

Kitui County Assembly

THE HANSARD

First County Assembly – First Session

Wednesday, 31st July 2013

The County Assembly met at 3:10pm

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

PRAYERS

(Communication from the Chair)

The Speaker: Honourable Members, there was a delay in starting the house. I was held up by the mover of the Motion and the other members who are proposing amendment. They came to my office to seek leave to move the amendment, and I'm told you are very concerned about that Motion, so we were trying to debate the best way to do it and we delayed the starting of the house, which I think we should discourage in future.

(Motion: Regulation of the charcoal business – Hon. Peter Kilonzo)

The Speaker: Now, we will continue with the Motion; the original Motion, if there are any amendments they will come later. We will continue giving our views on the original Motion which was moved by Honourable Kilonzo. The floor is now open for you to give your views or to debate on the Motion. Anybody who wants to contribute to the Motion?

Yes, Honourable Hussein...

Hon. Hussein: Thank you Mr Speaker Sir for giving me this opportunity to contribute on this very important Motion. Mr Speaker I stand to support the Motion that we regulate the business of charcoal in this county of ours Mr Speaker. Mr Speaker the Motion mover clearly and diligently articulated all the issues and all the points which can allow sustainable charcoal business. Mr Speaker, charcoal business is a business like any other business in Kenya; notably fresh farm produce, animal business, processed goods locally and imported goods Mr Speaker. If you allow me Mr Speaker, in contributing to this Motion Mr Speaker, I can highlight some few points about this business Mr Speaker. Charcoal

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business in Kitui is an inevitable business because if at all I can give an example of myself, no sooner than I came to this world, did I start using charcoal Mr Speaker. And that's why Mr Speaker you find me very much hardened because no sooner had I stepped onto this earth, than I was put against a burning fire, and that was charcoal...

(Laughter)

Hon. Hussein: That's why I'm very strong, and as always, I stand to oppose, but today I stand to support Mr Speaker. Until we start exploiting other energy or fuel material like coal which is in the Mui Basin which can contribute to supplement or act as a supplement to the fuel available for day-to-day livelihood Mr Speaker, natural resources are not increasable Mr Speaker. And people should be inducted not to be wasteful Mr Speaker. So since it is a natural source available to this county of ours, we should regulate it Mr Speaker. Some acts I said are inevitable; the residents of Kitui cannot in any way be denied the use of charcoal, because when we are making roads or electricity lines, definitely trees have to be felled and then this is the time the people of Kitui should maximise the use of those trees to avoid wastage Mr Speaker. Mr Speaker we have got several government organs like NEMA, like Kenya Bureau of Standards which sets standards and also can regulate the usage of trees in Kenta Mr Speaker. If Mr Speaker I can state to this honourable house, which include sensitising people, enforcing environmental regulations, influencing positive change and attitudes by involving all stakeholders and in particular local communities which also, Mr Speaker, NEMA promotes partnerships with other stakeholders, it also gives incentives to compliant business people. What I mean is Mr Speaker, NEMA or KFS Mr Speaker, when traders or those who are in this business Mr Speaker follow the rules and regulations of sustaining this industry Mr Speaker, sometimes they are awarded or given honorariums Mr Speaker. For example, if somebody plants many trees, there is a body which when it comes to investigate gives him a reward. So Mr Speaker I think the business of charcoal should continue, but be regulated MR Speaker.

Mr Speaker, charcoal business has been dominated by corrupt government officials Mr Speaker, ranging from the police, administrators; I mean the DCs the DOs and the Chiefs, and when I talk about police Mr Speaker, I mean the OCPDs and other senior officers in the police force. A notable example Mr Speaker is; when you go to Kitui South, that is Mutomo, the OCPD there is very corrupt, very crafty, even the DC.

(Applause)

The Speaker: Order! Order! Order! You are Out of Order; you don't attack an individual without a substantive Motion.

Continue.

Hon. Hussein: I withdraw Mr Speaker, but I think...

The Speaker: Talk generally about corrupt officers, corrupt government officers, but you don't say George Ndotto or Hussein Mwandia...

Hon. Hussein: Thank you Mr Speaker.

Mr Speaker, generally, all the big men in Kitui South Mr Speaker!

(Laughter)

Hon. Hussein: Mr Speaker if I were to quote, Mr Speaker and true to it Mr Speaker, on 3rd July, this month Mr Speaker, one of the top officials in legal department Mr Speaker went as far as South Kitui National Reserve; a place Mr Speaker called Inyaali which is inside and which is inside, and that is a gazetted reserve for this county Mr Speaker. Mr Speaker we cannot sit here in this honourable chamber Mr Speaker and let our resources be wasted Mr Speaker. Mr Speaker I need your protection Mr Speaker, and I'm sure the law and constitution of this country is protecting me. Mr Speaker, without fear or favour, I think these officers should be brought to book. Mr Speaker, I propose the following measures to be taken, for sustainable... to ensure sustainable charcoal business Mr Speaker:

- 1) Reafforestation of the gazetted hills Mr Speaker, because most of the gazetted hills were named by the Motion mover Mr Speaker have been left bare. You go to those places Mr Speaker, you'll find power saws Mr Speaker, and those people working there have been brought by these merchants. Mr Speaker those merchants operate a fleet of lorries carrying charcoal. And as I was on the point of the measures we should ensure Mr Speaker, I go to number two.
- 2) The producers, that is the local community should be inducted on the modern and improved ways of burning charcoal.
- 3) Mr Speaker we should increase tree cover to 10 per cent and even more Mr Speaker as per the constitution.
- 4) Mr Speaker, the fourth point is that we should follow Forest and Water Acts. Mr Speaker if I am to quote, you go to Thua River Mr Speaker, a place called Makolongo which had swamps along it Mr Speaker, and now if you go there Mr Speaker, the area is so bare that you may think that Kitui South is a desert Mr Speaker.

- 5) Mr Speaker, we are the people; we should compel the executive to ensure checks and balances Mr Speaker, otherwise if I am to quote; *usipoziba ufa* Mr Speaker, *utajenga ukuta*. We are in danger Mr Speaker.
- 6) Licenses of these businesses Mr Speaker should only, and I quote, highlight that only; should be given to only Kitui County residents Mr Speaker and nobody else should be given licenses to trade. Because if you go to Nairobi, you go to Kirinyaga, you go to Kiambu and you want to buy potatoes, you cannot buy from the farms. If you go there, you'll be told to go and wait or buy potatoes from Wakulima Market Mr Speaker. But here Mr Speaker, we are very reluctant if I may say. This is the high time we compel the executive to form some areas, or to locate some areas where traders can come and buy charcoal in a centralised place Mr Speaker.

(Applause)

Hon. Hussein: If you can allow me to continue Mr Speaker, the political will should also be put in action, because in this business Mr Speaker, politics has dominated because as I'm sure as you heard in this morning's session Mr Speaker, one of the Honourable Members talked of outside interference. There are people Mr Speaker who are watching us, who are also supporting, who want to destabilise this Motion Mr Speaker. And Mr Speaker I strongly stand to support this Mr Speaker. Because I know this is my constitutional right Mr Speaker. And also Mr Speaker, I do propose that we as a county develop a motto. And I propose our motto to be this: "The environment is our life; our responsibility" Mr Speaker. Mr Speaker, charcoal business...

(Noise buzzes in the public gallery section of the chamber)

The Speaker: Order! Order! What is that?

Order! Order! What is that? It's a phone? Please put it off, and remind the owner not to do it again.

Continue Honourable Mwandia.

Hon. Hussein: Mr Speaker, I want to wind up, but I want to quote a saying Mr Speaker, there is a friend of mine, a senior or mine, an Honourable Member Mr Speaker, who said that a hyena stays in a sugar plantation but it doesn't know the sweetness or the advantage in that sugar plantation Mr Speaker. I want to urge this house Mr Speaker to protect their electorate, and the only way is to protect the resources of this county

Mr Speaker. Last and not least Mr Speaker, William Shakespeare said Mr Speaker if I may quote, that manhood is seen fully when it leans against a folding fabric Mr Speaker.

(Laughter)

Hon. Hussein: Thank you Mr Speaker, I beg to support.

The Speaker: Yes, that is Shakespeare. Anybody else who wants to contribute on the Motion?

I thought there were many hands up for contribution? Yes Kitema. This is your chance to say something about destruction of your environment.

Hon. Kitema: Asante sana Mheshimiwa Bwana Spika.

Mimi nimesimama niunge mkono upigaji marufuku wa kuchoma makaa. Hii mambo ya makaa kutokana na historia, kwa sababu Mungu aliumba hii ardhi siku moja, ile inamaanisha kukua kwa miti ni kama kulianza wakati mmoja. Lakini jambo la kushangaza ni kwamba ukiangalia ile miti tunaona huko Nairobi, huko Nakuru ni ile mirefu, na ile miti tunayo huku san asana huku Kitui County, ni ile miti indigenous. Mimi naweza ona kwamba ni ile Mungu aliumba. Namaanisha nini? Mambo ya makaa ilianza kitambo, lakini wale walianza kuchoma makaa kitambo, wakaona yale makosa walifanya, na wakaanzisha kampeni zao za kupanda miti upya. Na huko sehemu za juu, wakaamua kupanda miti, kwa sababu walikuwa wamechoma makaa, miti yao ikaisha. Basi walipoona sasa kampeni yao imefaulu ndipo wakateremka katika hizi sehemu, san asana wakati huu Kitui County. Na kwa kweli walipoteremka, hii mambo ya uchomaji wa makaa, ndio unaona sio wengi wetu wale ambao wako katika hii business ya kuchoma makaa. Ukiangalia vizuri ni wale wa kutoka sehemu za juu, wale walikuwa mwamejua umuhimu wa kuchoma makaa ni nini. Na ndio unaona wengi wao ndio wale wenye zile biashara nzito nzito. Kusema kweli kulingana na ile hali tuko nayo sasa katika Kitui County, tunaendelea na kupoteza ardhi yetu; miti inaisha. Kwa sababu wale wako kwenye hiyo business wako na staili za kuja kuona wenyeji, wanawaconfuse wanawaelezea maneno mazuri, halafu wanawaambia wawachomee makaa. Hata kwa njia zingine, wengine kuwapatia madaraka kwa njia hii nah ii. Na kwa kweli ile rate makaa inaendelea kuchomwa katika kaunti yetu, tusipoangalia, tutakuwa na jangwa. Kwa hivyo, kwa sababu tunaendelea kupoteza miti katika kaunti yetu, na kwa bahati nzuri, ile miti imebakia katika Kenya nzima ambayo inaweza kutoa makaa mazuri iko katika Kitui County na sehemu hizi zingine za Ukambani. Na ndio unaona kila mtu ako na nia ya kuja katika Kitui County aanzishe hii biashara ya makaa, na ndio unaona tunaendelea kupoteza. Basi, jawabu lililoko ni kwamba ni lazima

haya mambo ya makaa tuone tunapoteza nafasi, kwa sababu watu wengi wameingia kwenye hiyo biashara; watoto wameanza kutoroka kutoka mashuleni ili waende kwa hiyo business, youth wengi, badala ya kujiingiza kwenye biashara zingine angalau za nafuu, kila mtu anaonelea biashara ya makaa ndio tu njia ya kunufaika kimaisha ambapo hapo ndipo tunapotezea, kwa sababu licha ya kupoteza miti, tunaendelea kupoteza watu. Kwa sababu kuchoma makaa yenyewe; kukata hiyo miti, uingie kwa moto, ung'ang'ane na hiyo miti, kitambo ikuwe makaa, ile oven ya moto, utakuwa umechomeka, na kwa kweli hebu nyinyi angalieni wale wote wanachoma makaa; ukimuangalia sura yake, ni ya kutisha.

(Laughter)

Hon. Kitema: Sasa hayo maisha mtu anayaanza akiwa mchanga, ametoroka shule na ameanzisha hiyo business. Atamaliza akiwa na maisha gani. Kuna watoto, hata akina mama wamejiingiza kwenye hiyo biashara. Tulikuwa na mheshimiwa mmoja; Mutemi, huko sehemu za kwangu, katika sehemu moja inaitwa Kilindini. Hiyo sehemu inaitwa Kilindini yaani wanataka kubadilisha ile Kilindini Port of Mombasa, makaa huko inapatikana kwa wingi, ni kama Kilindini; sehemu ile iko na pesa. Mimi nilitembelea hiyo sehemu nikashangaa. Ukionana na mwanamke, ni mwanamke, lakini ile sura ya kupendeza hakuna!

(Laughter)

Hon. Kitema: Sasa, hii maisha itaendelea mpaka lini? Mimi naonelea hivi; kama serikali katika hii kaunti ya Kitui, kwa sababu watu wengi wamejiingiza katika hii business, hawa watu waulizwe na watrainiwe na waonyeshwe kuwa kuna njia zingine nzuri za maisha. Kwa sababu miaka ishirini, miaka kumi na tano iliyopita mimi sikuwa naona hii maneno ya makaa. Na njaa ilikuwa iko, shida zilikuwa ziko, lakini watu walikuwa wanang'ang'ana na maisha. Isha fika wakati serikali sasa ione na itoke kimhanga; waingilie kati watrain hawa watu watoke kwa hii mambo ya kuchoma makaa. Na naona juzi our vice president, niliona aliwahi kukutana na communities zingine ambao walikuwa na biashara zingine, hizi za kutengeneza karubu na aliplead na wao akawaambia watengeneze cooperatives, na akawaambia atawasupport na serikali itawasaidia. Mimi naona hii serikali, tuanzishe kidogo kidogo nah ii ya Kitui County tuwe tungalenga hizo groups na tutenge pesa na tuwaambie sasa wacheni hii maisha, wacheni hii biashara ya makaa, jiungeni na cooperatives na serikali iweke pesa kidogo na tuwatrain waanze kuona kwamba bila kuchoma makaa, maisha inaweza kuendelea na style ingine.

(Applause)

Lakini sasa tukisema tutasimamisha kavu, bila njia nyingine ya kuwatongoza ndio waanze... yaani iwe ile maisha haikusimama ndi!

(Laughter)

Hon. Kitema: *Wameonelea haikusimama ndi!*

The Speaker: Order! There's no word like *NDI* in Kiswahili!

Hon. Kitema: *Yaani hiyo... Asante Bwana Spika, lakini hiyo tukii tafuta kwenye Kiswahili... sijui. Yaani namaanisha wakiona kwamba kwa sababu wametoka kwa hii maisha ya kuchoma mkaa hakuna mahali wame teseka, tuwabadilishe na wapate njia nyingine za kutokea, tutakuwa hapo tumefaulu.*

Kwa hivyo mimi naunga mkono mjadala; mkaa tuipe marufuku. Lakini wale watu wako kwa hiyo biashara wapatiwe njia za kujimudu kimaisha.

Asante.

The Speaker: Honourable Member for Thaatha...

Thaa... is it Tha?

Hon. Mwende: Thank you Mr Speaker, I'm from Thaana Nzau ward, Mbaakini region.

(Laughter)

Hon. Mwende: Mr Speaker, I'm happy to stand here to support the Motion as I welcome my colleagues the new members. Yes I was not in when they were being welcomed, so it's my high time to welcome them and tell them to support me in this Motion of deforestation. Mr Speaker, if I can start, I can quote somewhere during Madaraka Day in the year 1979; those of you who were born, Honourable Njonjo was taking alcohol in a glass which was made in Britain. And that glass, one day he forgot it at Kangema. He ordered the PS that time Honourable Musila from (Mwingi) Central to go get his glass from Kangema to be taken all the way to Muthaiga. Mr Speaker that was the year 1979, here we are talking of the year 2013 where I can say the glass that we have is the trees we have in our forests. That is the only glass that our people from Thaana Nzau have sent me to come and say NO to cutting of those trees. Mr Speaker this is the time we should come out very strongly and go out and tell our people the importance of trees. Knowing that when you go to the book of Genesis chapter one, God created the universe and He created man, and He told man to take care of that

universe. Are we taking care of those trees or we are destroying them? Are we the mankind that God created that time? If we are, then we should say no to cutting of our trees. We should get a way forward of sensitising our people as the way the people from the health sector come out and sensitise our people about HIV/Aids, they come out and sensitise our people about Malaria and mosquitoes. Let's go out and sensitise our people about the importance of trees for our people. That's the only way out. And if we are going to say nature is something important, if I can quote the late Wangari Maathai; she said "Nature is very important, if you destroy nature, it will never forgive you". This is the time we should say we should never destroy nature and then we say no to charcoal burning, and then we struggle to give our people what they should eat and what they should be earning; what they should do to earn their living. But if it is a matter of cutting the trees down and burning charcoal, we say no and we come out clearly on other things to do.

Mr Speaker, if you go to the supermarkets like Nakumatt: "You need it, we've got it", Tusky's: "Pay less, get more", Naivas: "Saves your money", Mr Speaker, we have charcoal there which is packed very well and priced. Our charcoal here is going direct, with a lot of 90 degrees *magunias* and there is no price for those *magunias*. Because of that, the only person who is getting a lot of trouble is only the charcoal burner. And that means our people are not given the worth of their prices and also they're not given the proper management of the trees. So Mr Speaker if you allow me, I will conclude my statement by saying let us ban charcoal burning completely from our county and let us look forward to something else to do.

(Applause)

The Speaker: Very well! Honourable Mbandi. Is that Honourable Mbandi? The last one there...

Yes Honourable Mbandi.

Hon. Mbandi: Yes Mr Speaker, perhaps I'm too far and I'm dressed in black, maybe that's why you couldn't see me.

I want to support this Motion, and I'm feeling very sad because one of our members who contributed earlier said when the women are there they change their faces, they change their dignity... And it is true, because most of these days, you find that women are mostly the ones who are burning charcoal. And those women are carrying children on their backs, and they are all breathing the smoke which is coming from the charcoal. So it is also bringing a health hazard to our generation, and I don't see how we are going to let our generation get finished because of the little money we are getting, or the exploitation we are getting from the other counties. So I

feel that we need to ban the burning of charcoal and put regulations and procedures of how this charcoal is going to be carried out. If you look at cement, cement also causes some diseases and so forth, but you can see in the factories there is some procedure, but you can see those people who are in the factories are protected. But look at the women, and the men and the children who are burning charcoal, there is no protection. And I'm sure, if there is that regulation, there will be that training someone talked about on how you are also going to take care of your own health during the burning of charcoal.

So Mr Speaker I support the banning of charcoal.

(Applause)

The Speaker: Thank you very much. Honourable Mwingi Central.

Hon. Munyasya: Thank you Mr Speaker for giving me this opportunity to support this very important Motion, which I believe has come at the right time because if we deliberate on this Motion well, people will understand the power and integrity of this house. Mr Speaker, it is naked truth that our forests and trees have been destroyed to an extent of 50 per cent especially in this county. So Mr Speaker, I would urge our Honourable Members to support this Motion because if we don't support properly the ban of uncontrolled charcoal burning, we will still go into degradation of our environment further. Because we know Mr Speaker that due to destruction, rains have started failing, rivers have started drying and probably, the best reason we can attribute to this is because Mr Speaker, we are lacking clear laws and guidelines on environment and forest protection. This Mr Speaker has also happened due to laxity of our law enforcers on the weak laws which have been put into place as far as forests and tree protection are concerned. So I would urge this house to put in place measures to protect this by first, because I believe it is a prerogative of this honourable house to make laws through relevant committees, to put into place relevant measures to prevent this. Also to reenergise the Forestry Department which has gone so low to renting tree germinating facilities. Mr Speaker I have a case study in my ward; we have that facility, and currently it is rented. So I believe measures should be put in place to reenergise those facilities so that we can germinate trees there to reafforest the destroyed trees.

And probably with those few words, I beg to support the Motion.

The Speaker: Honourable Mutemi, have you got your hand up or is it down?

Hon. Mutemi: It was up Mr Speaker.

The Speaker: It was up? Okay you have the floor.

Hon. Mutemi: Thank you Mr Speaker Sir.

Mr Speaker I'm standing on Standing Order number 45; seeking leave to move an amendment to the above motion by deleting the last sentence in this Motion which reads "This assembly urges" and inserting the following sentences:

This assembly resolves that:

- a) The County Executive:
 1. With immediate effect enforces a complete and total ban on charcoal trade and transportation outside Kitui County until a mechanism is put in place to address concerns raised by this Motion, which includes, but is not limited to: controlled production, controlled production and mitigating measures to this industry.
 2. With immediate effect ban entry and exit of vehicles transporting charcoal of any amount into and out of Kitui County.
 3. The County Executive immediately establishes a special unit to enforce this ban and any other regulation that may be issued by the County Government to give effect to this Motion.
- b) That any public officer involved in charcoal business in Kitui County be investigated and disciplinary action taken against him or her.
- c) Kitui County Assembly departmental committee to liaise with the relevant department of the County and National Government to regulate and control charcoal trade within Kitui County.

Mr Speaker, if this amendment is really accepted by this house, we will put sanity to this industry. Mr Speaker, from the feeling of these members who are here and who have debated this Motion since yesterday, they have given a strong commitment that we here as an assembly, if we are not going to act and act seriously on this particular matter, Mr Speaker we'll be failing this great county which has a bright future, and eventually our county Mr Speaker is going to be a desert in the very near future even before our generation leaves this house. Mr Speaker it is honourable for this house, and as one member really demonstrated, this is one of the industries which is really thriving giving people in the black market a lot of profits and making our people poor here by having no regulatory mechanism within Kitui County. Mr Speaker I pray to this assembly and urge this honourable house to accept and allow the amendment to give weight to this very important Motion, which I believe since we came into being as an honourable of this county, this is the most important Motion, which for the people we are representing here, they have been looking

upon us to really see to it that the county industry of this kind of trade is controlled.

Mr Speaker, with those few remarks, I beg to move.

(Applause)

The Speaker: Anybody to second the Motion?

Honourable Ngwele.

Hon. Ngwele: Thank you Mr Speaker Sir.

I stand to second the Motion for amendment and also to support very strongly, for two reasons.

One personal reason is I come from Ngomeni which I personally think is the charcoal burning headquarters of this county.

(Laughter)

Hon. Ngwele: And the village I come from called Mitha Misyi village is actually the epicentre of charcoal burning in this county. I have seen first-hand the damage that can be done to our environment, the damage that can be done to our livelihoods, the damage that can be done to poor people for life by charcoal burning. And I have seen the cheeky little things that are being done by people in our government to abet charcoal trade. And I believe the amendment that the Honourable Mutemi has just moved will give teeth to this assembly and to our government to do what is necessary to put in place measures to control charcoal trade and transportation in this county.

Second reason is that I'm particularly very unhappy with the tone and language that I have sometimes heard used in this assembly in relation to this Motion. Since yesterday we have sat here and heard people use very nice and polite language: "mitigating charcoal trade, rules and regulation, dignifying this and that" you know the kind of language that is used by NGOs when they are borrowing money from donors.

(Laughter)

Hon. Ngwele: Mr Speaker we are not NGOs, we are an assembly elected by the people of Kitui County; we are the voice of the people of Kitui County. And we must speak boldly that we want our environment and our resources respected. We have to speak with courage and we have to speak the truth. And the truth is that Mr Speaker, Kitui County is being raped. Left, right, centre, day and night Kitui County is being raped of its resources by people from outside this county, specifically people from Central Kenya,

people from Machakos. They have invaded our county with power saws, and if we continue speaking the nice NGO language of 'mitigating' and 'regulating' and 'dignifying' Mr Speaker by the time we'll wake up this county will be dead!

(Applause)

Hon. Ngwele: Really we have to put our foot down and say that we want the people who have come to rape our resources thrown out. And we want the people in state institutions, we know them and I will name them: the Provincial Administration in this county, the Kenya Forestry Service department in this county, the Police in this county, the National Environment Management Authority in this county, those are the institutions that are protecting the people who have come from Machakos and Central Kenya to rape our county. And we must name and shame them. Mr Speaker I have witnessed every day I go home or every night, I witness policemen coming from Ngomeni police post set up a 'toll station' just barely 500 metres from my gate and you can count the lorries that pass through that toll station, and each lorry is required to part with Ksh 2,000. And we know there is a chain; a network of corruption where the money is divided between the local police post – the OCPD and the OCS and those lorries are required to make a stop at Mwingi at night, and each lorry parts with Ksh 4,000. Ksh 2,000 for the police, Ksh 2,000 for the Kenya Forest Service and the National Environment Management Authority. And where they are coming from; the Mwingi National Reserve, they are required to pay between Ksh 10 and 15,000 depending on their capacity. It is a chain of corruption and we are not going to break that chain with polite language or with polite actions; we must speak and speak boldly. And we must demand also not just investigation but also prosecution and removal of specific civil servants that we know that have been abetting and participating directly in charcoal trade. We must name and shame them, and very soon Mr Speaker I will table a Motion to name a particular administrator in Kyuso district, to name a particular administrator in Mutomo district, to name a particular official in the Kenya Forestry Service, to name a particular official in the National Environment Management Authority and to name a particular officer in the Forestry Inspectorate unit because we know them. And we'll demand that they either be removed from this county, or we mobilise our people to go and remove them.

(Applause)

Because we cannot sit here and speak nice language and feel nice about being members of this assembly, only to go back to our villages and find our villages destroyed. I moved from Mitha Misyi some years back to go and work in Nairobi, and when I came back last year to go and 'borrow' votes, I couldn't recognise where I was, because all the trees were gone. And a place called Mwalano where we used to run bare foot under the shades of very beautiful trees, it is bare, you can see squirrels crossing the road three kilometres away, and dust from about eight kilometres away. And that is not the kind of heritage that we want to leave for our children. Mr Speaker Sir, with those few remarks, I beg to second and support the amendment.

The Speaker: Thank you.

I am very disappointed because we are debating something very important in this county, the members are giving very strong indications as to how we want to move in this county, but the reporters, the newspapers are not around to let the people know the feeling of this house. It is very unfortunate, because the statements we are making here should go to the air so that the people who are involved; the people you represent know which way the house is moving. But there is nobody now to report. Bwana Clerk, I think you need to ask the reporters to come here tomorrow to listen to these ladies and gentlemen; they're sending a message, a very powerful message.

Honourable Members, I now propose the following amendment to the Motion on the floor of the house: delete the last sentence of the Motion and in its place insert the following:

This assembly resolves that:

- a) The County Executive: That any public officer involved in charcoal business in Kitui County be investigated and disciplinary action taken against him or her.
 1. With immediate effect enforces a complete and total ban on charcoal trade and transportation outside Kitui County until a mechanism is put in place to address concerns raised by this Motion, which includes, but is not limited to: controlled production, controlled production and mitigating measures to this industry.
 2. With immediate effect ban entry and exit of vehicles transporting charcoal of any amount into and out of Kitui County.
 3. The County Executive immediately establishes a special unit to enforce this ban and any other regulation that may be issued by the County Government to give effect to this Motion.

b) Kitui County Assembly relevant departmental committee to liaise with the current... with the... I believe you will excuse me, there is something we need to correct; here it reads 'current'. Does it read that way Bwana Clerk? It should be 'relevant'.

c) Kitui County Assembly departmental committee to liaise with the relevant department of the County and National Government to regulate and control charcoal trade within Kitui County.

That is the amendment. Anybody who wants to say something about it? Or I put the question? Do I put the question?

Okay Mwandia...

Hon. Hussein: Thank you Mr Speaker Sir.

Before you put the question Mr Speaker, allow me to shed light on the amendment. Okay, the number one there, I think number one (a) if I heard him correctly talked of a minimum of one year Mr Speaker. It is too long Mr Speaker...

The Speaker: Order! Order! You are talking of what you discussed in your *Kamukunji*! That is not what I read; I am reading something very different, not what you discussed...

(Laughter)

The Speaker: *Bwana* Mwandia, there is a change; what is here is not what you discussed in the *Kamukunji*. What you are saying is not in the amendment.

Continue.

Hon. Hussein: But Mr Speaker [Chuckles]...

The Speaker: If I may guide you, a) is: With immediate effect enforces a complete and total ban on charcoal trade and transportation outside Kitui County until a mechanism is put in place...

Hon. Hussein: No! Go down Mr Speaker, please I beg.

The Speaker: 2. With immediate effect ban entry and exit of vehicles transporting charcoal of any amount into and out of Kitui County. And 3 says: The County Executive immediately establishes a special unit to enforce these regulations...

Hon. Hussein: Mr Speaker, I withdraw.

(Laughter)

The Speaker: Order! Order! I'll now put the question:
THAT the Motion be amended as proposed,
As many as are of that opinion say AYE!

Members: AYE!

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

(Silence)

The Speaker: The AYEs have it!

I now propose the Motion as amended. Now the new Motion as amended which reads as follows:

THAT, aware that there has been intensive charcoal burning within most parts of Kitui County coupled with very high demand and readily available market which has led to high charcoal exportation outside this County; aware that this uncontrolled activity has adversely and negatively impacted to our environment, causing environmental degradation, air pollution, Global warming and reducing chances of rain by destroying catchment areas; concerned that environmental conservation has perpetual and positive contributions to our livelihoods for generations and generations; concerned that this human activity has devastated our environment to an alarming state; further aware, that charcoal business has been a source of income to over 30% of our population in this County where majority live below the poverty line; appreciating provisions of our constitution chapter five part 2 Article 69 Section 1 Subsection (a) to (g) on state obligation in respect of the environment; noting provisions in the same Article 69 section 1 Subsection (f) to (h) and Subsection 2 in the same Article. This assembly resolves that:

- a) The County Executive:
 1. With immediate effect enforces a complete and total ban on charcoal trade and transportation outside Kitui County until a mechanism is put in place to address concerns raised by this Motion, which includes, but is not limited to: controlled production, controlled production and mitigating measures to this industry.
 2. With immediate effect ban entry and exit of vehicles transporting charcoal of any amount into and out of Kitui County.
 3. The County Executive immediately establishes a special unit to enforce this ban and any other regulation that may be issued by the County Government to give effect to this Motion.
- b) That any public officer involved in charcoal business in Kitui County be investigated and disciplinary action taken against him or her.
- c) Kitui County Assembly departmental committee to liaise with the relevant department of the County and National Government to regulate and control charcoal trade within Kitui County.

It is now a new Motion, with the amendment for debate. Anybody who wants to say anything about it? Those who have already spoken, this is a different Motion now, you can still talk because this is a different Motion all together.

Munuve.

Hon. Munuve: Thank you Mr Speaker.

I think the Honourable members are now almost totally confused, because after the amendment, it seems as if we are reacting to a mosquito bite with a hammer Mr Speaker. Total banning of charcoal? The previous Motion was about regulation, but now...

The Speaker: Order! You are Out of Order! Read the Motion properly. For your benefit I will read it for you so that you understand it Honourable Munuve...

Hon. Munuve: Please do Sir...

The Speaker: With immediate effect enforces a complete and total ban on charcoal trade and transportation outside Kitui County. Not within Kitui County. The house is not banning trade and transportation of charcoal within the Kitui County. Have you got it right Munuve?

Hon. Munuve: Can you read all of it please, Mr Speaker, because there is something down there that...

The Speaker: Honourable Munuve! The Speaker is directing you; the Motion is not asking a total ban of trade and transportation of charcoal within Kitui County, period. It is stopping trade and transportation of charcoal going outside Kitui County until the mechanism is put into place.

Bwana Kasinga.

Hon. Kasinga: Thank you Mr Speaker Sir.

I stand to support the Motion as it is. Mr Speaker, what actually has been eating this county – the depletion of our forests is actually the trade of charcoal that goes on in Nairobi, the source being Kitui County. If we were to take the consumption that we as Kitui County do, we would not be talking about banning charcoal business. If we were talking about what the residents of Kitui Town perhaps use on a daily basis, we would not be worried about depleting our forests. And in this Motion, in the amendment we have put it that we do not want or rather we don't want to have anything that is exiting from the county. That is the business of charcoal within the timeframe that will be set should stop. And I believe Mr Speaker, with those measures we are going to see an improved environment for the time that we are going to be there. We are also going to have structures and policies being set that will guide the trade in this business. We do agree that perhaps for a while, our people, some of whom have been dependent on the business will suffer for a while, but in the long-term, our people will benefit. And this is all what we need to understand, because as I said here

earlier on, there will be repercussions - The mover of the Motion might at the end of the day when he goes home, and I'm sure the political enemies are waiting to go and say "look, the person you elected is now making you poorer", not actually being honest to them that this man is trying to make your life better in future. What are we looking into here? We are looking into the possibility that there is a time that this business will resume; we'll want to see our people earning more money from this business than they are doing today.

So Mr Speaker, without much ado, I believe we are in a good position, we are doing the right thing as a County Assembly and I want to support you in the sense that in terms of the sense that in terms of the reporting of the business of this house, the reporters or the journalists should have been in this house, and I hope they will take the business of this house so that we can inform our people. We don't have any other avenue to inform our people what we are doing in this house today. And I believe this was a very good opportunity, but I believe tomorrow they will be here.

The Speaker: Very well. I think we have more or less said what we want to say about the Motion. Isn't it? Let me give Nyamai. Nyamai wants to say something.

Hon. Nyamai: Thank you Mr Speaker Sir.

I want to support the Motion, kindly because our country Kenya there before had neglected the environment, and especially in Kitui County. There is much that has been done that concerns the destruction of the ecosystem which has resulted to one thing; the lack of rainfall and most especially in Kitui South where charcoal has become a threat to the environment. When the charcoal has been used for ten good years, when it has been a business, I see the destruction that has been there is so great that we are lacking rains that can sustain our livestock. If you go to the market centres in Kitui South, you will see the animals there that we are having, or livestock; they are 'worn-out', even yourself you cannot even purchase any. A number of them are very much 'worn-out', simply why because there is no rain that can make sustenance for the grass that the animals can eat. Secondly, now it has come to an extent that the residents or the people around have already completed cutting the trees that are around them, and they have gone to an extent of going into Tsavo. Our economic points which bring money to our country; Tsavo as a National park for our country has played a very great importance in our area. And this is a time that we want this county of Kitui to approach how it can create funds out of the game parks that we have around us. We want to employ a way out that we can use our game parks there. But if at all we are encouraging charcoal burners to enter into a National Park, then we are

destroying our ecosystem, and the animals that we have there for tourism's sake they will go away to the other side of the park that is in Taita areas where the charcoal is not burnt and conservation is observed. But if we chase out the animals, we will lack the funds needed in this county. Our county needs us to protect it, it is only us who can preserve those animals for the tourism industry to kick off or continue growing. We want to decide a way out how we can establish hotels for tourism in Kitui South for the sake of getting funds for this county. So we encourage, or I support a total ban of charcoal in this county because we have lived for years there before and we have never had such burning of charcoal; it is too intensive in this county. It has grown to an extent of being the only business. And I'm saying that, and I'm discouraging the Honourable Members who started the Motion first by saying that charcoal is a business like any other! No! Charcoal is a different business! It is not a business like any other! Why am I saying that charcoal becomes a business because there is no alternative? Get me properly; we burn charcoal because we have no alternative. And it is the high time to find an alternative to secure the environment and to secure the ecosystem in our area. We must put a great effort to emphasise banning of charcoal. The ban does not mean that you don't like your people, no; you love them. I'm saying you are there, and you are there protecting the future generation. Don't be a short-sighted person. Be able to see far, be able to see 50 years to come, be able to see 100 years to come. Honourable Members, be focused and see where we are going. If we continue destroying the environment, surely we will be failures in our lives...

The Speaker: Order! Order! There is a Point of Order here!

Order! Order! Order! Honourable Wambua, what is your Point of Order?

Hon. Wambua: It is actually not much of a Point of Order, I'm just wondering: if the Honourable Member is contributing to the Motion or preaching Mr Speaker?

The Speaker: Order! He's giving his views!

Honourable Munuve, what is your Point of Order?

Hon. Munuve: Thank you Mr Speaker. Honourable Members are not short-sighted; they represent people.

The Speaker: You are absolutely right. Honourable Nyamai, these Honourable Members are not short-sighted. I think you should withdraw that word; that is not parliamentary. Withdraw that word.

Hon. Nyamai: Thank you, withdrawn.

The Speaker: Thank you. Proceed.

Hon. Nyamai: Honourable Members, I'm saying that we must come up with a way out that we can employ to make or to create awareness of conservation of our environment. We need to understand very much that

we need funds for that, because for the ten years ago, Kitui South especially where charcoal burning has been intensively practiced, there is no rain that has brought any products at all there. And we need funds for campaign and telling residents of that area that tree planting is necessary, and let them be shown a way out, which they can keep the environment up to standard that is required for sustenance of the environment.

So Mr Speaker, I beg to that if the Kitui County Government can create awareness that we need funds, let this project be funded. Let the Ministry for Forestry be funded for planting of trees, and let the youth, because they are the biggest population which is almost idle, let them be involved in this campaign of tree planting and let them be paid or funded to do the work of planting trees and this will enable the environment to recover. We have lost for very many years, I think 10 or 11 years, and because we have lost, I now believe that even the animals in Tsavo have gone to areas where the environment is being conserved. We are aware that these people who are coming from outside our county have now entered in the Tsavo, and they are going overnight. They don't fear the police because of corruption; it is too big in this area. So we need a lot of emphasis and support from the government of Kitui County.

Thank you Mr Speaker.

The Speaker: Now, one more and I will put the question.

Honourable... that lady there.

Hon. Phoebe: Thank you Mr Speaker Sir. My names are Nominated County Rep. Kitui County, Phoebe wa Kisee. So the other time, I may be a lady or a madam, but I'm Phoebe. Thank you.

Just yesterday at noon, this place was raining, and later when we finished the session, I just tried to ring at home (I come from Migwani) but I was telling them that sometime in the day it was raining in Kitui. I really thank the leaders of Kitui Central who really tried to maintain these indigenous trees and the others. And I'm very sure that it was only raining because the trees had attracted some clouds just around here. But at Migwani, and maybe the entire Mwingi, there was not even a single cloud that could shed even a single drop of rain in those areas. Therefore, I know trees really draw a lot of moisture and bring a lot of rain at any time. From my own observation, even when we are saying... I'm not opposing, but I'm stating that maybe we are saying the burning of charcoal maybe within our county, we just say it is okay for some time. But remember when *wazungus* came to this place Kenya, whenever they entered into some hotels, they knew what those people working there were earning, that is why they were telling some of the people working in the hotels "keep change". Because they knew what one was earning there was not worth the service one had given. Even we, when we are buying this charcoal that we buy at between

Ksh 100 and Ksh 200. Dear *Mheshimiwa, hata wewe*, even you I'm sorry you could say keep the balance. Because when a bag of charcoal is costing Ksh 100 and you are even using it for almost a month, there is nothing that you can get in the shops that could run you for 30 good days throughout the month worth Ksh 150. So even we as the seconders of the county, we could also think about it even though we can say it is just a use in our families. The other day, we were here, and I'm sure everybody here was sworn-in, and the last sentence in that oath says 'Oh help me God'. So I will stand for the time I will be here; it is just four and a half years, as I said 'God help me' as I was taking that oath and everybody has sworn saying that, whenever we are mentioning that name of God, God fearing people say it from the heart. And I'm very sure we have not said 'God help me' to make Kitui County a barren land. If at all you have not said that, maybe you have forgotten. So I'm trying to say let's stand, let us all think about our Kitui County. When you go to Mombasa, you will find a mango tree that you cannot even imagine this is a mango tree; some of them are even 100 years, go to Nakuru, go to Embu, those people have refused with their trees. But now those are the people who are trying to urge us to make our county very barren. I'm urging this office and this honourable house, if possible sometime within this year, let us be taken for a tour to learn our county, in places that are far from Kitui town and let a video be taken to be shown throughout Kenya, even throughout the world. We will be very ashamed of ourselves, including me. Therefore, could we suggest planting a lot of trees along the roads, across hills, along rivers, and God will bless us for the time we are here. God's eyes are also seeing where we have taken the earth. So my dear colleagues, through the office of the Speaker, I suggest that we be taken for a tour so that we take urgent thoughts of what we are going to do in this area of environment and conservation. When you enter into the families that are burning charcoal, those children are not even attending school, because most of the time they are helping their parents, and I know most people here know about it. Even your girl child, you cannot accept her to be married into such families because they only go up to standard seven and standard eight. Some even go to the extent of misbehaving with their fathers because they have got nothing else to do. Everyone is tired. There are not even intermarriages, which are allowed in the constitution of Kenya. So, could we help their children of Kitui County and forgive those who have been burning the trees, making little money from them, so that we may uplift the standard of Kitui County. I'm very happy that this Motion I have been crying for since I was born is here. So let us look into ways of starting small scale businesses for our youth and even employ them as *Kazi kwa Vijana* and they will forget about charcoal burning.

Thank you very much Mr Speaker Sir, God bless you all.

The Speaker: Honourable Members, I think we have said almost all what we needed to hear about this Motion, and I think without wasting a lot of more time, I'll call the mover of the Motion to reply to the sentiments of the members.

Honourable Kilonzo.

Hon. Kilonzo: Thank you Mr Speaker Sir, the members of this house, ladies & gentlemen. I term these deliberations as justice for our people, justice for this county, justice for the generations to come, justice, justice, justice. Special thanks spoken to the Head of Conservancy all the way from Embu; he is in support, though Mr Speaker we know what happens. The Director KFS Mwingi says he is in support, The head of Ministry of Energy; the Cabinet Secretary Kitui County, The Cabinet Secretary Kitui County – Natural Resources, The chairmen in the two committees; Stanslaus Mulongo and Jamhuri Mwangi and even the Deputy Governor is in support of this Motion.

If I may say Mr Speaker, we are trading policies or legal frameworks for a business which has been on; this business of charcoal burning has been there ever since. And this is the reason why it is becoming very complex and very complicated. It is because we are running after a business which has been there for miles. We are drawing a legal framework for a business which has been there. If I may quote from the System Theory advanced by biologist Ludwig von Bertalanffy and later supported by Ross Ashby, it states that a system is a configuration of different parts joined together by a unique network of relationship. That's the reason why the charcoal business is very complex; because it's a network of many relationships. So Mr Speaker, for the name calling and sometimes whipping of our emotions to this motion, it is the pains these Honourable Members and the communities that we represent are feeling.

The System Theory proposes that there is a certain arrangement and relationship between the different parts Mr Speaker that make a whole that functions like a structured unit. I think this is exactly what we have been talking about for the last two days. It is pathetic that we have noticed the media, who are supposed to have been with us are not here, but probably they will catch up with us. The System Theory also helps us to explain better various components that work around the too intricate system of charcoal trade and the community livelihood; you can see the complication Mr Speaker. If I may quote from Les Brown who said: "When life knocks you down, try to land on your back". Mr Speaker I think we are now lying on our backs, and because we are looking up, we will soon get up.

I'm not forgetting that every day, an opportunity to decide where you step next will be given to you; your future will be determined by the accumulation of these daily decisions, your controls, you control your steps,

and therefore your destiny. So today according to Kevin Nego, we have chosen very wisely to put a limit on the ban on this business Mr Speaker, and as we talk about the mechanisms which we are going to put in place, I think first, the organisations that need to be in place, which have been licensed to work and they are not permitted, we'll talk through the relevant departments so that those associations Mr Speaker are given the permits and licenses to operate so that there is sanity in this business and it can attract as many incentives and investments as possible.

Thank you Mr Speaker, thank you all.

The Speaker: Very well Honourable Kilonzo. It's now time to make a decision, and I will put the question.

THAT, aware that there has been intensive charcoal burning within most parts of Kitui County coupled with very high demand and readily available market which has led to high charcoal exportation outside this County; aware that this uncontrolled activity has adversely and negatively impacted to our environment, causing environmental degradation, air pollution, Global warming and reducing chances of rain by destroying catchment areas; concerned that environmental conservation has perpetual and positive contributions to our livelihoods for generations and generations; concerned that this human activity has devastated our environment to an alarming state; further aware, that charcoal business has been a source of income to over 30% of our population in this County where majority live below the poverty line; appreciating provisions of our constitution chapter five part 2 Article 69 Section 1 Subsection (a) to (g) on state obligation in respect of the environment; noting provisions in the same Article 69 section 1 Subsection (f) to (h) and Subsection 2 in the same Article. This assembly resolves that:

a) The County Executive:

1. With immediate effect enforces a complete and total ban on charcoal trade and transportation outside Kitui County until a mechanism is put in place to address concerns raised by this Motion, which includes, but is not limited to: controlled production, controlled production and mitigating measures to this industry.
2. With immediate effect ban entry and exit of vehicles transporting charcoal of any amount into and out of Kitui County.
3. The County Executive immediately establishes a special unit to enforce this ban and any other regulation that may be issued by the County Government to give effect to this Motion.

County Assembly Debates

- b) That any public officer involved in charcoal business in Kitui County be investigated and disciplinary action taken against him or her.
- c) Kitui County Assembly departmental committee to liaise with the relevant department of the County and National Government to regulate and control charcoal trade within Kitui County.

As many as are of that opinion say AYE!

Members: AYE!

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

(Silence)

The Speaker: The AYEs have it!

(Applause)

The Speaker: Honourable Members stand up, it's now time to interrupt the business of the house, and the house now stands adjourned until tomorrow afternoon at 2:30pm.

The County Assembly rose at 5:10pm