable Kilonzo, so those who want to contribute have the chance to contribute this morning to this very important Motion, and the debate continues until we exhaust, and then we dispose of the Motion.

Now, are there people who want to contribute to this Motion?

Honourable... I don't know... yes, nominated MCA.

Hon. Kinyumu: Thank you Mr Speaker Sir.

Though you didn't mention my name, My Name is Pastor Ruth Kinyumu. Being my first time...

The Speaker: So we call you Honourable Kinyumu?

Hon. Kinyumu: Yes please.

The Speaker: Honourable Kinyumu?

Hon. Kinyumu: Honourable Kinyumu.

The Speaker: Continue.

Hon. Kinyumu: Yes, thank you.

Being my first time, I would begin by thanking God for giving us a chance to be in this house, I would also like to thank our Speaker and our colleagues for a warm welcome last week, and being a pastor I would like to mention a biblical perspective on this Motion. And I'll begin by saying in the book of Genesis 2:15, God ordained environmental conservation, and this was given to Adam and Eve to work and care for the land. And Kenya being 80 per cent Christian, we are therefore given the same responsibility

to care for our environment which we have failed, but all is not lost. Mr Speaker, I'd like to say that we can go back to our responsibility by:

1. Doing or carrying out sustainable charcoal production which can be done by harvesting certain tree species for charcoal production without harming the mean annual increment of forest cover. This is by doing or cutting trees that are specifically for charcoal production which we can encourage farmers to grow.
2. Second point Mr Speaker I would like to say that this can be done by promoting conservation woodlots by growing local and exotic quick growing trees and shrubs for charcoal production. Some of these trees I'd like to mention in botanical names, some are: *Prosopis Duriflora* which we call Mathenge in the local names which are quick growing trees which are acacia and can give good quality charcoal. We have the *Acacia Drapanolopium* or the 'whistling thorn' which we call... I'm not sure of the local name, but it's an acacia which has whistling thorns. These are quick growing trees which we can encourage our farmers to grow in order to avoid cutting of our indigenous trees.

Mr Speaker, this can be done through a pilot project like in Siaya or Kajiado districts where they have set aside community land for arboretums for about 24 tree species for dryland; quick growing trees. This can also be done in our county Mr Speaker.

Mr Speaker these cannot do well without good water resources. And therefore it is for this house to provide or to give this facility in order to have good quick growing trees.

3. Third on my points Mr Speaker is reforestation. Due to massive destruction of forest cover, it can be combined; the nursery raised seedlings can be combined by the direct seeding of the mentioned species which can be exotic and also local. This can quicken our forest cover regeneration. Some of our trees or as it was mentioned yesterday by our Motion mover; he said that we have few nurseries or tree nurseries, and therefore it can also be encouraged by direct seeding on our forests Mr Speaker
4. Last on my points Mr Speaker, we can also use improved technologies for production of charcoal through our locals Mr Speaker. This can be the use of masonry kilns. We have always used traditional kilns which create a lot of environmental pollution, but we can use masonry, which is an improved technology for charcoal production. And this can minimise environmental pollution and also give good quality charcoal and avoid health hazards Mr Speaker.

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With these points Mr Speaker, I'd like to say that it is the task of this house to explain the challenges that are facing our people, promote the opportunities and provide leadership Mr Speaker.

With these points, I'll beg to support the Motion.

Thank you Mr Speaker.

(Applause)

The Speaker: Very well. Thank you very much Honourable Kinyumu.

Now we have Honourable... who? Kililiku.

Hon. Kililiku: Thank you Mr Speaker, I stand to support the Motion.

Mr Speaker, first of all I would like to thank the mover because of the much research he has showed us he had gone through. Mr Speaker most of the information this house would have given was almost all covered by the mover and what I would like is just additional information in support of what he said. Mr Speaker the essence of this Motion is to save the trees which we have seen that most of some parts of this county are experiencing wanton destruction of trees by some of the dealers who are not even from this county. Mr Speaker I would remember some wanton destroyers of trees even went as far as hiring people and getting to our National Game Reserves paying those employees to cut those trees and burn charcoal. Most of the charcoal has been smuggled out of this county, and this county received almost nothing in form of cess. And therefore, having this in sight Mr Speaker, that is why we need to control the resource. Mr Speaker, there are special trees which were researched on in Japan, and these trees do grow fast, and if we can find out and introduce this kind of tree in this county, it may help us in conserving our indigenous trees which may take long to grow and which one day someone could cut the trunk and we lose the tree.

The other point Mr Speaker is we encourage the kiln; the special kilns that can also save the tree in the form of burning the branches instead of the trunk. This later can give us other branches and then the life of the tree continues. Mr Speaker, we may point out here that when you use the indigenous way of burning charcoal, we find that there is a lot of waste as it has been said and we find that most of the branches are only used to put fire to burn the trunk, which as a result you may find out that the branches which could have given some form of charcoal is only coming out as ash. So Mr Speaker, we should give encouragement to burning of the branches.

Mr Speaker the other thing is the pricing part of it. We should form an authority that may control the pricing. We see for example the milk industry; we see farmers in Wamunyu and other areas where production of

milk is done, the major pricing agent is the cooperative, and most of the small milk producers do follow almost the price as per the cooperative. So if we form a sort of cartel that may control the pricing, then we may also have a way forward for this county as far as charcoal is concerned. The enforcing agent should be strict and should be put in place where anyone can avail him/herself whenever the need for the burning of charcoal is required.

Mr Speaker with those few words, I beg to support.

The Speaker: Very well.

Honourable Mutemi.

Hon. Mutemi: Thank you Mr Speaker.

Mr Speaker as I contribute to this Motion, Mr Speaker this house and we Honourable Members, Mr Speaker we should be mourning inside ourselves. Why am I saying so? Mr Speaker because in fact we are destroying the charcoal production uncontrolled industry is going to diminish our generation. We are in a very bad state Mr Speaker, and that is why I'm saying that as I contribute to the Motion, Mr Speaker inside myself I'm mourning. Mr Speaker I want to thank the mover of the Motion for work well done, and even the seconder of the Motion. This is one of the Motions in this house has been brought well researched. Work well done! And Mr Speaker the Mover of the Motion quoted some constitutional articles which binds us to environmental rights. Mr Speaker he has quoted Article 69, and on top of it there is Article 42 which is on the same. Mr Speaker on Standing Order number 76 sub-article one which talks about, Mr Speaker if we are allowed to quote some aspects, Mr Speaker on this particular matter I want to quote the constitutional aspects; Article 42 and article three and article ten on National Values. Mr Speaker on Article 42, which I want to quote, and reads:

Every person has the right to a clean and healthy environment, which includes the right—

- a) To have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and
- b) To have obligations relating to the environment fulfilled under Article 70.

And Mr Speaker on Article three on chapter one; sovereignty of the people and supremacy of this constitution, I'm interested on Article 2 sub article 1, which states clearly:

This Constitution is the supreme law of the Republic and binds all persons and all State organs at both levels of government.

We in this assembly included; we are not excluded. And (3) of the same says: Every person has an obligation to respect, uphold and defend this Constitution.

On (10) of the same; National Values, and Principles of Governance Mr Speaker Sir, on (3), which states: the National Values and Principles of Governance are... and (c) makes or implements public decisions which we are making here Mr Speaker. So I'm trying to say we are constitutionally duty-bound to ensure everything in this county related to charcoal production and environment is well done and done within the laws. Mr Speaker, as I want to clearly demonstrate some few aspects of the motion we are contributing to, Mr Speaker this matter as I have read those articles should be noted. As the mover demonstrated, charcoal in our country contributes 68 per cent of the energy that is biomass energy. And petroleum contributes to 22 per cent, of which electricity gives us 9 per cent and others give us 1 per cent of the energy in our country.

Mr Speaker charcoal is leading in our country and it is one of the main sources of energy in our country. And Kitui County being one of the leading producers of charcoal in our country, really that's one of the critical areas. We are as an assembly supposed to handle and ensure it's well managed with prudent skills. Mr Speaker last two years when petroleum was discovered in Turkana, everybody was running there and even the National Government was so concerned about petroleum. That gives us 22 per cent mathematical understanding. But here we have a sector, an industry that gives us 68 per cent of the energy used in the country, Mr Speaker here I think we should be more careful because it means we are the main source of energy in this country. Mr Speaker, as it has been shown and demonstrated, the kind of revenue of which a lot has been shown is being lost through corruption. And the kind of people being employed; 700 people per annum with 2.8 million of our population getting energy from this industry.

Mr Speaker this matter if you look at the kind of revenue which has been given and if you look at the chart the mover of the Motion gave for charcoal revenue collection, of which a lot was shown to be lost through corruption, you can really understand the corruption aspect. Given that the areas are not inclusive, because it only covers one zone i.e Kitui, one region of our county Kitui, Mwingi was not covered; this one was just covering 10 districts of our county which has 16 districts; formerly the administrative units which we have. Mr Speaker we have six regions or six districts which were not even mentioned, and Mr Speaker when he mentioned those areas like Kyandula, Kiongwe, Athi, Ikanga, Kanyoonyeni, Kwa Kilui which were 10 zones of the area revenue he brought to this house, Mr Speaker mathematically if you look at it, it shows us one thing, and it pinpoints one

thing; Mr Speaker, he demonstrated the first year which was 2009, 2010, 2011 and 2012. Those areas Mr Speaker he showed that from the first year 2009 there was a high collection of revenue, but as you go to 2012 which is last year, he demonstrated that those areas revenue was going down, it means revenue is equal to charcoal production or collection. Which means tree cutting has depleted trees in this kind of mathematical breakdown, and Mr Speaker it means that if we can have whatever we have now in 2013, you could find Mr Speaker that those areas have already been abandoned; it is a desert.

Global warming and climate change in the world which is worrying everybody world over is here with us. Mr Speaker we are in a very serious situation, and that's why I said we should be mourning. Mr Speaker our county, our country is becoming a desert because of these uncontrolled activities. Mr Speaker when I was young, I tend to believe there was a bit of rain which actually we were getting more rain than these days; we could afford to get some local or traditional foods like pumpkin; *Malenge*. I may not be in order Mr Speaker for mentioning that local traditional food in the local dialect, but I wanted to emphasise that some of these traditional food is not there nowadays because rain is now scarce. This is mainly because of uncontrolled tree cutting for production of charcoal. Mr Speaker, the mover of the Motion I know he presented one of the papers which I don't know if majority of us can get access to, which is a worrying trend Mr Speaker. I think these people went to my ward which is Kiomo, and some years back we were wrestling those guys down there Mr Speaker, and a tree of 100 years Mr Speaker, if you can check the materials he presented to this house, have been cut.

The Mover of this Motion and the seconder Mr Speaker, of which the mover said the recovery rate is 20 per cent, but the seconder said the mover was so kind with the figures and the actual rate was 10 per cent according to the current research. Mr Speaker I'm telling you nobody in our generation will ever see this recovery, we will have all gone; to get a tree of 100 years. When is that? When is 100years from now as we are debating here Mr Speaker? I'm not praying bad for you Mr Speaker and this house, but I'm telling you Mr Speaker if I'm frank enough we won't be there by the time these trees will be brought back to this world. And I don't know the miracle because we don't even have data demonstrating how many trees like the acacia and many others; the botanical names he mentioned here in this house which most of us read in this house some years back, and I tend to believe by this time maybe some of us have forgotten or something like that.

Mr Speaker if one acacia tree, a medium one of 1 foot diameter which can produce 10 bags of charcoal, Mr Speaker, if the research is clear

that that one can take up to 63 years to be of that size, what about the ones being cut at my place like two foot, three foot? That is about 150, 130 years Mr Speaker. Just imagine the kind of destruction! And I don't know, that's why I've said we cannot recover; not in our generation now, we will maybe be in our history books.

Mr Speaker the kind of corruption, and I want to be candid here; last year, last year-but one and as the current scenario is, charcoal... there is a lot of corruption in this industry. Like where I come from, those who are organising charcoal transportation, you mention from the camps there; the collection centres, the police at the roadblocks, there is a string of lorries, big ones going to Nairobi and most of them are owned by government officials. Mr Speaker, in Mwingi we had a DC, I think he passed away last year...

The Speaker: Order! Order!

Hon. Mutemi: Oh! I'm sorry Mr Speaker.

The Speaker: You cannot discuss somebody who is not a member of this house without a substantive Motion.

Hon. Mutemi: I withdraw Mr Speaker.

The Speaker: Talk generally about corrupt officers.

Hon. Mutemi: Thank you Mr Speaker for your guidance.

But Mr Speaker what I'm trying to emphasise, in Waita, areas in Endui, areas in Kiomo, areas in Kyuso, Kasiluni, Mr Speaker we have people who have moved from other counties like Central Province with their power saws cutting our trees day-in, day-out and they have permits from government officials who happen to be from the same region. And Mr Speaker even the same government officials including our local chiefs and other administrators – DOs and Sub County Commissioners, Mr Speaker as we talk here, and we have evidence, they are the ones who are organising charcoal transportation. They are in this lucrative industry, whereby from here, Mr Speaker you can happen to get 34 kilogrammes or 40 kilogrammes of charcoal in a sack, you just buy it for 200 bob, Ksh 200. And when you take it to Nairobi it will fetch between Ksh 1600 and 1700; where are our people left? With nothing Mr Speaker! Mr Speaker this charcoal is not even helping our people here, not economically. It is only benefitting those people with big lorries who can afford to come here with Ksh 200 and buy charcoal, take to Nairobi and elsewhere and fetch very good money Mr Speaker. Mr Speaker for us to be kind enough to this kind of industry, we need to have clear regulations. Mr Speaker here as we talk, Kitui County does not have... in fact it doesn't have a policy. The document I'm holding here; Kitui County Charcoal Policy Discussion Paper, it is not even a policy because it is still at the discussion stage, which was produced by the Forest Officer here in Kitui County, and which was done in July; the

July we are in of 2013. Mr Speaker we don't have a policy! Where else in the world does such an important industry take place, really being executed without a policy Mr Speaker? What am I trying to say? Mr Speaker I'm trying to say that while this is an important industry, it should be in the first place temporarily stopped and we have a policy in place, and then have everything working Mr Speaker, because by the time we will have this policy put in place, we will have no trees. And of course the county will have lost a lot of revenue. If Mr Speaker the mover of the Motion demonstrated yesterday as he was moving the Motion that from 2009 to 2011, the Kitui County cess collection was Ksh 85million eight hundred and something, and he demonstrated that the forest office had collected Ksh 34million for the same period, Mr Speaker if we go by the same rate, and as you know and everybody else knows, crafting a policy is not as easy as any other document...

The Speaker: Order! Order! Order! Honourable Mutemi!

Order means you sit down!

Are you moving... I don't know whether I got you right! Are you moving an amendment to the Motion to the effect that the County Government takes immediate steps to regulate the industry and to put the necessary rules of the game in place? Are you making an amendment that as we do that, the export of charcoal should be stopped for the time being as we do that? Are you moving that amendment?

Hon. Mutemi: Mr Speaker, you are in my spirit.

(Laughter)

The Speaker: No! No! No! No! I'm only guiding you. If you are doing so, you should as we debate sit somewhere at the side, draft the amendment and bring it for my approval, then you can introduce it, because you can't do it *Kienyeji*.

Hon. Mutemi: Mr Speaker that's what I'm trying to do.

The Speaker: Thank you.

Continue with your debate, after you finish, you can bring your amendment later.

Hon. Mutemi: Thank you Mr Speaker for guiding me, because I was concerned of how we can regulate when the business is still taking place. Mr Speaker I'm trying to say that we have hard-core government officials here who are not kind enough with this kind of industry, who are really benefitting a lot from this kind of industry. Mr Speaker this charcoal is even going to an extent of assisting government officials on Mondays, Tuesdays and Wednesdays. I remember the kind of lorries moving all the way from Ukasi, from Kyuso, from Tseikuru, from Mumoni, from Kiomo where I come

from, to Nairobi ferrying charcoal. And every stopover whereby there are government officials, those people, and I have talked... as I was coming here yesterday Mr Speaker because I had a very serious interest in this, to the chairman of the charcoal transporters association in Mwingi where they are paying between Ksh 2000 and Ksh 4000 in every barrier. And Mr Speaker as you move from Ukasi where we have the first checkpoint to Nguni, to Mwingi to Kanyoonyo, to Matuu, to Thika, and in Thika we have like five stopovers, and then to Kasarani, Mr Speaker you will have paid the kind of money the mover spoke of – Ksh 50,000 to move to that place; to be allowed to access the Nairobi city charcoal market. Mr Speaker that's where we are losing a lot of revenue, and Mr Speaker indeed, for this house and for our generation to do justice to the future generations as the constitution has demonstrated, as we make these policy decisions, Mr Speaker we have to be firm enough to make policies that will stand today, tomorrow and be there for the future generations.

Mr Speaker we have 20 legislations in place in our country regulating the same. But Mr Speaker you can't have one shop and fail to find what regulation to use. And the government officials are using these policies to really find loopholes because you find these policies, each stands on its own, so one can do this and then have an excuse from the other policy. Mr Speaker we don't have a subsidiary legislation in our county, which I think we should have as we move ahead with this charcoal industry if we want this county to benefit from charcoal burning. And Mr Speaker, while this proposed policy has so good recommendations, but without a policy in place, recommendations in place, Mr Speaker the benefits mentioned there like energy, like revenue will end up to nothing, because we have nothing.

Mr speaker as I conclude I want to pinpoint this; you have been advising us that no game without rules can be a good game, now I want to reiterate and say that no business without rules can become a business Mr Speaker because this is a business whereby everybody, every person can make his rules and execute the rules and use the kind of legislations in place as demonstrated by the mover and get away with it and we are losing a lot. Mr Speaker, by those comments I've put in place, Mr Speaker I support the Motion and even Mr Speaker I wish if I can be allowed to put an amendment that first we stop this industry for the time being, then we regulate it and then the business goes on; continues with rules, with policies and with procedures in place.

Thank you Mr Speaker.

(Applause)

The Speaker: Very well Honourable Mutemi. I will want to see your amendment first; you put it in writing, and if you bring it before we exhaust the debate, I'll put it to the house to see whether they will approve it, and then it becomes part of the Motion.

Now, where are we? Do we have new members who want to contribute to the Motion probably? I can only see the old guards. Let's try Mrs Ndumbu, Honourable Ndumbu.

Hon. Ndumbu: thank you Mr Speaker.

As a newcomer, I first of all thank the Lord for being in this Honourable House. I congratulate the Honourable Members because I think this is one house which has very well educated Honourable Members and I feel privileged and honoured to be with them. In fact it's a place where it's an eye opener; where one can learn a lot. And I hope by God's grace, we are going to help our county and we will be very far by the end of five years.

Mr Speaker, first of all I thank the mover of this Motion; it has been our problem for quite a long time because as leaders, we always follow what is happening in our county and this has been a business which is taken as illegal and so a lot has been happening; a lot of corruption is rampant in this business because if I am a charcoal business person, before my lorry comes down, I have to be ahead of it so that I arrange with the security on the way, with the officers around and as a lot of Honourable Members said, I think it should be regulated and controlled because I don't think we are benefitting out of it or our people have been benefitting out of it, even those who are burning charcoal. In fact we are being robbed.

Mr Speaker leave alone charcoal, a lot of timber has been cut down in the bush; in fact the charcoal business men are the ones who give us this information. When they got into the bushes, because they have now invaded the bushes, they found leave alone the charcoal, trees have been cut down for timber and transported through Mombasa road. So as our Honourable Member of Assembly has just said, in fact we are talking of a business which is almost ending because we'll have no trees in the near future to burn charcoal. So whatever little we have should be regulated, should be put legally, should... you know if I'm a charcoal business person, I think we should be given certificates from where we buy the charcoal and we don't need to be disturbed on our way because my Honourable Members will agree with me that in the evening, that is when the lorries pass and you find them, especially on my road going home, about 10 just stationed somewhere and they have to arrange with the roadblock – that is corruption, and also the administration as the administrators at the Chiefs office also earn from it.

Ask yourself, do we benefit outsiders or we are supposed to be benefitting out of it as a county because this is the only source of income

and in the near future very soon, we'll have to be self-sufficient as a county. As you can see how things are happening, everything is being pushed down to the counties. Where will we get revenue from if we let all the money to go with outsiders?

So I support the Motion seriously and I say Mr Speaker even those people who are burning charcoal down in the bush should be in a sort of Sacco where they can talk of the price. Because if we do it individually, I'll sell mine at Ksh 200 another one will sell at Ksh 300 and it doesn't benefit anybody, its better it's stopped for good because we are not benefitting, not even the charcoal burner, not even the county. Do we really need it? This is not a business which is helping us. So I support the Motion seriously and sincerely and I also support the change to stop it for a while so that the impact can be hard. Because if we stop and say stop. the rules and regulation will go down to books and the impact will be felt and this will be taken seriously.

Thank you Mr Speaker.

(Applause)

The Speaker: Very well. Very well.

Yes Honourable Member down there... I'm not seeing. This is Honourable who?

Hon. Ngoima: This is Honourable Ngoima Sir.

The Speaker: Oh! My friend Honourable Ngoima!

(Laughter)

The Speaker: You look different, I don't know why! [Chuckles]

Hon. Ngoima: Thank you Mr Speaker Sir. My name is Daniel Ngoima of Kitui Township ward.

I stand here to support the Motion.

I would like to say that this business which is a very illegal business has three players: we have the charcoal harvester, we have the dealer/the transporter or the businessman or the middleman and finally we have the officers, the government officers. This chain is complete by those three. If the transporter who is the middleman, if this guy knows that the officer on top there, and by the officer I mean the police officers, the council officers and the forest officers, those are the officers I'm talking of; if the middleman knows that the officers are strict, he will not engage in doing this business, and so it will trickle down to the charcoal harvester. If the charcoal harvester after harvesting the charcoal it stays there with nobody to buy it, this business will not survive. There has been this business for long and

everybody has been talking about it, but to me, I think the person who makethis business to survive or to exist are the officers.

(Applause)

Hon. Ngoima: Before I came to this house Mr Speaker, I was at the chamber of commerce and industry as the chairman. And I have fought with the officers to stop this business because as you know it, it affects us so much by making our county a desert. The players, and these are the transporters who are the businessmen, majority of them come from outside Kitui County, not from within. And the charcoal we have burnt cannot be finished in this county of ours if we are to use it ourselves only. And so this business has been bringing a lot of people from outside to come and collect charcoal from here.

I want to say that as I was fighting for the charcoal burning to be abolished and to be discouraged, I was at loggerheads with the officers on the ground. As I support this motion, I'll ask you Mr Speaker to allow me read two letters from the Zonal Forest Manager, one by name Morris Wanyiri, and I read one from the chairman of one of the associations in Kitui here and this association comes from Thika. We in Kitui town here or Kitui sub-county we have three associations; one is Kimungi, the name is Kimungi Charcoal Transporters Association and the chair is a man from here, the memers are Kikuyus. Kimungi is the biggest association from this sub-county which does a lot of transportation of charcoal. I said the members are from Thika, the only person from here is the chairman – from Mbitini. We have another one called Sekata association. Sekata association is headed by a chairlady and operates from here in Kitui and the members are from Kitui; these small small vendors you see around. We also have an organisation called Neema headed by a chairlady. Those are the groups, the associations which deal with charcoal transportation and charcoal dealing, they sell charcoal, that's it.

And so, as I was saying, if we address the problem of these two people above the charcoal harvester, we address the businessman or the transporter and we address the issue about the officers who mann the transportation routes, who mann the roads and who give permits, I think we'll be heading somewhere, because if you burn your charcoal and you don't see a buyer, you'll stop it. Otherwise where will you take it? So we have contributed so much about this, and everybody is in support, but we should also narrow down to those people who encourage charcoal harvesting.

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As I asked you permission to read these two letters from the Zonal Forest Manager Morris Wanyiri; it was written on 29th February 2012, it talks about limits of charcoal transportation from Kitui zone. And it reads:

You remember that in 2011 we had been asked by the District Environment Committee (DEC) to limit the number of lorries transporting charcoal from Kitui to 30 per week in a bid to reduce the number of trees felled in Kitui to burn charcoal. You had appealed and as a result, the number has been over the limit desired by the environment committee. The same DEC in a meeting today 29th February 2012 has asked me to strictly respect that limit which is to only issue 30 permits per week, which is only for the charcoal for Kitui town, and that destined for Nairobi and other places. As we work closely with the DEC, we cannot go against these instructions. I therefore request your office to give my office a list of the transporters who will be issued with the permits next week as from March 5th March to 9th 2012 and subsequently to be giving us the list for the coming...

(Honourable Mbiti rises on a Point of Order)

The Speaker: Yes, what is your Point of Order Mbiti?

Hon. Mbiti: Thank you Mr Speaker.

My Point of order is that is the Honourable Member from Kitui Township in order to ambush us with in this house papers which we don't know whether they are official or they are just from somewhere around? Mr Speaker I'm wondering.

Hon. Ngoima: Thank you Mr Speaker. I think I'm in order because I the letter I'm reading is from...

The Speaker: Order! Order! Order! Order! Order! That is my question not yours! Honourable Ngoima, that is my question.

(Laughter)

The Speaker: Honourable Mbiti you are right, before you read anything, you are supposed to have brought it to me so that I know the contents of the matter and I allow it to be read. I only allowed you to read it under the circumstances that we are discussing a very serious matter, but in future remember it is a requirement. You cannot ambush the house; you must bring the matter to the attention of the Speaker first and I'll allow it. But for the time being because we are on a very important issue, I'll allow you to continue.

Hon. Ngoima: Thank you Mr Speaker for defending me. I'm only reading this to highlight on how that office is working and I thought it is

important for me to bring it to this house. But I'm sorry for not having supplied the letters to you before. I continue:

With this I propose that we issue the permits on Monday 5th for that week in order to enable us to do other work. This now calls upon you to be very fair in deciding who will be allocated the permits to transport. And I suggest that you do balloting as we shall not be able to issue any permits beyond the 30 lorries we have been requested by the committee. Lastly I hereby suggest that due to the number of members as per association, Neema and Sekata be given 10 permits, while Kimungi will be given the other 20 permits.

Kindly comply with these instructions.

I'm reading this to show you how this office has been unfair. The Kimungi association I said is from Thika is being given 20 lorries or 20 permits. And it has very big lorries! Very big! Who has seen those lorries? They are very big! These others; Neema and Sekata only carry 20 to 30 sacks to distribute here in Kitui. So, this is how that office is working, and has been working, and this is the reply and which I want you also to listen because it is very important for us. The reply is from the chairman Kimungi charcoal, and is copied to Kitui District Environment Officer, the Kitui Central District Commissioner and then that time they copied to me at the Kenya National Chamber of Commerce and Industry. It was written on the 2nd of June 2012 in reply to the one I've read; Limit of charcoal transportation from Kitui Zonal office, by the chairman of Kimungi Charcoal Transporters Association:

We are in receipt of your letter dated 29th February 2013 and we wish to reply:

That we are 70 members in your organisation and we wish to reply to your strict warnings of the limits of transporting charcoal from Kitui County to Nairobi. The limits of 20 permits per week is not acceptable to our size and the same is too low and should remain 70 per week. Our Memorandum of Understanding for last year was to plant 4,000 trees...

And that is why I'm reading this letter!

...Our Memorandum of Understanding for last year was to plant 4,000 trees which we planted at Museve Forest...

I'm not a member from Museve, so as I read and as I conclude this letter, I want to learn from Museve member whether this was done.

...Museve Forest and this year's agreement was to plant 10,000 trees in areas like Mutitu, Mutomo, Ikutha districts and to this effect our association has established tree nurseries and is going to establish others in areas like Mutitu, Mutomo and Ikutha in preparation for those year's planting when rains will begin. We request your good office to also consider

inviting our chairman when you have meetings so that we can give our views. Please accept our prayers.

So as I was reading these letters, I wanted also to confirm also from the members who are here from Mutitu, from Mutomo and from Ikutha whether that was done because this letter from that chairman is asking to be given an addition of like 50 permits, more permits per week because they have done this. And also the member from Museve should tell this honourable house whether these 4,000 trees were planted because this has been the game going around with this office. They are purporting they have done something to be given the permits and they have not. Because I do not know where this nursery is for planting the trees. As one of our Honourable Members was contributing yesterday, he said that we need to continue harvesting charcoal when we have planted trees. And people keep saying that we have planted trees, we are going to do this about planting... which they don't do, but charcoal is going every day, charcoal is being burnt every day. So to conclude, we should have another letter titled: Re-suspension of charcoal movement permits. This one is written by Morris Wanyiri the Kitui Zonal Forest officer and it was written on 2nd March 2012. Mr Speaker, if you go to that office, this letter has never been lifted. So I started by saying the trade which is going on of charcoal is illegal because already, Mr Wanyiri suspended the transportation of charcoal. So any time you see a permit with any lorry, any transporter, it is just a cooked document. And I read:

This is to inform you that the HoC has instructed me to stop the issuance of charcoal movement permits from Kitui Zone with immediate effect. This is as a result of the recently noticed irregularities concerning use of the same, such as: use of forged/altered documents by transporters, improper supervision during loading, use of a multiplicity of names by transporters in order to enable them have many vehicles, excessive numbers of lorries ferrying charcoal from Kitui and use of our documents to get charcoal from unauthorised areas. This is therefore to request you to inform your members urgently of the same. Please inform them that we shall not issue any movement permits until further notice and make sure they do not send their lorries to local charcoal collection points as they will do so at their own risk as no permits will be issued by my office.

The Speaker: Order! Order! Order! Honourable Member, are you confirming to this house that that directive still stands?

Hon. Ngoima: Yes Sir.

The Speaker: It has not been withdrawn?

Hon. Ngoima: Yes, it has never been withdrawn.

The Speaker: what does that mean?

Hon. Ngoima: The charcoal business has been suspended.

The Speaker: But I understand that the charcoal business is going on as usual, nothing has changed?

Hon. Ngoima: Yes it is.

The Speaker: What exactly is that Honourable Members? I want you to reflect on these things, because...

Hon. Ngoima: Mr Speaker Sir, I think this is the flourishing of illegal business through corruption. It is being done as the trade for ivory. And that was all about this letter of re-suspension of charcoal permits; a movement permit, and I wish to pass these letters to your office.

The Speaker: Was that letter copied to the police?

Hon. Ngoima: It is copied to Zonal Manager's public notice board; everybody, it was copied to everybody via the noticeboard and it is signed by Morrice Wanyiri. So whatever I've read here is all signed; it's not fictitious. So I wish to lay these documents on the table so that they can be the property of this house.

The Speaker: Let me have that letter. Can I have that letter?

(The letter is passed to the Speaker)

Hon. Ngoima: Mr Speaker Sir, as I go to conclude, I would like to say that this office, and I said the officers including the police, the council officers and the forest officers are the people who make this business to continue, together with the businessmen of the middlemen. So to avoid such continuity of the business, I had some few suggestions:

1. To have a total ban on charcoal harvesting.
2. To stop the psychology of people being cheated that there are trees being planted anywhere because there are no trees being planted. Because every time you complain of charcoal being harvested, the officers will tell you that they are planting trees and that these much have been planted at this place.
3. To give a stated time or period for this ban to be in force. The period can be five, two, ten years so that we can first plant trees and reclaim the places where it has been bare.
4. I also suggest we impose; the County Government to impose strict penalties on culprits who keep violating these laws.
5. To encourage charcoal users to replace it with fuel gas, petrol or biogas. We can also have briquettes; the sawdust blocks as Honourable Munuve suggested. We can use sawdust; the blocks from sawdust are so good, and then electricity is also a way to avoid using charcoal in many households.
6. If we must harvest charcoal, because there are times you have to do it, and these are the times: when you want to clear your

shamba, when you want to clear a certain road, if we must harvest, let us do it from deadwood or on a new *shamba* which we are making.

7. See how we can support our people who get their livelihood through charcoal. One of the ways to support them is this county, because I know there are places where if they don't burn charcoal it's a whole total mess for that family to get something to eat that day or the other day, this government can have some provisions for maize or flour or other kinds of food supplied to these identified families.

(Honourable Munuve rises on a Point of Order)

The Speaker: Yes Munuve.

Hon. Munuve: Thank you Mr Speaker.

I think the Honourable Member is trying to confuse us. Is he supporting the Motion or is he opposing the Motion. We are totally confused.

The Speaker: Can you state your position Honourable Ngoima?

Hon. Ngoima: I'm supporting the Motion, and I started by saying I'm supporting. These are just suggestions to help if we want to go somewhere by banning completely charcoal harvesting.

The Speaker: Honourable Member, if you are supporting the Motion, you don't say anything that is negatively impacting on the spirit of the Motion. That's the point. The spirit of the Motion is clear, so you don't say anything that is negatively impacting on the Motion. That's the point they are raising.

(Applause)

Hon. Ngoima: Thank you Mr Speaker for correcting me.

8. My other suggestion is to hold *barazas* with charcoal burners and let them get the concern or know the seriousness of this matter and then positively we can change...

The Speaker: Yes, there is a Point of Order!

Hon. Mwove: Thank you Mr Speaker.

I just want to know from the member why he says that he is supporting the Motion, but he is yet to withdraw the points that negatively impact on the Motion? Why is he talking of a total ban of charcoal burning when we know very well that the Motion talked of controlling the business?

The Speaker: Order! Honourable Ngoima, you are running into problems.

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(Laughter)

Hon. Ngoima: Thank you Mr Speaker. I'm only winding up by saying that we need to completely stop the burning of charcoal.

(Members raise disapproval)

The Speaker: [Chuckles] Order! Order! Order!
He has said we need to ban burning charcoal. Have you said that?

Hon. Ngoima: Yes.

The Speaker: That saves you from the troubles.

(Laughter)

The Speaker: Continue Honourable Ngoima. Or you have finished?

Hon Ngoima: I've not finished, they just want to confuse me because...

The Speaker: Continue!

Hon. Ngoima: Mr Speaker Sir, as I've talked for a great length about the charcoal harvesting issue, and I started by supporting the Motion, in conclusion I want to say that I will disagree with the speaker who said we need to cut the branches of trees to provide some small quantities of material to make charcoal. Somebody said that yesterday, and why I'm disagreeing is because if you cut the branches and you are left with the trunk, I think the problem is the same; it will not attract any rain. It will not attract clouds for rain and still we will have the same problem. So the only option we have is to completely ban charcoal burning and...

(Speaker consults with the County Assembly Clerk)

The Speaker: Order! Order! Sorry I was consulting with the Clerk.
Yes Mr Munuve.

Hon. Munuve: Thank you Mr Speaker. I think the spirit of this Motion is not banning charcoal production. And the Honourable Member here keeps saying he supports banning of charcoal. I think he's opposing. Are you opposing or... can you give us your stand please?

The Speaker: Order! Order Munuve!

You can support this Motion by saying we regulate or we ban! It amounts to the same; by supporting the Motion, you can support by going to the extent of saying no more burning of charcoal in Kitui County or we regulate or something like that.

Honourable Ngoima.

Hon. Ngoima: Thank you Mr Speaker.

Munuve is used to interrupting business and he is a culprit or the problem of charcoal burning. Anyway, I want to contribute by saying I will bring an amendment to this Motion to the house, calling for a total ban of charcoal burning.

Thank you.

Hon. Ndumbu: Point of Information Mr Speaker Sir!

The Speaker: To who now? Point of Information to who?

(Laughter)

The Speaker: Order! Honourable Ndumbu, Point of Information to who? There is nobody on the floor.

Hon. Ndumbu: To the member who has just contributed.

The Speaker: No, Honourable Ndumbu it is not allowed.

Now let's see. Oh yes, I think this thing is becoming very interesting. New members... Let's give Mwathi. Mwathi say something. Is there a lot of charcoal in your area?

Hon. Mwathi: Yes Mr Speaker.

The Speaker: Can you say something then?

Hon. Mwathi: Thank you Mr Speaker.

I stand to support the Motion, but I say the following should be done if we are continuing to burn charcoal. As we know burning charcoal is the source of livelihood in majority of households in Kitui County especially in the areas of Mutitu and Kitui South.

1. Children should not be allowed to burn charcoal. When schools close, if you go to my area you'll get surprised as you will meet with small kids, school going pupils going with donkeys selling charcoal, and even when you go around their *shambas*, they are also doing the job of burning it. So I'm proposing that children should not be allowed to burn charcoal.

2. The charcoal rules, I've seen some of the charcoal rules and they are in English. I don't know whether people understand the rules for charcoal because they are written in the English language, so if they can be translated into Swahili to ensure that the information is easily accessible to many people as we know most of the people who burn charcoal are locals and they do not understand English.

3. I will also concur with my colleague who said that local charcoal traders should form societies so that we can regulate prices and also to do away with middlemen/brokers.

The society members should also be trained on what to do and also to have fixed prices for charcoal.

4. Lastly, I would like to say that there should be awareness on tree planting, and I disagree with the letter to the Zonal Manager from Kimungi association and state that since last year I've not seen any tree planting from my area. I've been there and I've not seen any tree planting, so they're cheating us. If there is any tree planting, it should be monitored; when and where the planting will be done.

Thank you.

The Speaker: Now, Honourable Kasinga you have been raising your hand until you thought you should not raise. Can you say what you want to say!

Hon. Kasinga: Thank you Mr Speaker Sir for the opportunity.

Indeed this is a very important Motion, and that's why many of us have our hands up. I thank you for the opportunity. I will be brief Mr Speaker Sir because much of what needs to be done about charcoal burning has been said. First I want to state that the Motion is good. I'm aware that Motion was actually being anticipated by so many people and so many people wanted to bring it to the floor of the house.

I thank Honourable Kilonzo for bringing it. Now, I come from a ward and a district that has indeed been affected by charcoal burning so much. When I was doing my rounds in campaigns, I ended up at a place that I didn't know; that had many trucks lining up. I was surprised that it is in my ward, at a hilly place called Kanyoonyeni, at the boundary of Kakuyu and Mukong'a location. And when I tried to inquire about the trucks there, I thought that they had come to carry, or they had come to bring some things, but I was surprised to find bags and bags of charcoal. And the surprise that I had is that the bags of charcoal were not being ferried by the locals; they were being ferried by people who were coming from other counties.

Mr Speaker Sir, I believe and verily verily believe that conservation in this county and to a larger extent our country Kenya has been given lip service for a long time. Now that we have got devolved governments, it is time for us as Kitui County government or rather for respective counties to take measures that will protect our environment, protect our future, the future of generations to come and as it has been said help conserve at least for what we can be able to see. Based on the facts that we have been given here Mr Speaker Sir, it is clear that the charcoal business has not benefitted Kitui County if we are to look at the facts keenly. It is clear also from the points and the contributions being made in this house that this charcoal business is a business that goes along the lines benefitting people in offices

other than benefitting the communities, other than benefitting the county, other than benefitting the country as a whole in terms of development. I want to say that we need to take stringent measures, we have just heard from Honourable Ngoima about a letter that so far has not been adhered to, a directive that has not been adhered to.

If you look at the chain as we have been told by the members who have been here, I've had to witness one time when I was in Nairobi; when a truck of charcoal arrives in Nairobi, it is either escorted by a security vehicle, and if there is no security escorting that vehicle, as soon as the first bag goes down, there is someone either in uniform or plainclothes, whatever it is, waiting and guarding that vehicle. If today we were to say here that we need to stop the business of charcoal, we will be doing a great service to this county and we will be doing a great service to our country, we will even be making life easier for those people in Nairobi. Why is life difficult even when you go out? It is expensive because of the illegal charges that are levied on those trucks, on the people who are selling charcoal, the illegal roadblocks where money is paid, by the time charcoal gets to Nairobi, it will be sold at Ksh 1700. If we are to regulate the business, it will also mean a cheaper life for the people in Nairobi and people in other areas.

But I've always said Mr Speaker that we cannot go on with this business as it is. I'm in agreement with my colleagues who have said we need to regulate this business, but for us to regulate it, I'm in support and I'm anticipating the amendment that is going to be made, that it will be giving us a period that we can be able to reflect, put the right measures; do we need to continue with this charcoal or we need to stop it all together? If we are to continue with this charcoal business, are we able to sustain the business, are planting enough trees? And we have heard about lies here that some people somewhere are pretending to be planting trees. They must be planting the trees in utopia; that is another universe somewhere else. If there are 4000 trees planted in Museve we don't know, if there are some other trees planted in Mutitu we don't know, but the member for Mutitu has said it. Why would people want to lie to make us poor? And even make us go to the graves early enough? We cannot, Mr Speaker Sir, we need to discourage as much as possible cartels coming from outside to come and pretend to be associations in this county dealing with charcoal business. Even if we are to do it, I believe the locals are better placed.

Conservation as I've said has been given lip service. In Mumoni where there is supposed to be a tree nursery, a big nursery that can be able to cater perhaps for the whole of this county, in fact because Mumoni ranges – Mumoni Hills where the conservation is supposed to take place is a good area that you can have nurseries for tree seedlings that can even cover Kitui County, there is nothing. Nothing because I was there during

the rainy season. I went there looking for trees to plant, and there was nothing. I found a few seedlings and I was actually told that the nursery belongs to some women group. It's a pity that even the offices that are supposed to be able to see, to protect our environment, that are supposed to ensure that we have enough forest cover in this county, the offices are sitting pretty, but they are preoccupied with issuing permits for the charcoal business. Unfortunately for this country, everybody bothers, or everyone cares for his own business and the people are left to suffer without guidance. Our people believe, I mean so much depend on charcoal, very many places even my place.

This is a thorny issue, even as we debate it here, if the residents are not explained well, they might as well say "my representative is making me poor because he doesn't want me to burn charcoal". But honestly, as we drive on the countryside, the cover, the forest cover is not even the 10 per cent we are talking about. It's no longer there. its depleting at a very fast pace. As we go to the merits and demerits of this Motion, we support it. We must be alive to the fact that even when the traffic department; the laws were made more stringent, bribes went up. When we are saying we regulate the business, we regulate charcoal burning, we have policies, we must have policies that will not facilitate any form of higher corruption than what we have. Mr Speaker Sir I want to be of valuable use to this house, to my colleagues by saying that I support this Motion. The Motion as my colleagues; some of my colleagues have said, we need to put a capping, review whatever we are doing after this and so many years so that we do not say let's regulate it, make a regulation here, give the executive the time they'll give us the policy and still facilitate corruption to go on, depletion of our forests to go on and at the end of the day we become a desert.

With that Mr Speaker, I thank you for giving me the opportunity to contribute. Thank you Sir.

The Speaker: Very well. Which area? Which area now? Let me see. Miambani. *Mko na* charcoal Miambani?

(Honourable Mbiti takes over the Chair as Speaker for the moment)

Hon. Kinuva: thank you Mr Speaker for giving me this opportunity to contribute to this matter of county importance.

I will start by saying that charcoal burning as a business is a very lucrative business. And I cannot overemphasise that Mr Speaker, as an Honourable Member of this house I will say in the evening as I go home and especially this time of the July cold, I will light a charcoal stove; a *jiko* that will be full of charcoal because I want to get warmth. And as I do so Mr Speaker, I will be roasting some maize Mr Speaker. As you are aware Mr

Speaker, maize that has been roasted using charcoal is very sweet. But having said that Mr Speaker, I will also want to say uncontrolled charcoal burning if not banned Mr Speaker is very bad.

I happened in the last two months Mr Speaker, though this may not be connected to this house, overflow the bases just in our neighbouring country here; Southern Somalia near the bases that are controlled by insurgents, and I saw heaps and heaps of luggage. And when I questioned Mr Speaker, I was told that it was charcoal and it is really bringing a lot of business to the insurgents, that is the group that is being fought by our very own and able guys, our soldiers. And as the other day we were reading the papers Mr Speaker, we saw that there was a lot of commotion that was coming from that country where they were claiming that our soldiers have also started engaging in that lucrative business.

If there is anything that we should regulate Mr Speaker, it is this charcoal burning because what I saw in that country is a desert. I don't even know what kind of name we can give to that, but I will say Mr Speaker, and I want to contribute as an expert; as an environmental expert Mr Speaker and this maybe may form a basis for my thesis for my Master's degree that I'm undertaking on climate change Mr Speaker, that charcoal burning increases the greenhouse effect. That depleting trees Mr Speaker which is an essential component in regulating gases within the atmosphere, gases like carbon dioxide Mr Speaker which are used by trees and they are broken down to water, to oxygen and to other harmless gases Mr Speaker and as an expert, if we do not control charcoal burning Mr Speaker, then the future is here and we will be dead as the dodo.

Mr speaker, uncontrolled charcoal burning exacerbates soil erosion. Trees hold soil and prevent ground erosion by holding the soil particles and using the intertwining roots without the trees or in places where there are no trees Mr Speaker, there is a serious environmental degradation. And with proper charcoal regulation, we will save our land from soil erosion Mr Speaker. There is also the issue where there is uncontrolled tree cutting as a result of charcoal burning Mr Speaker, issues that touch on mineral seepage; where there are no trees Mr Speaker, there is a lot of mineral seepage. The minerals just go deeper and deeper from the surface of the ground. Where there are no trees, minerals just go down below the surface of the earth and cannot be used by anything growing. There is also reduced soil fertility in areas where there is uncontrolled tree cutting; and like area in Kitui, areas like Kanziku where my friend Honourable Munuve comes from, if we deplete forest cover, then nutrient decomposition is reduced. Trees have been used as a form of tourist attraction.

Tourists fly from all the way in Europe and they just go to a neighbouring country here; Congo Brazzavile to see trees, to just see tall

trees, to see huge forests. They fly to our country and go to Mount Kenya so that they can be able to see trees, and they also contribute to the scenic value; scenic value in the sense that the way the flora and fauna interact, the way they create beauty. When you go to the countryside, and I can remember 20 years ago in my place Miambani when it was very green, children would just play, birds would just sing. But when you go there today, Mr Speaker there is no joy, there are no birds, there are no monkeys, there is only a hot climate Mr Speaker.

There is also the issue of flooding calamities as a result of wanton cutting down of trees as the charcoal men engage in their business. This is causing a lot of flooding. There is disappearance of rare species as a result of cutting down of trees, trees like *Melia Volkensii* trees like *Sena Seamea*, like *Comifora Olizeana*, there are trees like *Acacia Totilis*, *Acacia Senegal*, *Acacia Volcansa*, these trees have disappeared completely and as my friend Honourable Mutemi was putting it, a tree that has grown for over 100 years Mr Speaker, if you cut it down for the purpose of burning charcoal, it takes many many years for you to recover those kind of trees.

There is also the aspect of depleting the amount of rainfall. There has been an issue where trees have been cut and rain disappears. And an example is Miambani/Mutitu hills; 20 years ago, there was a lot of rainfall, but now because there are no trees, they have been cut down as a result of cultivation and issues to do with charcoal burning and it is posing a lot of danger Mr Speaker. The last point I will put forward is; cutting down trees unnecessarily for the purpose of charcoal burning lowers the water table. Trees keep the water table nearer to the surface. Where trees have been cut down in areas like Nyaanyaa and Kanziku, the people in such places spend a lot of time walking in search of water.

So Mr Speaker, having said all that, I would urge Honourable Members to support this Motion so that we can have a regulated activity that is going to be at the benefit of our people. And so I support the Motion.

Thank you Mr Speaker.

(Applause)

The [Deputy] Speaker: Thank you Honourable Member for Miambani for your good contribution.

Honourable Member for Migwani.

Hon. Munyithya: Thank you Mr Speaker. I stand to support this Motion.

Charcoal burning is all about consumption of trees, destruction of the same, encouragement of desertification. Trees in our lives are very important. We use trees in making beehives, whereby by so doing, we get

honey. Animals and birds use trees, birds use trees to construct their nests. And contractors use trees to make timber. The dead trees are used by local people to collect firewood. And also trees are good in retention of fertility and water in the soil. With trees, we attract rainfall which is very useful to our lives.

Trees make the area they grow look beautiful. And those are facts which we could use to support this Motion. We have forests which are natural in our county, and we need to protect our natural resources including forests. Once we let people come and destroy our natural resources, we end up in suffering and we need to take a step towards the protection. As pertains these trees, the burning of charcoal is done by two categories of people; there is this category of local people and category number two is outsiders. Let us try to compare the two; the locals use axes and *pangas* and they use their backs and donkeys to transport. This is a low rate of destruction, but outsiders use power saws; a power saw within 10 minutes can cut down more than 100 trees and split them. This means they destroy, cause destruction at a very high rate, and due to this reason, they use big vehicles such that they can destroy an area to fill that vehicle with so many sacks of charcoal.

By so doing, you find that our area is completely destroyed, and when it is destroyed, you find that suffering has started and in future, we'll find ourselves in a very big mess. We need to do something about these transporters so that we may stop them from destroying our natural forests. A very good example whereby a whole forest was destroyed and the area residents suffered is Migwani – Kyamutoty Hills. Kyamutoty Hills in Migwani district, Migwani division, Nzauni location. That hill some years ago was covered by a very dense forest and sometime thereafter, a very senior officer came and authorised the felling of those trees which were there, and currently it's bare. We used to benefit from that hill when it had those trees and forest. It used to attract rain and the river that ran from that hill used to have water throughout. Currently, the hill is rocky. I request the committee of Natural Resources and Environment to try and tour that area and they will see what is happening, and based on their observations, they will come up with a very good policy on protection of forests.

It is true that when we let our forests be destroyed, our future generations will suffer. It is a duty to this honourable house to come up with a very clear policy to protect our trees and also to protect all our natural resources because I think when the earth was being created, everywhere there were trees. And some residents from different areas tried to destroy their own natural forests, and now they are now coming to

our area to destroy ours. I think we should be very careful and avoid that. It is through those points that I stand to support the Motion.

The [Deputy] Speaker: Thank you Honourable Member for Migwani for your good contribution that is very firm.

Honourable Member for Kanyangi, Kitui Rural... continue.

Hon. Wambua: Thank you Mr Chairman...

The [Deputy] Speaker: Order! Order! Order!

Hon. Wambua: Sorry! Thank you Mr Speaker Sir.

(Laughter)

Hon. Wambua: I'm very sorry for that.

I stand on a point of supporting the Motion. Mr Speaker Sir, if at all you can go down to Kitui South, to Kitui Rural, you will see indicators of desertification; the areas there, 20 years to come will turn to be a real desert if at all we'll not come up with clear rules to regulate charcoal burning in this county.

Mr Speaker Sir, this trade of charcoal, those who are dealing with it commercially are from Central Kenya where the last two months we saw through our media they were mourning for their *Mugumo* tree that fell down due to old age. The Kikuyu Council of Elders came together in Central Kenya to mourn their *Mugumo* tree which only fell due to age. But here they are just coming to seduce our people to become chairmen of Saccos, of societies of felling trees for charcoal in our community. What irony is that?

Mr Speaker Sir, we have to be very strict with our territory. We have to secure our indigenous trees. Our land is being a desert by outsiders. Also Mr Speaker Sir, when we go down to our officers, those who are manning our barriers today are not accepting the changes being made in their departments. The officers who were manning the barriers during the defunct regime of the councils today cannot accept transfers because if you go and meet them in their offices, you'll find that they are almost mad thinking of how they can go back to the barriers because they were milking heavily from those barriers. You can see a casual employee who has been mandated to collect cess in Kyandula within a short period of two to three months he/she has bought a *boda boda*.

What Mr Speaker the mover of the Motion was saying that what is happening at the barriers is a total mess is true. The deterioration of the amount of cess collected every year is not because trees are just getting finished; it is the trade of who is collecting money at such barriers. Is he first filling his belly then collecting and taking the collection to the office? Because when he considers his belly first, the collection will go down and

you'll see him/her building a mansion somewhere else, while a senior officer in the same office cannot even have a bicycle and he is the one who...

The [Deputy] Speaker: Order! Order! Order Honourable Member!

What is your Point of Order Honourable Member for Kanziku?

Hon. Munuve: Thank you Mr Speaker. I think buying motorbikes and bicycles has nothing to do with cess collection Mr Speaker.

The [Deputy] Speaker: Point noted. Honourable Member for Kanyangi, continue and note that...

Hon. Wambua: Mr Speaker I was driving a point whereby it has a connection on collection where there is corruption. So Mr Speaker, they are the same officers who encourage the trailers, the lorries to ferry huge amounts of sacks of charcoal which increase desertification of our land. Also Mr Speaker, when we talk here about controlling the business of burning charcoal, we should look at the three areas the MCA for Kitui Township has mentioned; the officer, the middleman and the harvester...

The [Deputy] Speaker: Honourable Member, who are these people you are talking about? The officers? You know these Honourable Members, unless we amend the constitution, they are state officers. You want to suggest that these Honourable Members are smugglers of charcoal? Or what officers are you referring to?

Hon. Wambua: I am referring to the government; the Central Government officers, the former council's officers. Those are the officers I'm referring to, including the Administration Police, the District officers, the District Commissioners, the senior officers in the former regime of councils. Those are the people I'm referring to as officers.

The [Deputy] Speaker: Continue.

Hon. Wambua: Mr Speaker Sir, also on the same, while congratulating the mover, I'm also encouraging him to go further and capture the Mwingi region. When he was talking about the gazetted areas, he only narrowed himself to the Kitui region that is Endau, Makongo, Kitui, Museve and he went down to Kitui South. We should also be aware of the coverage of gazetted areas in Mwingi; which mountains are gazetted, which forests are gazetted in Mwingi, so that the details of Kitui County are not concentrated in one area, i.e. when we are in this honourable house, we are featuring the map of Kitui County. So we should talk or when we are doing our researches for our Motions, we should be detailed and get research in all areas covering the Kitui County so that when we make Bills, when we are saying that we are going to make rules regulating the forests, we'll capture the forests gazetted in Mwingi, forests Gazetted in Kitui South, forests Gazetted in Kitui South, and that is the map of Kitui County.

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

The [Deputy] Speaker: Order! Order! Order Honourable Member for your clarification! Honourable Member did I hear you complain about Mwingi Mwingi Mwingi as if it is not part of Kitui County? Honourable Member you should understand that the mover of the Motion was talking about Kitui County and when he was moving the Motion he said e.g. which means for example. So he was giving examples of certain areas, he was not talking about *ati* the whole of Mwingi, Kitui, naming all the areas; he only gave examples, so probably you are Out of Order because of trying to imply that he was selective. But thank you for your contribution.

Hon. Wambua: Thank you Mr Speaker for your correction, and I beg to support.

(Honourable Mbiti leaves the Chair as the Speaker returns)

The Speaker: Honourable Mutemi.

(Motion of Adjournment – Honourable Peter Mutemi)

Hon. Mutemi: Thank you Mr Speaker for allowing me to move a Motion of Adjournment.

Mr Speaker Sir, I seek leave to move a Motion under Standing Order number 49 that this house adjourns for the current debate to resume at 2:30pm to allow time for consultation.

I beg to move.

The Speaker: Is the Motion becoming hot?

Is there anybody seconding that?

Honourable Ngwele?

Hon. Ngwele: Mr Speaker Sir I beg to second and second very strongly. And I want to shock you Mr Speaker and this house; that even as we sit here for nearly two days debating on this Motion and making our voices heard very strongly, right now there are officers – civil servants in this county who are sitting, trying to plan how to defeat the Motion which we are moving here. So Mr Speaker I think we need to consult as Honourable Members. As the voices of the people of this county and we want to make it very strongly known to everybody who is serving in that sector; from KWS to Kenya Forest Service, to the Provincial Administration, that work in this county will be done either our way or no way at all.

(Applause)

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Hon. Ngwele: So we really have to consult on what we need to do as a house to assert our authority as the representatives of the people of this county so that this problem can be solved once and for all.

I beg to second.

(Applause)

The Speaker: Well, before I put the question, Honourable Ngwele you have made very serious allegations in the house; that as we debate this Motion, there are people working round the clock to defeat the Motion. Is that correct?

Hon. Ngwele: Yeah, that is very correct Mr Speaker Sir, and when we come to the substantive debate, we'll name names because we know specifically in Kyuso the people who have been benefitting from charcoal trade, we know in Mwingi the people who have been benefitting from charcoal trade, we know here in Kitui township the people who have been benefitting from charcoal trade, and we have been told from morning and since yesterday what exactly they are doing to try and defeat what we are debating here.

Thank you.

(Applause)

The Speaker: It will be very unfortunate, and I don't believe it is, that any member of this county will be party to those machinations. It will be very unfortunate, but I believe no member of this house is party to those moves or manoeuvres to defeat the Motion. Because basically what you are doing is saving your people; you are talking about your people who you represent. And if you represent people and you don't talk on their behalf, you don't represent their interests and you don't take care of their welfare, then you are not worth being a member of this house. So I hope none of you will be party to those machinations.

Honourable Members I put the Motion that this house adjourns and we resume the debate on the same Motion at 2:30 to allow MCAs to make further consultations before they move an amendment.

As many as are of that opinion say AYE!

Members: AYE!

The Speaker: As many as are of a contrary opinion say NO!

Members: [Silence]

The Speaker: The AYEs have it.

(Applause)

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The Speaker: Honourable Members, the house now stands adjourned until 2:30 this afternoon.

The County Assembly stood at 11:25am.