

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 16th July, 2014

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Well, hon. Members! We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

(Several hon. Members walked into the Chamber)

Hon. Members, we now have quorum.

PAPERS LAID

Hon. (Eng.) Mahamud: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 16th July, 2014:-

The Report of the Departmental Committee on Transport, Public Works and Housing on a Study Tour to Brazil from 2nd to 11th May, 2014.

Hon. Gethenji: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 16th July, 2014:-

The Report of the Departmental Committee on Defence and Foreign Relations on the Petition by Ex-Service Member; Ex-Senior Private Enock Muganda regarding wrongful discharge from the Kenya Defence Service (KDS) and non-payment of workmen's compensation.

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Wednesday, 16th July, 2014:-

University Regulations, 2014 from the Ministry of Education, Science and Technology

The Report of the Auditor-General on the Financial Statements of Kenya Maritime Authority for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of Tourism Trust Fund for the years ended 30th June, 2009, 30th June, 2010, 30th June, 2011 and the Certificates of the Auditor-General therein.

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The Tourism Trust Fund Accountability Statement for the period 1st April, 2006 to 30th June, 2007 and for the period ended 30th December, 2008.

The Tourism Trust Fund Report of December, 2013 on the Profiling of Assets and Liabilities of the Tourism Trust Fund in Accordance with the Recommendation of the Parliamentary Committee on Local Authority and other Funds.

The Report of the Auditor-General on the Financial Statements of Kenya National Assurance Company, 2001 Limited for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statement of the Kenya Forest Research Institute for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Ethics and Anti-Corruption Commission First Quarter Report for the year 2014 covering the period 1st January, 2014 to 31st March, 2014.

Thank you, hon. Speaker.

PETITION

ALIGNMENT OF LAWS ON PERSONS WITH DISABILITIES

Hon. Speaker: Hon. Members, I will make this conveyance because the Petition was already in my file. This is a conveyance of a Petition regarding alignment of laws that concern persons with disabilities.

Pursuant to Standing Order No.225(2)(b), I have the following Petition to convey to the House. The Petition is signed by one, Mr. Peter Njuguna, and he is praying that Parliament intervenes to ensure that measures are instituted to provide for disability and special needs assessment to address cases of impairment at formative stages. The Petitioner also requests that the Persons with Disabilities Act and the Basic Education Act are harmonized to conform to the International Conventions on the Rights of Persons with Disabilities and the Constitution.

Hon. Members, this Petition, therefore, stands committed to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee is requested to consider the Petition and report its findings to the House in accordance to Standing Order No.227(2). The Committee is at liberty to liaise with the Joint Committee on National Cohesion and Equal Opportunity in the course of considering the Petition.

I thank you.

REQUESTS FOR STATEMENTS

Hon. Okoth: Thank you, hon. Speaker. May I recognize the presence of students from Joseph Kangethe Primary School in Kibra Constituency who are here on a field trip to learn about the Government of Kenya. They are led by their head-teacher, Mrs. Nelly Njoroge.

(Applause)

STATUS OF KENYA RAILWAYS PENSIONERS' SCHEME

Hon. Speaker, I rise to request the Statement as placed on the Order Paper regarding the welfare of the Railway Pensioner Trustee. The Statement is directed to the Committee on Labour and Social Welfare regarding the status and management of the Kenya Railway Corporation Pensioners' Scheme.

Hon. Speaker: The Chairperson of the Departmental Committee on Labour and Social Welfare, hon. David Were! He is comfortably strolling into the Chamber.

Hon. Were: Hon. Speaker, I apologize for walking in late. I believe it is the first Statement being requested as in the Order Paper. If it is the one, then I want to propose that I bring an answer in the next three weeks.

Hon. Speaker: Three weeks. Hon. Okoth! The Member for Kibra!

Hon. Okoth: Thank you, hon. Speaker. I requested for this same Statement in the last Session and it was not responded to. It is to the same Committee and I was hoping that this time round, we might be able to get the answer in two weeks rather than three weeks. That is because it is a matter that the Committee was seized of before and unless there are special conditions, please, try to make it in two weeks. That is because the pensioners have really been complaining.

Hon. Speaker: Hon. Were.

Hon. Were: Hon. Speaker, I request to be given three weeks because I remember the last time this Statement came on the Floor, it was dropped. So, we had not done anything on it. So, I request for three weeks.

Hon. Speaker: Very well. Three weeks you get. The Member for Ndhiwa!

Hon. Oyugi: Thank you very much, hon. Speaker. Let me also join my colleague hon. Ken Okoth in acknowledging the presence of pupils from Chepkengere. Kibera is as national as it could be and so, pupils from Ndhiwa could actually be sitting up there in the Gallery.

PLIGHT OF REMAND PRISONERS

Hon. Speaker, I wish to request for a Statement No.203/2014 as in the Order Paper to the Chairperson of the Departmental Committee on Administration and National Security regarding remand prisoners.

Hon. Speaker: Hon. Asman Kamama.

Hon. Abongotum: Sorry, hon. Speaker. I misplaced my card. But I will get it before the next Statement at the reception.

Hon. Speaker, the issue of remand prisoners is very close to the hearts of those who are looking for justice and we want to give this Statement in the next two weeks. So, it will be ready in two weeks.

Hon. Speaker: I hope you have looked at the details of the request.

Hon. Abongotum: I will do that, hon. Speaker. I am much obliged.

Hon. Speaker: And, indeed, I want to direct from here that the various clerks clerking various committees are hereby directed to ensure that committee chairs and, indeed, the committees are fully aware of all the business directed at them and that is pending for purposes of prioritizing work.

Hon. Neto.

Hon. Oyugi: Hon. Speaker, two weeks is fine with me. Thank you.

Hon. Speaker: Okay. Very well. The Member for Kiharu.

PROPOSED INCREMENT OF FEES IN PUBLIC UNIVERSITIES

Hon. Kangata: Hon. Speaker, I wish to request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the intended increment of fees in public universities and also the failure by the universities to account for monies generated by parallel degree courses and other investments and also the management of Higher Education Loans Board (HELB) funds.

Hon. Speaker: The Chairperson, Sabina Chege or the Vice-Chair, Julius Melly.

Hon. Melly: Thank you, hon. Speaker. I think the Committee shall give a comprehensive Statement on that in two weeks time.

Hon. Speaker: Is that okay, hon. Kangata?

Hon. Kangata: Yes, hon. Speaker.

Hon. Speaker: Thank you very much. The Member for Loima, you can make the other bit of the Statement you wanted to make. You do not appear on the screen. I hope the reason is not because you are from Loima.

(Laughter)

PERSONAL STATEMENT

CONDOLENCES TO RESIDENTS OF LOIMA CONSTITUENCY

Hon. Akujah: Thank you, hon. Speaker. Allow me to take this opportunity to send a message of condolences to the families and relatives of the residents of Loima Constituency who were attacked this morning by raiders who I believe were from the nearest constituency and many lives were lost. Many animals were taken and I hope the Government will track the culprits and arraign them in court very soon.

Thank you, hon. Speaker.

NON-ISSUANCE OF SOCIAL CERTIFICATES FOR COMMUNITY GROUPS

Hon. Speaker, now to the Statement. I wish to seek a Statement as it appears in the Order Paper to the Chairperson of the Departmental Committee on Labour and Social Welfare regarding the non-issuance of social certificates meant for community groups.

Hon. Speaker: Hon. Were.

Hon. Were: Hon. Speaker, I know this is an issue that is affecting all constituencies and I promise to bring a Statement in the next two weeks.

Hon. Speaker: Hon. Akujah.

Hon. Akujah: Hon. Speaker, two weeks is quite reasonable. But I have a complaint because there is a Statement which I had asked last year, but it was not

responded to. I asked again in February to the same Committee and from that time up to now, no response has been delivered. So, I do not know whether two weeks are genuine or normal.

Hon. Speaker: Can I encourage you to walk across and speak to hon. David Were? He is a very amiable Chairperson. You will be able to agree on when he is going to provide that Statement as well.

The Member for Malava, Malulu Injendi.

STATUS OF KAKAMEGA-KABURENGU ROAD

Hon. Injendi: Thank you, hon. Speaker. I wish to request for Statement No.206/2014 to the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the status of Kakamega-Kaburengu Road as appearing on today's Order Paper. Thank you.

Hon. Speaker: Hon. Mohammed Maalim.

Hon. (Eng.) Mahamud: Hon. Speaker, we will be able to give this answer in a week's time.

Hon. Speaker: Hon. Eseli.

Hon. (Dr.) Eseli: Thank you, hon. Speaker. I wish to rise on a point of order to get your guidance in the sense that the Member who is asking for this Statement was reported over the weekend to have been with His Excellency the President starting that road. So, he seems to have the information and he is asking for more information on it.

Hon. Speaker: Hon. Eseli, as an old Member who is experienced in parliamentary procedures. You know that the Speaker has no business with matters outside here. What is done in funerals, wedding ceremonies and in any other functions outside here cannot supersede the work of the House here. So, the Member is perfectly in order to seek the Statement because whether they were in a wedding or in some other function of whatever nature, I have no information and the House is seized of this request. So, hon. Injendi is perfectly in order. Hon. Injendi, do you want to say something?

Hon. Injendi: Hon. Speaker, this indicates the bad faith of my brother, Dr. Eseli. Thank you for protecting me.

Hon. Speaker: Yes, Member for Yatta!

POLICY ON AWARD OF GOVERNMENT SCHOLARSHIPS

Hon. Kilonzo: Hon. Speaker, pursuant to Standing Order No.44 (2), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the distribution of scholarship opportunities by the Government.

Hon. Speaker: Yes, hon. Melly!

Hon. Melly: Thank you, hon. Speaker. The Committee will look into the matter and issue a Statement after two weeks.

Hon. Speaker: Is two weeks okay, hon. Mwangangi?

Hon. Kilonzo: Hon. Speaker, it is okay. However, I have an issue---

Hon. Speaker: No! No! No! No stories! You have been in the House. I encourage hon. Members to attend plenary Sittings, so that they can learn the new rules. We have agreed that, in order to save time, since the gist of the Statement is already with the Committee, there is no point of us standing here, reading out details of the request, especially given that it will be read again by the Committee as the Report is brought here. It is good that it be taken. We are borrowing from some previous practice of this House as well as from other jurisdictions. So, if you are comfortable with the two weeks, there is no need for you to explain further. You will explain when he gives the response.

Yes, Member for Roysambu!

FAILURE BY MINISTRY OF LANDS
TO SECURE PUBLIC UTILITY LAND

Hon. Ndirangu: Thank you, hon. Speaker. I beg to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding failure by the Ministry to secure public utility land.

Hon. Speaker: Yes, Chairperson of Lands Committee?

An hon. Member: Absent!

Hon. Speaker: Is the Vice-Chair present?

An hon. Member: Absent!

Hon. Speaker: If they are not here, can the Leader of the Majority Party or the Majority Whip make an undertaking? Hon. Katoo ole Metito, can you take up the matter?

Hon. Katoo: Hon. Speaker, I will communicate with the Chair of the Committee. I undertake that the Statement will be availed in two weeks' time.

Hon. Speaker: Member for Roysambu, is that okay with you?

Hon. Ndirangu: Hon. Speaker, it is okay. But may it please you to reprimand the Chair and his Vice-Chair for absconding from the House?

Hon. Speaker: I am not able to make that decision as to whether they have absconded. Maybe, they will appear and explain themselves, just like you may not have been here a while ago. When we started, we had to ring the Bell continuously. You cannot be said to have absconded. I am sure that you were not here when the Bell was being rung. So, it may not be right for me to instantaneously condemn them for absconding. I am not yet able to make that decision.

Yes, Member for Mvita.

SHOOTING OF INNOCENT CIVILIANS IN MOMBASA

Hon. Nassir: Thank you very much, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the recent shooting of innocent civilians in Mombasa. On Friday, 11th July---

Hon. Speaker: Hon. Nassir, have you been following what we have been doing? I am looking at what is contained on the Order Paper. The Chairperson has the details, which are in the main Statement request.

Hon. Nassir: Hon. Speaker, the Chairperson has not received a copy of the Statement request. Maybe, the Clerks-at-the-Table will give him one.

Hon. Speaker: Let him respond.

Hon. Abongotum: Hon. Speaker, there is a paradigm shift on management of Statements. I have not received a Statement to that effect but I had shared with hon. Nassir on the issue of shooting of innocent civilians in Mombasa, which, of course, the Government should not tolerate. That is because the law does not allow that to happen. I intend to bring the Statement in the next 10 days because of the urgency of the matter.

Hon. Speaker: Yes, Member for Mvita?

Hon. Nassir: Hon. Speaker, we have a child whose leg has been amputated and is in hospital. I think we can be able to try and put things a bit on the side and lessen the suggested ten days.

Hon. Speaker: Hon. Nassir, ten days is better than your seven days for the simple reason that he does not even have the answer. He will have to give chance to others to respond. Of course, the child's leg may have been amputated. We really sympathise with that situation but the answer will not undo the amputation. Will it?

Hon. Nassir: Hon. Speaker, we hope to receive very positive answers within those ten days.

Hon. Speaker: Very well! Hon. Limo, what is your point of order?

Hon. Limo: Hon. Speaker, I have an issue with the Committee on Labour and Social Welfare. Last year and, at the beginning of this year, I sought a Statement regarding the re-naming of Moi International Sports Centre Kasarani but, to-date, Safaricom Limited has fully taken up the stadium. The Committee is yet to respond. They have even not responded to many other Statement requests. I am worried that the Committee is not doing its job. I am asking for your guidance on this matter because we might not get a response.

Hon. Speaker: Hon. Were, there was a request about the re-naming of Moi Sports Centre Kasarani.

Hon. Were: Hon. Speaker, I have received an answer. I am told that there are two Statement requests I am supposed to respond to tomorrow.

Hon. Speaker: So, you have a response?

Hon. Were: It will still have to queue because there are very many requests that are still pending.

Hon. Speaker: Do I see an intervention by hon. John Olago Aluoch?

Hon. Aluoch: Hon. Speaker, I stand to ask for your direction. On 17th June, 2014, I sought a Statement from the Leader of the Majority on the place of the adult education sector in the country. He promised to deliver it within a month. One month falls today but I do not see him or his Deputy in the House.

Hon. Speaker: If the Leader of the Majority Party and his Deputy are not here, can we get a response from the Majority Whip?

Hon. Judah Katoo ole Metito, hon. Olago Aluoch had requested for a Statement and was promised that it would be delivered in a month's time. He said that he made the request on 17th June, 2014.

Hon. Katoo: Hon. Speaker, I kindly request the indulgence of my good friend, hon. Olago. I will make a follow up and ensure that the concerned Committee delivers the Statement to this House tomorrow afternoon.

Hon. Speaker: Yes, hon. Olago Aluoch!

Hon. Aluoch: I would urge the Chair to ask the chairmen of committees and the Leader of the Majority Party to take their responsibilities a bit more serious so that if the Chair is not there, the Vice-Chair should be here.

Hon. Speaker: Very well. Do I see an intervention from hon. Gumbo?

Hon. (Eng.) Gumbo: Thank you, hon. Speaker. A while back, I had requested for a Statement and I was given an answer regarding the killing of a Kenyan by an American citizen who quickly left the country. But the Chairman of the Committee on Defence and Foreign Relations, who is here, hon. Ndungu Gethenji and the Leader of the Majority Party, while answering--- I wanted to know - because that Kenyan was killed and left an expectant mother with children, what is the Government doing to try and provide some relief to that family. They gave an undertaking several months ago, that they will go to the Ministry of Foreign Affairs and let us know what they were doing to help that family - the widow and the children who were left after the accident. Up to now, I have been waiting and that answer has not been forthcoming.

Hon. Speaker: The Chairman of the Committee on Defence and Foreign Relations. You see, it is obvious that you are not in the House. Now, can you respond?

Hon. (Eng.) Gumbo: Let me speedily repeat it. A while back, the Leader of the Majority Party and the Chairman of the Committee on Defence and Foreign Relations dealt with the case of the late Haji Lukindo who died in a road accident involving an American diplomat who cowardly left the country within 48 hours. I wanted to know what the Government, in collaboration with the American Government, was doing to extend some help to that family. That is because the widow who was left behind is jobless, had children and is expectant. You gave an undertaking that you will follow up with the Ministry of Foreign Affairs and bring back an answer to this House.

Hon. Gethenji: I recall the question that was asked. It was in form of a Statement sought by the Member? I must admit that, that Statement does not appear on our list. So, for some reason, the clerk may have omitted it as one of the Statements pending before the Committee. So, I must apologize and request the Clerks Office from the Floor of the House to, please, make sure that Statements sought are put on our agenda, so that we keep track and answer in good time.

Hon. Speaker: Well, maybe, what I could advice hon. Gumbo to do is to check with the Office of the Clerk. That is because there are several responses which have come and, unfortunately, given the amount of work that we are transacting on a daily basis when we sit, we can only place about four or three responses. So, there are several responses which are piling up there but because the requests are more than the responses--

Hon. (Eng.) Gumbo: Actually, it was the Chair who had undertaken and not the Clerk to go to the Ministry of Foreign Affairs. Maybe, he has forgotten but he undertook to go the Ministry of Foreign Affairs to find out what remedy could be extended to this family which had been widowed and the children had been left without a father. That was the whole issue. So, really, it does not concern the Clerk as such.

Hon. Speaker: In any event, hon. Members, even as you withdraw, it is now standard practice in all committees, that you will have something resembling the Order Paper with Business, Bills pending, Petitions that have been referred and Requests for Statements that are pending before the Committee. The clerks in your various committees are directed to ensure that every day when the committee sits, you go through the business that is before you, so that you are able to prioritize depending on urgency from time to time. This has been implemented and it should be standard. That way, no Committee should go to sit without knowing how much business is before it.

Hon. Gethenji, I do recall that you gave an undertaking that you were going to find out about that particular case. Perhaps, what you can do is go to the Office of the Clerk and get the Request so that you can give a response.

Hon. Gethenji: It appears that this was not actually a request for a Statement. It was a personal plea on the Floor. So, I request hon. Gumbo to see me this afternoon. We can get the details again and I will take them to the Ministry of Foreign Affairs personally.

Thank you, hon. Speaker.

Hon. Speaker: Very well, hon. Members, those of you who are walking in. I wish to make this Communication.

COMMUNICATION FROM THE CHAIR

THE PARLIAMENT WEEK

As hon. Members are aware, the National Values and Principles of Governance set out in Article 10 of the Constitution, which bind all State organs including Parliament, provide among other things, for participation of the people, transparency and accountability. Article 118(1)(b) of the Constitution further requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

Hon. Members, in light of these Constitutional provisions and as part of Parliament's public outreach responsibility, the Parliamentary Service Commission has organized a Parliament Week, which is scheduled for the period beginning Monday, 28th July, 2014 to Friday, 1st August, 2014. The Parliament week will be presided by a breakfast meeting with the media, which will be held tomorrow, Thursday, 17th July, 2014, and which will bring together the leadership of Parliament and the representatives of the media industry, including the Media Owners Association, the Kenya Editors Guild and the Kenya Parliamentary Journalist Association among others.

Hon. Members, a number of activities have been lined up for the Parliament week as follows:-

(i) A public lecture will be held on Monday, 28th July, 2014 at the University of Nairobi, Taifa Hall, between 2.00 p.m. and 4.00 p.m. The theme of the public lecture is "Separation of Powers, under the Constitution of Kenya, 2010 a Case for the 11th Parliament. The Speakers of both Houses will each present papers on the public lecture which will be responded to by four distinguished university professors.

(ii) Sporting events, including football and netball matches are scheduled for Thursday 31st of July, 2014, commencing at 9.00 a.m. to 11.00 a.m. at the Nyayo National Stadium.

(iii) An open day will be held on Friday, 1st of August, 2014 at Parliaments Public Parking Space situated opposite *Sheria* House. The open day shall be officially opened by the leadership of Parliament. It will provide a forum for the various directors and departments of Parliament to exhibit and inform the public on various matters concerning Parliament and on their roles and responsibilities.

(iv) A number of media appearances have also been scheduled in various media houses at which a number of members will be called upon to participate in.

(v) A documentary on Parliament will be aired on television stations, which will focus on Parliament, its roles and achievements and which will feature the Parliamentary leadership.

Hon. Members, as you will observe, there are a number of wide ranging activities that have been organized and scheduled. Should any Member be required to appear at any of those functions, you are kindly requested to oblige. This is, therefore, to urge you and invite all of you to fully participate in the various activities so as to ensure the success of Parliament week.

I thank you hon. Members. Next Order.

MOTION

ADOPTION OF JOINT REPORT ON CDF REGULATIONS

THAT, pursuant to the provisions of Section 18 of the Statutory Instruments Act, No.23 of 2013, and Standing Order No.210 (4)(b), this House adopts the Report of the joint sittings of the Committee on Delegated Legislation and the Committee on Constituencies Development Fund on the Constituencies Development Fund Regulations, 2014 laid on the Table of the House on Wednesday, 23rd April, 2014 and resolves to annul Regulations 5, 9(2)(d), 14, 15(3)(b), and 22(3)(b) of the Constituencies Development Fund Regulations, 2014.

(Hon. Cheptumo on 15.7.2014)

(Resumption of Debate interrupted on 15.7.2014)

Hon. Speaker: Hon. Members, those who are walking in, please, pay attention. The business listed as Order No.8 requires Question to be put and I proceed to do so.

(Question put and agreed to)

BILL

Second Reading

THE SCRAP METAL BILL

(Hon. A.B. Duale on 1.7.2014)

(Resumption of Debate interrupted on 2.7.2014)

Hon. Speaker: Hon. Members, hon. Peris Tobiko, pay attention! Do not just throat aloud! Hon. Members, again this is to merely put the Question.

(Question put and agreed to)
(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

COMMITTEE OF THE WHOLE HOUSE

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Hon. Speaker: Hon. Members, Order No.10 is supposed to be Committee of the whole House. I have received communication from the Chairperson of the Departmental Committee on Agriculture, Livestock and Co-operatives, relating to various proposed amendments to the Bill. Some of the laws are proposed to be amended. Those amendments or proposals from the Committee came after the Order Paper had been published. It is only fair that the House be seized of recommendations from its own Committee. Therefore, this business is adjourned to tomorrow afternoon.

(Committee of the whole House deferred)

Next Order.

BILL

Second Reading

THE MINING BILL

Hon. A.B. Duale: Thank you, hon. Speaker. I beg to move that the Mining Bill, 2014, be now read a Second Time.

Hon. Speaker, currently, the Mining sector is regulated through the Mining Act, Cap.306, which was enacted in 1940. We are giving the country legislative proposal that will govern the mining sector which was ranked under the Act, Cap. 306 of 1940.

One of the reasons why this legislation or Bill is very important is the need to align the mining law and legislation with the provisions of the new Constitution of 2010. The current law---

(Loud consultations)

Hon. Speaker: Hon. Members, those of you who are withdrawing for whatever reason, please, allow those who are remaining to participate in the debate. This is important. Most of you have not even heard the Leader of Majority Party's opening remarks that this proposal seeks to amend a law that came into force in 1940, as an ordinance. That is important!

Therefore, if you want to withdraw, you can just walk out. Do not disrupt others by making noise. You just withdraw!

Hon. A.B. Duale: Yes, hon. Speaker. I agree with you. Those who want to take Kenya from the laws of 1940 to 2014 should be given a chance to listen and contribute.

Therefore, the current law which is governing the Mining Act, Cap.306 is not in tandem – and I want to repeat – is not in tandem with the current mining industry trends and needs. The needs of this industry, the stakeholders' interests and the trends globally and regionally are not in conformity with the Act of 1940.

Therefore, again, the necessity of this Bill is because we need to enhance transparency in the mining regulations of this industry. The need also comes as a result of the mining codes. We have a number of minerals in our country and in order to have different codes, that responsibility in legislation is being taken care of in this Mining Bill. To align the Bill with the expanded mandate, the responsibilities and the structure of the new Ministry has been created - the Ministry of Mining. Therefore, it has a new expanded mandate, responsibility and structure of a new Ministry. It has been found necessary to have a new law that governs this sector and Ministry.

This Bill is consolidating regulations of all minerals and a number of pieces of legislation into one harmonized and condensed piece of legislation called the Mining Bill. Unlike in the current practice where minerals are regulated in different pieces of legislation; this Bill has condensed the same into one form.

The journey was very tedious and very long and it has taken this country over 20 years since the process of reviewing the current legislation began. In 1992---

Hon. Speaker, if you allow me, the hon. Member for Saboti and the great lady from Baringo should have their discussions in low tones----

Hon. Speaker: Hon. (Dr.) Pukose and the hon. (Ms.) Grace Kiptui, please, consult in low tones. It is not suspicious to consult in low tones. Please, you are hon. Members.

Hon. A.B. Duale: Yes, particularly in the month of *Ramadhan*, you do it in low tones. Prayers!

In 1992, the Mining law was reviewed with the assistance of UNDP and it resulted into a draft Bill.

In 2002 to 2008, under the NARC Government, and with the assistance of the Commonwealth Secretariat, a draft Bill was approved by the Cabinet in 2007. It was submitted to the Attorney-General for publication. But, again, before it arrived in Parliament, the term of that Parliament lapsed before the Bill was tabled in the House.

Between 2011 and 2012, the Bill was harmonized with the Constitution, approved by the Cabinet but, again, for very strange reasons, like the previous Parliament, it never reached the Floor of this House.

In May, 2013, this Bill was given priority by both the Government and Parliament. It was reviewed and eventually passed through the stakeholders. It passed

through the Constitution Implementation Committee, the Law Reform Commission, the National Lands Commission, the State Law Office, the Kenya Chamber of Mines, the Ministry of Mining, the academia, the community representatives and the international natural resource legal experts.

After that, it went to the Cabinet which, again, through the Attorney-General, forwarded it to Parliament.

So, this Parliament has the advantage and the privilege to be the Parliament that is going to give Kenyans a new mining law.

The first provision in the Mining Bill, 2014, is on the ownership of the minerals. The Constitution vests all minerals in the national Government. It is on this premise that the Bill in Clause 8 bestows the national Government with the right of pre-emption of all minerals.

On the administration of this Act, it sets out the general powers of the Cabinet Secretary as the administrator of the mining law. The Cabinet Secretary for Mining has been mandated to declare certain minerals as strategic minerals for national socio-economic development and for national security purposes. For example, all radio-active materials such as uranium minerals will be strategic minerals for our country. This Bill will come to the Third Reading. It is a very voluminous Bill and I am sure Parliament will exercise its mandate to bring the relevant amendments within its powers of legislation.

The Bill establishes two directorates which are necessary for the implementation of this Bill. There will be the Directorate of Mines and the Directorate of Geology. It has set out functions for each directorate, namely, of mines and that of geology, respectively, through the appointment of the directors to head those departments. This appointment will be done through competitive recruitment by the Public Service Commission. In terms of the establishment of the institutions, the Bill contains provisions on various mining institutions and bodies which include, one, the National Mining Corporation as an investment arm of the National Government in monitoring and regulating the mining industry. Two, there is a Minerals and Metals Commodities Exchange institution which is to facilitate the trading in minerals and metal commodities in Kenya and in the region.

There is a clause on the mining rights and here, there are two categories of mining rights, namely, for large scale and for small-scale operations. Again, there is an element in the Bill that is dealing with prospecting licenses which will be initially granted for three years with a possibility of two renewals of two years each. A mining license under this Bill is issued to undertake mining operations of a proven mineral resource. It has an initial term of 25 years. That license will only cover 25 years with a renewable term of 15 years of the remaining mine life, whichever is shorter. You either look at the lifespan of that mine life to decide whether that company will ask for a renewal of 15 years.

Access to land for prospecting and mining and mineral rights on various categories of land require consent or adequate compensation acquisition. In this Bill, it is very clear on private land, where you get the consent from the land owner. There is the element of public land, which is in the purview of the National Land Commission. So, you must get consent from the National Land Commission. There is community land which, again, requires the consent or the legal authority of administering and managing

relevant community land. Then, there are the mining cadastral to ease the management and to enhance the transparency of the mining.

There is the Government participation in large scale mining operations under the Bill. It is given here as the following:-

10 per cent of free carried interest in large scale mineral rights, the local participation through offering for the sale of at least, 20 per cent share holding at a local stock exchange by the large scale operators. The element of environmental protection is also very clearly defined in the Bill. There is the element of the export of minerals and the permits that go with it in terms of export and import permits. Lastly, there is the element of financial provisions which include royalties of the ground rents, withholding fees, the Corporate Income Tax and the dividends from the 10 per cent free carried interest. There is also the capital gains tax to be charged by the Kenya Revenue Authority on transfer of mineral rights. There are fees and royalties to be prescribed by the Cabinet Secretary through regulations.

Part VI of the Bill provides for the mineral agreements. Clause 75 gives the Cabinet Secretary the powers to negotiate mineral agreements and Clause 100 provides for the categories of small scale operations. Part IIX provides for the surrender, suspension and revocation of mineral rights on anyone, either private or public. Part X of the Bill contains the provisions on the service rights, disputes and compensations where they arise. Clause 127 sets out the principles of compensation, while Clause 128 gives general provisions for dispute resolutions. Clause 129 provides for the determination of disputes by the Cabinet Secretary, if the House agrees to that in the Third Reading.

The Bill also provides for dealings in minerals. Clause 132 provides for the disposal of those minerals and Clause 156 provides for the royalties to be paid. Clause 162 provides for the recovery of those royalties if the need arises; royalties fees and other charges. Finally, this Bill contains miscellaneous sections. It also contains sections for repeals, savings and transitional provisions. All those are catered for in this Bill.

This Bill occasions additional expenditure, which shall be provided for through Estimates. So, with the new Constitution of 2010, the Eleventh Parliament and the Ministry of Mining, this country with the many mineral deposits, mainly in the pastoral communities, and with the devolved system of government, this Bill has come at the right time. It is good that it is coming now, so that we can set the stage rolling and put the legal legislative framework in place. If the mineral is in Marsabit, for example, we will see how much of that resource will go to the national Government, to the county government and the people who live in that count, how much will go to the private entities and how much will be left for the other players.

So, part of the reasons why we had conflicts in our country based on resources is lack of a legal framework. For instance, it took long for the companies, the local community and the Government to reach an agreement in the coal mining in Kitui. The same happened with the uranium mining in Kwale.

There are oil deposits in the great county of Turkana and the many other minerals that are found in Homa Bay and many other counties in our country. This Bill, if it is enacted into law, will remove the confusion on the conflicts that are resource-based. From where they sit, the communities will know their share. From where they sit, the National Treasury that will represent the National Government will know its share as a

National Government. The companies prospecting and the private sector players will know their share. This will create a more harmonious relationship between all the stakeholders and, ultimately, grow the economy, create employment and reduce poverty in our country.

With those many remarks, I will ask the Chair of the Committee on Environment and Natural Resources, hon. (Ms) Amina Abdalla, to second.

Hon. Speaker: Hon. (Ms) Abdalla, you have, just for record, a maximum of 20 minutes.

Hon. (Ms.) Abdalla: Thank you hon. Speaker, I beg to second this Bill. As the hon. Leader of Majority Party and Mover of this Bill has stated, this Bill has been long coming. It is trying to replace a legislation that was made in 1940 that is certainly not in tandem with our current Constitution and the situation that we are now in. I want to take this opportunity to really thank the House for allowing us to get the expertise that we required to review this Bill, including our partners Sunny Kenya who gave us a lot of input. After consultation with stakeholders who gave us a lot of input, we will be moving a lot of amendments to this Bill and maybe I would just take this opportunity to highlight the areas of concern for Members of the Public that our Committee has taken into consideration. The views from the Members of the Public mainly with regard to the high discretionary powers given to the Minister for Mining in regard to powers on establishing which persons can be granted, denied or revoked Mineral right licenses. To cure these discretionary powers, as a committee, we will be proposing the establishment of a Mining Rights Board, because we believe in the spirit of good governance. A Minister is responsible for policy direction, and he needs assistance on matters regulation. Though he will be the signatory to the mining right provided, he will get assistance on the review of the same, from a Mining Rights Board so that we address the fears of investors and players in this sector, that we were vesting too much power on an individual.

In fact for some of us, like myself, it is my view that, if we retain the discretionary powers in the current Bill, we would just be replacing the word Cabinet Secretary with the powers that were previously vested.

Hon. Speaker: There is a point of order.

Hon. Aburi: On a point of order, Bw. Spika. Ningeuliza, sijui CORD wameenda wapi siku ya leo. Ama wana collect zile signatures za referendum? Kwa sababu ukiangalia, wote wametoroka siku ya leo! Inaonekana hii Nyumba ina mambo!

(Laughter)

Lazima tuwe tunaelewana katika nyumba hii---

Hon. Members: Wewe sio CORD?

Hon. Aburi: Nani CORD? Niko CORD lakini niko CORD ambaye inaelewa inafanya nini katika nchi yetu ya Kenya. Na ndivyo nasema ya kwamba nyinyi mwasema kwamba Serikali haifanyi kazi---

Hon. Speaker: You are out of order! Hon. (Ms) Abdalla.

(Applause)

Hon. (Ms.) Abdalla: With that commercial break let me continue.

Hon. Speaker: Hon. Ng'ongo, what is it?

Hon. Ng'ongo: Hon. Speaker, from the way hon. Aburi has spoken, he is clearly indicating that he is not a Member of CORD. Could we take that as official so that as CORD Coalition, we can take action on a Member who is becoming rogue? This is a serious matter. He needs to know---

(Applause)

Hon. Speaker: Hon. Members! Hon. Ng'ongo! You are perfectly in order to raise the issue but, of course, if you look at Article 103 of the Constitution, read together with Section 14(4) of the Political Parties Act, this will not be determined by way of a point of order. But, of course, parties are at liberty to take advantage of the free information and knowledge from time to time from the Chair of these provisions. Proceed, hon. (Ms) Abdalla please.

Hon. (Ms.) Abdalla: Hon. Speaker, I was saying that with the discretionary powers that we have given the Cabinet Secretary in this Bill, if we do not curtail them, we would mainly be replacing the word Commissioner of Mines with Cabinet Secretary in the current law. So, I hope Members will bear with us and support the Committees assertion that for purposes of transparency and accountability, we should set up a mineral rights board that would help the Minister review these Bills. Another major issue in this Bill is the fact that, in case of a dispute, we were looking to have an *ad hoc* tribunal. We would be changing that to a permanent one so that individuals there would have some sort of security of tenure in the period they are in so that they are able to dispense their duties more freely. I want to acknowledge the contribution made to us as a Committee by the Kenya African Miners Association who highlighted to us the problems facing the indigenous miners who are small scale. For that reason, we would be proposing a whole new Section regarding the management of artisanal miners so that whereas big miners for example in Taita Taveta would be having licenses and our small artisanal miners would be deemed to be illegal, if we pass this Bill with the amendments that we are proposing, our artisanal miners will have a system of getting themselves regulated and having a permit for the activity and in the process, provide support for their growth. We are proposing to this House in the Third Reading that the artisanal miners are able to get permits and the Government to provide them with support to transform them into co-operatives and give them support in health and environmental training so that they do not get problems when they are doing their jobs. There has been a lot of talk about the issue of having mineral agreements. The first time I encountered the word mineral agreement, I thought it was for general purpose. But because it is not for general purposes, I would want to tell the Members that mineral agreements are an exempt from the standard. So, if the royalty rate for a particular mineral is 10 per cent and that investment by that particular investor is above a certain amount, then the Government should bring to this House an agreement that they have had with the investor showing the move from the norm. Like if they decide you have invested a lot and we want to reduce the royalty rates that are in the mineral agreement, we hope that will be brought to this House. We feel that if we do not put a high threshold for that, any miner who walks into Kenya would

want to have a mineral agreement discussion with Treasury and the Ministry of Mining, if we do not put a cap. So, as a Committee, we intend to propose that, only an investor who brings an investment worth USD500million and above should be allowed to have a mineral agreement, so that small players are not going to have time spent by Parliament reviewing an agreement for something that is not worth the time of this House. We will be proposing that that figure of US\$500 million be included

Hon. Speaker, the other contentious issue that actually bogged our Committee down for very long was the issue of revenue sharing. This Bill did not mention the issue of revenue sharing. However, after consultations with both the Cabinet Secretary and players in the sector, it was found to be important for mining companies to buy social licences to be able to work within communities and have counties not impose unnecessary cess and other levies on those companies. To make the investor environment positive, we will be reinstating the royalty regime back to this Bill with your support.

Hon. Speaker, the question of social licences is very important. However, we think that in this sector, as a beginning, we want to move away from social licences being bought with corporate social responsibility. We have included an amendment in this Bill that any investor must have a community development plan. It is not enough for an investor to put up three classrooms in an area without appreciating that without teachers and providing a more sustaining source of training, the rest the school will not necessarily be a school.

So, with investment from Parliament, my Committee has visited northern Tanzania and seen some of the community development activities that are being done that are not CSR which are photo sessions and we need to go beyond that. We need to look at the sustainability of the investments that those investors are ploughing into the community.

In addition to revenue sharing between counties, the national Government and communities, we will be demanding a community development plan from the investors for purposes of ensuring that we are able to get the best for our communities.

Hon. Speaker, the other issue that I want to highlight was on the fact of local equity participation in those companies. On some of our neighbouring and other African counties where local community participation is meant to have directors who are indigenous in those companies, we feel that, that is not sufficient. We agree to some extent with the proposal by the Mover regarding the fact that local equity participation should be open to more Kenyans. It was essential that after four years of operation, every large investor should be in the stock exchange. However, the experience we got by visiting other countries show us that although it is the best mode to include the citizenry in investing in that establishment, some of it is not viable. So, we have options of extension and looking at other means of attracting local or indigenous Kenyans to invest in mining. We ask them to look at the section on local equity participation to expand it from just the stock exchange to giving options of whether counties or the Government wants to invest.

In that regard, this Bill gives our country 10 per cent free carrier meaning that in every investment in the sector, the Government of Kenya or the Republic of Kenya will own 10 per cent automatically.

Hon. Speaker, in recognizing that some of these investments are very strategic, we have opened a window to the effect that, if our Government chooses to invest in the mining sector beyond the 10 per cent, it will be able to do so. However, because we want to ensure that the environment is fair to investors, they will be doing so at an arm-length approach so that they pay market value for whatever they want after the 10 per cent. We hope that we will be able to convince Members so that we are able to get to that point.

We have been able to deal with something that was not in the Bill. We hope that Members will allow us to state categorically that no investor will be allowed to start any activity if they have not compensated the owners, be it private land, public land or community land, so that we do not have many cases that require arbitration between an investor and land owners.

The involvement of the National Land Commission has also been mainstreamed so that we are able to ensure that compensation is done. It will not only be done in a fair manner, but also the environment and other costs that communities will have incurred would have been dealt with.

In addition to ensuring that compensation happens before investment begins, we are proposing that for communities that want to pursue the option of a resettlement plan to be taken to another piece of land, it should get that through the Bill.

This Bill also proposes the establishment of the National Mining Corporation which will be the investment arm of our country in the mining sector. We will try to strengthen it so that we do not follow the path of other investment vehicles that the Government has had in the past; that we have had to privatize. So, we will look forward to hearing from you on any other issues on how we can strengthen that corporation.

Hon. Speaker, the other issue that is of concern to us and we had talked a lot about it is the issue of royalties. Once royalties reach the national Government, the county government or the community, how do we safeguard that, so that we do not become like other African countries that royalties mean changing the furniture in the office of the governor and incurring recurrent costs?

We are still grappling with how we can limit the revenues from mining so that we are able to invest for future generations. I want to quote the former President, Jomo Kenyatta who said that at least, mining is not like water that you need to invest every year. The problem with mining is that if you leave it there, you will find it there for future generations. However, once you take it out, it will not be there for future generations. So, if this generation is getting it out, how are we investing that money to ensure that future generations enjoy something that they will not find? That is because we will have already taken it?

The other issue that we have tried to deal with is becoming too wordy and giving too many instructions on what a Government should do. For example, the Bill stipulates very many steps to be followed before a Minister can declare a mineral strategic. That is not how a government should work. We should not be tying the hands of a duly elected Government; that it should follow long procedures on how to declare a mineral strategic. If today we decide that sand is a strategic mineral, so be it because the Government has reviewed that and we do not have to give rules and regulations on how to do this.

Hon. Speaker, having talked about the issues that we will be reviewing in this Bill, I just want to say that when we are doing a technical Bill such as this, the fact that

we need internal expertise and capacity to help us is very important. All stakeholders come with their interests first. I want to give an example that made us get an expert who is not in the sector to enlighten us.

There is a very big editorial mistake in this Bill. That is where it says that the size of a block is one to one hundred and fifty thousand, whereas the players in the sector had comments ranging to 200 amendments to this Bill. Nobody said anything about that discrepancy; a discrepancy that would have increased the sizes of the blocks owned by mineral rights owners by over one hundred and fifty times.

As Parliament, we really have to invest for capacity in all these sectors so that we do not get input from people who are experts, but have interests that are not necessarily the interests that will help our country.

So, hon. Speaker, having said most of those things, my Committee Members – and I have actually spent a considerable amount of time on this Bill - I am sure, they would want to say something. I just want to mention the final thing. In this Bill, under Clause 3, hydro-carbons and petroleum have been exempted from this Bill. That means that petroleum is going to be in the Energy Bill. But in the schedule, shell gas and coal are all there. So, I would urge that we propose to the Executive that they amend Circular No.2 that appointed the Cabinet to ensure that mining is in the Ministry of Mining. That is because it is a mining operation and until it becomes coal for energy, it is when it becomes an energy issue.

So, we need to be very clear on that issue so that we are able to stop turf wars that may exist. I am saying this because one of the observations of the consultant who worked with us was that the geologists who were experts in mining coal are between the Ministry of Energy and the Mining Ministry. The problem is that most of them want a bigger place for growth and so, they prefer going to the Ministry of Energy. Yet, the Ministry of Mining requires their input in situations where he or she is giving licences. Therefore, it is a recommendation that we need to give to the Executive if they want this sector to be better managed.

With those many remarks, I beg to second.

(Question proposed)

(Hon. Wamalwa stood up in his place)

Hon. Speaker: Hon. Wamalwa, remember there is order of precedence. Look at your Standing Order No.97. The Leader of the Minority Party takes precedence over you. You are a Whip, yes, but he takes precedence over you. It is not my design. It is the way it was done. It is only the Leader of the Minority Party recognized in Article 108 of the Constitution of the National Assembly and nowhere else.

Hon. Nyenze: This is a very intelligent Speaker!

Hon. Speaker, thank you for giving me a chance to contribute to this very important Mining Bill, Bill No.9 of 2014. I support this Bill subject to the inclusion of several amendments because I feel there are grey areas that should be addressed. I would say that it has come at the right time when Kenya has discovered hydro-carbons, oil in Turkana and Isiolo, gas in Lamu and Turkana, coal in Kitui, iron ore in Taita Taveta,

limestone in Kitui South where hon. (Ms.) Nyamai comes from and so many places. So, Kenya has become a hotspot for mineral exploration because as the trends have shown, Africa contains more hydro-carbons than the Middle East. It is only that it had not been discovered before. But all the attention globally is focused in Africa and especially East Africa where Kenya and Uganda have discovered oil and Tanzania has discovered gas in large quantities.

What this means is that we can, with the right legislation, transform our economy to the middle income status within a short time, so long as those minerals are exploited for the benefit of the common man and the wealth is equitably distributed amongst the people. I want to say that a mining company called CORTEC some time told us that the rare earths that were discovered in Mrima Hills were worth US\$100 billion. If this is true, it can transform this country. From what we have learnt from the little that we get from Tullow Oil, for every well they sink in the Turkana basin, they always strike oil with depths of over 100 meters. That is a lot of oil! Without saying much, we are lucky. Those areas that used to be called low or marginal areas of very low economic potential are the ones that those resources have been found. There is Lower Eastern, Ukambani, North Eastern, Turkana and even in Maasai land where most of the sand that we use to construct houses in urban centers come from. So, those areas where minerals have been discovered have been termed marginalized before. What I would like to urge hon. Members to do is to accept that they were supported by tea and coffee growers from Mt. Kenya and other areas. So, whenever those minerals are found, let those communities not feel that it is their commodity. That is because we used to get services from the shared resources that we had.

There are several things that should be done at this point so that this Bill helps people; especially in the area of benefits-sharing. I can say without fear of contradiction that the Bill, as it is, gives the Cabinet Secretary so much power to issue and cancel licences and introduce controls. That gives room for corruption. This Bill should seek to curtail the powers of the Cabinet Secretary and share this power through the devolved governments, so that there is equity and fair distribution of those resources.

For this country, there was prophecy for those who read the Bible and who are born-again Christians, that this country---

An hon. Member: Even the Quran!

Hon. Nyenze: Yes! Even those who read the Quran because it says so! There is a prophecy that Kenya is endowed with so many minerals, but it is only that they have not been discovered. So, we will be a very powerful country so long as we are united; so long as we avoid corruption and so long as the benefits from the extraction of those minerals will be used to develop this country.

Hon. Speaker, the Bill must ensure that there is transparent exploitation of those resources that will benefit the people from where they are found. This idea of 10 per cent benefit for counties and the governments where minerals are found is too low. In the Middle East, hydro-carbons were discovered in the 1930s and 1940s. But they were exploited by the West for many years until they nationalized them. They said no to it even if they did not have technology, it was their minerals and they were not going to be exploited. Today, we should not sit contentedly that 10 per cent is so much. It should be 50 per cent. Come and invest and if you do not get 50 per cent, leave our minerals alone.

We will exploit them when we gain that technology. But we should not give away our minerals. This is a finite resource. It is something that when we extract, it is gone! Unless you get the most benefit out of it, it is gone!

I do not want to talk about the Mining Bill, 2014, because the powers of the Cabinet Secretary--- I will say this because in Kitui County where I come from, we have discovered a lot of coal, limestone and iron ore. Those are resources that can support the manufacturing and steel industry. We can produce coal, limestone and cement for over 100 years. We read from the newspapers that the richest man in Africa, Dangote of Nigeria, is coming to invest in Kitui; he is coming to build a cement factory. The local leaders in Kitui, who are here and even those who sit in the Committee in charge of minerals like Major Muluvi, are not aware of this. The stakeholders are not involved. We do not want people to cut deals with foreigners to come and mine our minerals. We will resist that.

Hon. Speaker, you will be surprised to learn that even after the discovery of coal some unscrupulous people have made foreign trips to China – some of them are Members of Parliament. They have gone there to look for kickbacks and not investors. We will tell our people to resist this because it is corruption of the highest order. We will not allow mining to take place so long as this Bill does not provide---

Hon. Njagagua: On a point of order, hon. Speaker. With a lot of respect, the hon. Member is insinuating ill motive on Members of Parliament; he is saying that Members are corrupt, and that they go to China to look for kickbacks. Could he, please, substantiate that claim? He could, maybe, name those Members who have been going to China to solicit for bribes.

Hon. Nyenze: Hon. Speaker, I apologize and withdraw.

Hon. Speaker: That is wise.

(Laughter)

Hon. Nassir: On a point of clarification, hon. Speaker. I just want a clarification from the Leader of the Minority Party. He says that there is a biblical prophecy that Kenya is going to be endowed with a lot of minerals, and that this is also in the Quran. Perhaps, he could enlighten us more on that. I have never heard of any priest or Imam quoting any verse in the Bible or Quran about the same.

Hon. Speaker: Leader of the Minority Party, Members want to know which verses in the Quran and the Bible state that the Kenya is blessed with abundance of minerals.

Hon. Nyenze: Hon. Speaker, being a son of a bishop I pray and this prophecy is there. Ethiopia is called “the land of Cush” both in the Bible and the Quran. So, the land south of Cush is Kenya. This is where present Kenya is.

(Laughter)

It is true. It is biblical and true. Those who read the Bible like hon. (Dr.) Pukose know that it is true. Mr. Nassir is the son of my former friend, hon. Shariff Nassir. After this I will tell him which parts of the Quran state what I have just said.

Hon. Speaker: Hon. Members, I can see several interventions. Hon. Rachel Nyamai, what is your point of order?

Hon. Nyamai: On a point of clarification, hon. Speaker. I would like to seek clarification.

Hon. Speaker: A clarification? From whom are you seeking clarification?

Hon. Nyamai: Hon. Speaker, I would like to seek guidance from you on the matter raised by hon. Nyenze. He said with a lot of confidence that there are individuals who might have travelled with regard to this. The question is: Should he withdraw or should it just---

Hon. Members: He withdrew!

Hon. Speaker: Our rules are that once it is withdrawn it is no longer active and alive.

Hon. Nyenze: Hon. Speaker, Norway discovered oil in the North Sea. They had a very good Act of Parliament on how they would share the resource and how they would invest the money. Today, Norway has a very high per capita income. People are rich in Norway. They have a big fund in that country to cater for future generations. However, in African countries, say Nigeria, there are fights over these resources. In some other places we want to avoid the curse brought about by these resources. Unless this matter is addressed through proper legislation--- Now that oil has been discovered in Turkana, you will hear people say that they want to secede because they will feel they do not get their fair share.

There are good national laws and also mining laws. Let us, therefore, put in place a mechanism for putting money obtained from the mining sector in a kind of an endowment fund and it will not be touched, so that we do not kill agriculture and manufacturing. Such money could be used by the later generations.

[The Speaker (Hon. Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. (Ms.) Shebesh) took the Chair]*

This is a very good Bill and I support it. People in the former lower Eastern Province have been complaining about the Kibwezi-Kitui-Mwingi-Maua-Ethiopia Road. It passes through where the coal, limestone, and iron ore have been discovered. I want the Jubilee Government to listen to this: Tarmack this road as quickly as possible, so that the Government can exploit those minerals. You cannot exploit minerals using earth roads. We call it corporate responsibility; where you get resources from put money back there. Now that mining is about to start, the biggest single request that the people of lower eastern are making is: Let the Kibwezi-Kitui-Mwingi-Maua-Ethiopia Road be tarmacked, so that we exploit these minerals.

Lastly, I read---

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): Hon. Nyenze, do you wish to get information from hon. Amina Abdalla?

Hon. Nyenze: Yes, please. Amina is my friend.

Hon. (Ms.) Abdalla: The hon. Member has talked about Norway and also about investing for purposes of increasing our per capita income, I would like to inform him that, that bit was in a previous draft of this Bill, but the Treasury will be bringing a Bill called the “Sovereign Fund Bill” that will get mining and petroleum together. On a lighter note, the road that he wants tarmacked now--- Why did he not do it when he was Minister for---

(Laughter)

Hon. Nyenze: You know Amina was my friend, but she has changed.

(Laughter)

You see, when I was a Minister those times there would be a single-file order. It would either be done or not done. This time round it can be tarmacked. Perhaps, it is because at that time resources had not been discovered. Today, Kitui could easily be the richest country, and so that road needs to be tarmacked.

Japan does not have minerals yet it has the third largest economy. It is a country that may not produce anything, but it depends on its people. Japan imports minerals from other countries and then they make cars. For those who do not know, Japan is the manufacturer of Toyota, Nissan, Isuzu, Mazda and other cars. Today Japan’s Toyota is the biggest car maker in the world. Two weeks ago it overtook General Motors (GM). This is because they use steel and we are the producers of steel. We have plenty of iron ore in Kibushe in Taita Taveta, Kitui and Kilifi. Let us also learn from Japan and develop our steel industry, because we have a big foundry here that does not perform.

Hon. Temporary Deputy Speaker, lastly, Kenya will grow its economy through manufacturing. If we export our raw minerals without value addition we will not get anywhere. However, if we add value by manufacturing steel we will go far. Instead of inviting foreigners to come and put up shop here let us have cement factories owned by Kenyans and not by these foreign companies. There are people who have resources. Let us use our resources to develop our minerals and we will grow this economy. Let us not always rely on foreign investors. Let us take advantage of the minerals we have. Let us have favourable laws and amend this Mining Bill to avoid corruption by sealing all loopholes.

Hon. Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you, hon. Temporary Deputy Speaker for giving me this much-awaited opportunity to support this Bill. I must say I was not expecting to be called upon so soon, but it is okay all the same.

Hon. Temporary Deputy Speaker, on the Mining Bill, since 1940 a total of around 74 years have gone by. In the past 74 years our country been “vandalized” by people who have come to take away minerals. So, in view of that this Bill has come at a very opportune time, because each one of our citizens in this country deserves what belongs to Kenya.

Hon. Temporary Deputy Speaker, I would like as many hon. Members as possible to support this Bill. As hon. Nyenze has said, there are a few grey areas; I would like to persuade him to come and sit in the Departmental Committee on Environmental and Natural Resources, so that he can contribute as much as he wants so as to convince us regarding his view of the future.

Hon. Temporary Deputy Speaker, I would like to congratulate our Committee Chairperson, hon. Amina Abdalla, for taking our Committee forward very quickly on this Mining Bill; I thank everybody who has contributed to it.

Hon. Temporary Deputy Speaker, this particular Bill has brought in the issue of royalties for all those people who live in mineral rich areas. I appreciate that some people might say it is not enough. However, it is always never enough. At least we will start from somewhere and the future will be there for us to discuss how much the royalties should be.

Hon. Temporary Deputy Speaker, this Bill also seeks to save Kenya from falling into pitfalls that other countries in Africa, and, indeed, the world, have fallen into, as a result of discovering many minerals. By this I mean they have faced environmental degradation and political, economic and social instability of every kind. This Bill ideally has brought up a situation which is going to result in some sort of sanity in this particular sector.

Hon. Temporary Deputy Speaker, I would also like to say that mining is going to be done after rehabilitation of our land. That is very important and is what this Bill provides; more importantly this Bill is in line with Vision 2030. It provides the legal framework that is going to take care of investors and local beneficiaries of this lucrative sector.

Hon. Temporary Deputy Speaker, very many years ago I heard a very old man talking to a very senior Minister about the mining sector; the old man told this Minister not to forget the stomachs of the poor people. Unfortunately at that point in time the stomach of the poor person was forgotten. Well, this Bill brings hope to people who legally own land. It is their hereditary land. This is where they live. This is where they belong and the land belongs to them.

Hon. Temporary Deputy Speaker, I hail this Mining Bill and I would like all hon. Members to join us in supporting it.

Thank you very much for giving me this chance.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Chris Wamalwa.

Hon. Wakhungu: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. First, I want to thank the Committee for the work well done. Indeed, this is a commendable job Madam Amina; the Bible says in Matthew Chapter 7, verse 20 that a good tree is actually known by its fruits. The fruits we are seeing, indeed, show that the work that the Committee has done is wonderful.

Hon. Temporary Deputy Speaker, this legislation is outdated because it was first enacted in 1940. This Mining Bill is long overdue. Currently, we have a Ministry of Mining, which was created by Presidential circular and there is no way that Ministry can operate optimally without a Bill like this Mining Bill.

Hon. Temporary Deputy Speaker in 1940 the circumstances were totally different. We did not even know how many minerals we had in this country. At that time issues

were ignorance, poverty and disease; currently we have the problem of unemployment. Once such a Bill comes into place there is no doubt that it is going to create employment and we are going to have improvement of the Gross Domestic Product (GDP) of this country.

Hon. Temporary Deputy Speaker, something impressive about this is declaration of ownership; it is, indeed, very good to note that the national Government is going to be the owner. We have seen in other jurisdictions, where minerals have been discovered, they led to civil wars. Regions which are gaining from this are like Kitui, Kwale and Turkana, which formerly were known to be marginalized. Other regions survived because of good climate; examples are Mount Kenya region, Trans Nzoia County and western region.

So, when ownership is by the National Government we are assured that when first people are become the last, at least the income that is going to be generated the host regions are going to get a share of this income and this is going to eliminate the conflicts in future.

Hon. Temporary Deputy Speaker, with the new Constitution, which talks of more devolution, I am happy to note what hon. Amina said in terms of the social licences. The element of corporate social responsibility is negligible. Last week I was in Mombasa, specifically at the Kenya Ports Authority (KPA). We went to do some audit as the Public Investments Committee (PIC). If you look at the returns this organisation is getting they are so much, but when you ask about their social corporate responsibility the amount of money we were given is, indeed, insignificant or negligible. So, with issue of social licence in place, and ensuring that there is sustainable development of the community, it is, indeed, going to add a lot of value.

Hon. Temporary Deputy Speaker, we have had a lot of licences being given to brokers. Some people are given licences but they do not have the capacity and competence. Instead they go and look for others outside there to do brokerage. My Leader of Minority Party talked about CORTEC. He told us that there is a possibility of getting Kshs100 billion, but when you ask how much they were paid when it came to licensing, the amount was, indeed, negligible. So, the proposal of the Kshs500 million, if I got hon. Amina right--- Indeed, that is a good amount of money; we are only going to have people who are serious, and who have the competence. They are going to do full exploitation, so that we are going to gain optimally from those resources.

However, my colleague mentioned that they are going to get licences for 25 years. I am a bit worried about the 25 years. I find that to be a very long period. We have seen many people who got licences and took very long to achieve their targets. If the period was shortened to 15 years, it would be reasonable enough. If, indeed, they have sufficient grounds to support the 25-year period, then we have no problem. We need to be given a progress report in terms of performance, maybe after every five years. If we see that somebody has exploited the full potential, that will justify renewal of the licence. The period of 15 years needs to be reviewed with a view to finding ways of moving ahead smoothly.

Hon. Temporary Deputy Speaker, I have looked at this Bill and seen the proposal to create the National Mining Corporation. We know very well that the Jubilee Government has been moving towards merging of state corporations. We have the

problem of containing the public wage bill. We want parastatals which can manage themselves in terms of the financial capability. Such parastatals will not need to go back to their mother Ministries for funding. It is a good idea to have the proposed corporation in place, but it must justify its existence.

The idea of the board is, indeed, very good. She has also mentioned the mechanism for dispute resolution. In many other cases, we have had problems. We have seen the Kenya Wildlife Service (KWS) having problems with compensation. In the process of undertaking mining, we will have the element of pollution. We are likely to have many people disposed to cases of cancer, as we have seen in many other areas. With such a mechanism in place, we will eventually have an harmonised approach in giving compensation.

Hon. Temporary Deputy Speaker, another point I would like to mention relates to the Commissioner of Mining. We have been having that office. Last time we had lots of cases of corruption when it came to licensing. Hon. Amina mentioned that it will replace the Cabinet Secretary, if I got her right. My concern is that we should not put too much power into the hands of the Cabinet Secretary. That is my humble request. Since we have proposed many amendments, my humble request is that she looks at it favourably to ensure that we do not put too much power into the hands of the Cabinet Secretary because they are likely to abuse those powers. We want powers distributed. We do not want to give individuals too much power in terms of control.

Another thing that the Chair mentioned, which was very critical---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Wamalwa, do you want information from the Member for South Imenti?

Hon. Wakhungu: Hon. Temporary Deputy Speaker, I will get information but let me just prosecute this point.

The issue of petroleum hydrocarbons is something people are excited about. The hydrocarbons are the main elements or compounds when it comes to oil. Initially I was very excited. I thought that the Mining Bill would touch on the issue of hydrocarbons but the Chair mentioned that it is not going to be there. We are likely to have conflict. I know that the Chair of the Energy Committee wants it to be on their side. We must have clear a separation, so that we do not have conflicts between the Ministry responsible for mining and that responsible for energy. It would have been very nice if we had a harmonised the approach because this is continuous process. We cannot tell where it is going to end and where it is going to start.

Before I move on, can I have the information, please?

Hon. Murungi: On a point of information, hon. Temporary Deputy Speaker. I would like to inform hon. Wamalwa that our Committee Chair clarified eloquently that amendments that she will propose relate to removal of the said powers from the Cabinet Secretary to the Mineral Rights Board, because the Commissioner of Mines was initially in charge of licensing. In this Bill, that function has been transferred to the Cabinet Secretary. Once the amendment is passed, the Mineral Rights Board will be able to take care of the licensing function.

I hope that hon. Wamalwa is now well informed.

Thank you.

Hon. Wakhungu: Hon. Temporary Deputy Speaker, that is, indeed, wonderful information. It is for hon. Amina to know that what is between my ears is able to comprehend even multi-tasking. I heard her very well. She said: “The many powers that we thought would be with the Cabinet Secretary have now been brought back, which is actually good in terms of accountability.” This is just to confirm, so that she knows that I was very alert.

Hon. Temporary Deputy Speaker, this Bill is very important. I want to urge all the hon. Members to support it in a big way; it will help us to achieve Vision 2030. We have unemployment, corruption and tribalism. Even the wage bill has gone up. With the enactment of Bills like this one, we are going to have full exploitation of our mineral resources, which will help us to improve the GDP of this country.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shabesh): Yes, hon. ole Kenta!

Hon. ole Kenta: Hon. Temporary Deputy Speaker, I would like to, first of all, laud my Chair for the good job that she has done of presenting to this House what we have done as a Committee. Kenya is actually entering a new phase as far mineral exploration and exploitation is concerned. As the Chair said, the Act that is in place currently is an old colonial relic of 1940. What we are wishing Kenya is that discovery of oil and other minerals will not be a curse, but a blessing. We do not want another Niger Delta situation in Kenya. The only way we can succeed in that regard is to ensure that the communities on whose land minerals are discovered benefit. We have gone to the extent of taking care of that aspect in this Bill by ensuring that the national Government, as the owner of the minerals, will take the lion’s share of the resources, and that the county governments – especially the communities – will also get their share. This will make it easier for those extracting the minerals to operate areas with minerals.

Another important thing is that communities should be involved in all aspects. I would like to mention the fact that some years ago, some of the areas were marginalized, but all of a sudden, because oil has been discovered, since Turkana County is part of Kenya, everybody runs there and takes land from the people. Before oil was discovered, the Turkana were non-entities. They were only known for suffering.

There is fear that some communities will take everything. I would like to assure the House that, that is not the intention of our Committee. Our Committee wants to ensure that everybody benefits because we know what the central region and Nairobi County did to us. We are not going to forget; we are also saying that having been marginalised for all those years, it is time we caught up with the rest of Kenya.

Hon. Temporary Deputy Speaker, we have also looked at the ordinary Kenyan minor, because the current Act actually criminalises possession of any mineral by any indigenous Kenyan. So, we want to ensure that there is what we call “external minors”, who will actually benefit from the local levels. This will ensure that communities also establish committees to ensure that this thing is streamlined to ensure that there will be no crooked middlemen to take resources from the people.

When it comes to agreements, most of the big companies bring into the country billions of US dollars. The dangerous thing is that they do so without any binding agreements for the benefits of Kenya. What we intend to do is to ensure that Parliament, as the representative of the people, is involved in this, so that the Cabinet Secretary does

not do things that will be dangerous to this country, like what has happened in some areas. Parliament, as the representative of Kenyans, must be involved in agreements. We must ratify them and ensure that they will be for the benefit of the people. We are the ones who represent the people, not anybody else.

When it comes to personnel, it is important that our people are trained, so that they can eventually take over from the foreigners. As it is now, foreign minors import machinery, labour and everything else used in the extraction process and then export all the output of all the labour. We are saying that our people must be trained. There is a timeframe for Kenyans to take over jobs they are not qualified for at the moment. We mentioned about the powers of the Cabinet Secretary. We know of course that these resources belong to the national government; however, we have said it is dangerous to put all the powers in the hands of one person. We have seen some licenses cancelled unceremoniously and many other things happening; we are saying it will not happen again in Kenya. There must be a responsible board; that is why there will be a Minerals Rights Board. It will actually have a chairman appointed by the President and other officers who will be able and capable.

There must also be a tribunal because there are bound to be disputes which will be monumental, because they may involve international companies and others. So, there must be a standing tribunal, even if it will be part of the High Court, that will take care of this, so that our people are not exploited and are able to access justice at all levels and times. Parliament must actually realize that it is their job to ensure that, that tribunal is set up.

Investments must be respected, but we cannot have investors in circumstances, or an environment, that do not assure them of their security and that of their investments. So, I am telling all Kenyans that we have to attract investors, because of the minerals which are underground and have been there for centuries; they cannot benefit us unless they are mined. If we do not have the capacity, then we are going to involve international organizations and companies. Unless there is peace and security in this country, then we should forget investments. We must also create an enabling environment for these companies to operate in.

I do not want to take much time, because the Chair actually crystallized what the committee has done; all that I am requesting this House is to let us look at this Bill very critically, because it will either build this country or destroy it the moment there is no equity or when these resources go to the pockets of individuals. You know, of course, Kenya has got very many crooks who grab everything; what happened in Turkana is very disturbing. Somebody just goes for community land which does not have a title deed, claims blocks and blocks of it and sells it for millions. The worst part is that the so called leader and the local people do not even know what is happening on the ground; the land has ceased to belong to them. This Bill must protect our people, bring us prosperity and ensure that there is no suffering.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Chachu Ganya.

Hon. Ganya: Thank you, hon. Temporary Deputy Speaker for this opportunity. On the outset, I do support the Mining Bill No.9 of 2014. This is a very timely Bill; it has come to this House at the right time. Our Constitution is no longer new; it is four

years old; there are a lot of opportunities and rights that are given to different players in this country, whether they are in the national Government, county government or host communities. Let us develop the mineral resources available within our counties as much as possible to generate the much needed revenues for our national Government.

This Bill tries to codify so many laws and regulations that have been regulating the mining sector in this country; it repeals the archaic law of 1940s when Kenya was a colony of Her Majesty's Government.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, when I am seated there I am "Temporary Deputy Chairlady", when I sit here I am "Temporary Deputy Speaker".

Hon. Ganya: Hon. Temporary Deputy Speaker, I stand guided.

The Bill clearly states that mineral rights in this country belong to the national Government; this is very clear and is stated in our Constitution as well. Also the same law does consider equity in sharing of resources between different levels of government as well as communities; this is clearly stated and provided for within this new Bill.

One major flaw in this Bill is too much powers; we are trying to invest in an individual in the name of Cabinet Secretary. It is not healthy for any nation; it is open to abuse and corruption; it really enhances bad practices in this country. It is not good for the governance of any nation. It is not different from what we have in the existing law, where we have the Licensing Bureau basically doing what, in this Bill, a CS is supposed to do.

We were informed by good practices all over the world, and got good advice from consultants. I really want to appreciate my Chair for really thinking it wise for us to get consultants who have served in many parts of Africa, and were able to really to inform this committee in terms of what is good practice in any nation. In the light of that, we are moving away from an individual to an institution that we are calling "Mineral Rights Board". This body will comprise of many Kenyans of integrity and stakeholders, who are active in this sector; it will be involved in regulating the mining sector in Kenya.

This is the right thing to do as I said we are informed by good practices in Tanzania, Ghana, Botswana and many other countries where minerals are exploited for the benefit of their citizens. The revenue sharing regime that we are going to propose, as a committee, will ensure that most of the funds will go to the national Government; but the county will have its share as well as the host entity. It will be debated by this House, but we do feel that there should be some equity in terms of sharing the revenues generated from mineral resources in Kenya.

As our Chair did clearly state, we are trying to move away from issues of corporate social responsibility, where peanuts are given to communities to enable companies to get the mining licenses and also social licenses. They come up with community development plans, which ensure that they invest resources that are commensurate with the kind of revenues they are going to generate from those counties or host communities. In this regard, we do hope the investors, guided by this law, will invest and ensure that communities in areas with minerals will benefit in a tangible way and not by giving them peanuts in the name of discharging corporate social responsibility.

We should also provide safeguards for large scale miners in this country, and ensure that the necessary services that they need in terms of capital, training, capacity building are provided to them, so that they can participate effectively in this sector. We do hope they will organize themselves and form umbrella bodies, so that they can be represented in the different institutions that we are creating in this Bill to ensure that they also do benefit from this sector.

The National Mining Corporation will be an investment arm of our country. This is again informed by good precedent in other parts of the world. Countries with mineral resources actually do have state corporations, which serve as investment arms for those countries; they are able to generate wealth for those nations and create employment for their citizens; in this way they enable the mineral resource to really serve a country.

I do not think it will be in order for us to basically call in corporations from China or elsewhere in the world without building our own capacities and providing employment to our people through creation of our own institutions. This is a good practice and we really do hope that this House will support this position.

As I wind up, it is very important for this country to establish and create a sovereign wealth fund, so that these resources we are generating, the wealth we are generating now will be saved to support future generations. This is a good practice in many parts of the world where they have oil, gas or minerals. Some percentage of that money is set aside to support future generations of those nations.

I know that the Jubilee Government did mention a few times that they have that intention. I hope that intention will be a reality. As hon. Members and policy makers, it is upon us to ensure that that is done. Now that Kenya is joining the oil-producing nations of this world--- We have mineral resources in many parts of our counties. The right thing to do for this country is to create and establish sovereign wealth fund for the purpose of supporting our future generations.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us hear from hon. (Eng.) Nicholas Gumbo.

Hon. (Eng.) Gumbo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill. Although from the outset, I must say I am supporting the Bill, at the Committee Stage, I will be proposing a plethora of amendments.

Let me start, of course, by thanking my good friend, hon. (Ms.) Amina Abdalla, for the very eloquent manner she has taken us through the Bill. In my view, this Bill has come at the right time. But as we embark on enacting this law, I think we must see it as an opportunity for us to depart from the comforts of routines that have really slowed down the progress of our country.

As I see it, the biggest problem in our country with regard to exploitation of natural resources has been the very opaque manner in which we have gone about doing it. If there is stark irony in our country today, it is to be found in an area where we are exploiting natural resources. These are the places where you see extreme poverty co-existing side by side with extreme abundance and it does not matter where it is you are looking at; whether it is Macalda in Migori County or Wasugu in Siaya County, Ramba in Rarieda, where I come from, Ikolomani in Kakamega County or Taita Taveta. The

reality is that a lot of times our people, who by right are really the owners of resources, are some of the poorest in this country.

Hon. Temporary Deputy Speaker, what this amounts to is extremely rich a few literally sucking dry the blood of the majority of our people. This is what we must avoid; if this Bill is to achieve anything, we must avoid what we have seen. We have seen in recent times the pictures that are emerging from Migori where underage school going children are exploited by very greedy international merchants. It s the same thing in Taita Taveta, it is the same thing in Bondo and all over the place.

Hon. Temporary Deputy Speaker, I think the other problem we have had, as the people of Kenya, especially the successive governments--- The truth of the matter is that successive governments in our country have been less than transparent in the manner of mapping and exploitation of the natural resources of our country. The other day I attended a conference in Kisumu and I was surprised that it is possible--- Way back 50 years ago, this government knew that Rarieda Constituency, where I come from, might have commercial deposits of Titanium. Why is this information being handled in such an opaque manner?

As the very greedy few have embarked on exploiting our natural resources, what is sad and what you see everywhere is how carelessly they go about it, especially with regard to the wanton destruction of the environment. Here it is not just about the exploitation of minerals, any one of us who has had the opportunity to see where, for instance a new road is being constructed---The carelessness with which road constructors utilize resources in those areas is amazing. An example is the extraction of murram; you see ugly scars all over. You will know that a new road is being constructed in a certain part of Kenya by seeing many ugly scars that will dot the landscape.

Hon. Temporary Deputy Speaker, the law is very clear that once you exploit a resource like murram--- This is an easy to access resource Provisions on restoration of environment exist. I think even as we enact this law, we must ask ourselves, as a country, what is it with Kenya that we seem to have such good laws, but when it comes to enforcing them we seem to have a problem?

I do not want to go back to what has been said by two speakers before me on the powers of the Cabinet Secretary (CS). But, I think the one point that we must at all times be concise about when we come to exploiting natural resources is the proficiency of the supreme law under Article 71. If you get the foundation wrong, because exploiting natural resources is like building a house--- It is clear under the provisions of Article 71 of the Constitution.

Hon. Temporary Deputy Speaker, if you permit me, I will read Article 71 (1) (a). It states:-

“Transaction is subject to ratification of Parliament if it involves the grant of a right and concession by or on behalf of any person, including the National Government to another person for the exploitation of any natural resource of Kenya.”

The operative word there is “any” natural resource of Kenya. I am saying this because of, for instance, the many court battles that have been going on with regard to mineral exploitation. Some of the agreements came into effect after the new Constitution came into force. Then the question must be asked: How come then these agreements were not brought to this House for ratification as required by the supreme law? I think the

foundation is paramount because when we start from that foundation we will put the safeguard for ensuring that indigenous Kenyans, especially those who live around the areas where the resources are being exploited, are empowered to reap maximum benefit from those resources.

It is also by looking at those agreements that we will put in them agreements into deliberate measures against foreign domination.

Hon. Temporary Deputy Speaker, in the last Parliament, I had an opportunity to visit Nigeria as a member of the Energy, Information and Communications Committee. We visited Nigeria and Ghana. The reason we visited Nigeria was basically to see how to exploit natural resources. The reason we visited Ghana was to see a model of new economy that was exploiting the resources with the principles and protocols of transparency as is required by the extractive industry.

What struck us when we went to Nigeria was that, that Government, even with its shortcomings, has made deliberate efforts to empower Nigerians to be major players in the exploitation of the natural resources. Today CAMAC Energy is prospecting for oil in Kenya. CAMAC is an indigenous Nigerian Company which came up as a result of that effort. We must do that here.

Hon. Temporary Deputy Speaker, as I rush to conclude, we have talked about revenue sharing. As we look into revenue sharing, we must guard against barriers in costing.

Hon. Temporary Deputy Speaker, as I rush to conclude, we have spoken about revenue sharing. As we look into the aspect of revenue sharing, we must guard against bogus expatriates, who come here and are over-priced just for the simple reason of doing the costing of those who are coming to exploit our mineral resources. The only way we will ascertain the success of this Bill when it becomes law is by how much it will transform the lives of the communities in areas with minerals and how much it to transform the economy of the Kenya as a whole.

Hon. (Dr.) Pukose: Thank you, hon. Temporary Deputy Speaker for giving me a chance to contribute to this very important Bill, the Mining Bill, National Assembly Bill No.9 of 2014. This is a very important Bill. As we are aware, in the past, people have been asking for licenses for mines exploration and somebody continued to undertake mines exploration within a region for an indefinite period of time. As much as the Committee recommends the requirements for a license, the duration between exploration and mining should come out very clearly. What is the duration for somebody to do exploration? How long should one have a mining license? We are talking of 25 years, but this is too long. I want to agree with hon. Wamalwa that we should talk about 15 years; it should even come down to 10 years. That will be reasonable enough, although considering the amount of investment, it may not be enough.

The Committee also recommends a minimum of about Kshs500 million for somebody to be given the mining license. This will lock out local investors. We should look at it *visa-vis* the kind of mining activity one intends to do; people with, at least, a reasonable sum of money, for instance even Kshs200 million or Kshs11 million, should be licensed.

Hon. (Ms.) Abdalla: On a point of information, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh: Do you want information, hon. Pukose?

Hon. (Dr.) Pukose: Yes, hon. Temporary Deputy Speaker.

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Speaker, this Bill provides for different types of licenses. There is a prospecting license that is for three years renewable for another two years. There is a mining license for five years renewable until the lifespan of that mining operation. Those periods are in the Bill. The 25 years were mentioned by hon. Wamalwa, but they are not in the Bill.

The last point the Member mentioned about the Kshs500 million, Article 71 of the Constitution provides that this House has to ratify agreements between an investor in any natural resource sector. We are saying that small investments in the sector should not bog down this House. We are saying that every investor in that sector must pay Income Tax and the royalties stipulated by the Cabinet Secretary. When there are exemptions for large scale miners of over Kshs500 million, that is when that investment should be ratified here in the House. All the other agreements that these investors will be entering into are going to be put on the website of the Ministry of Energy and Petroleum. We need to define what the Kshs500 million will be about. It will be about a Cabinet Secretary not deciding which person to exempt from royalties and Income Tax. Those that he has to exempt have to be of a certain level and must come to Parliament for ratification.

Hon. (Dr.) Pukose: That is very clear. I thank the Chair of the Committee on Environment and Natural Resources for making that clarification. The people with little income, who are interested in mining, should also be able to enter into the mining activity.

*[The Temporary Deputy Speaker
(Hon. (Ms.) Shebesh) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. Cheboi) took the Chair]*

Many of the areas where a lot of discoveries have been made in the recent past are very remote. At times, you look at it and wonder whether it was a deliberate scheme by, maybe, those who came before us, the colonialists and neo-colonialists, to make those areas inaccessible, so that the country does not discover the wealth underneath. In the recent few years, we have discovered a lot of minerals in Turkana, Kitui and parts of north eastern, western regions and other places. Those are areas that are inaccessible. In areas like West Pokot, there are no roads. There is mining of even small quantities of gold, rubies and other commodities, but these are hard to reach areas. It is important that we look at accessibility in those areas and even use corporate social responsibility to open up those areas.

In this Bill, we are talking of how much each county is going to get and how much the national Government is going to get. This is the way to go because when you make discoveries like the recent discoveries in Turkana you have local people demonstrating and saying that they have been ignored in terms of employment and other opportunities. We do not want Kenyans to demonstrate to achieve what is rightfully

theirs. We must have a system that guarantees that a certain percentage of opportunities belongs to them and the other percentage goes to the nation.

The other day, we had the World Cup in Brazil and when Brazil played with Germany, Germany scored seven goals and Brazil got a consolation of one goal. The joke in the public is that some people called for a referendum to determine whether Brazil lost fairly. We do not want to go that way. Things should be made clear. For instance, everybody was able to see seven goals. So, I did not think we needed to go into a referendum.

This country has had a lot of challenges in the past. Our mining law has been there since 1940, yet our new Constitution was enacted in 2010. The laws that were there were draconian laws and people took advantage of the loopholes in them; some people even have briefcase mining companies. This creates loopholes for corruption. It fails to give people a clear direction. I want to thank the Committee for coming up with this law and making some of those areas clear. I know that when we go into the Committee of the whole House, we will thrush out some of the areas of concern to the Members.

With those few remarks, I support this Bill.

Hon. Mulu: Thank you, hon. Temporary Deputy Speaker for giving me the chance to also support this Bill. It is quite timely. It would not have come at a better time than now bearing in mind that the operational law is of 1940, that is before Kenya became Independent. A number of things have changed. When you look at Kenya today, a lot of discoveries have been made and areas which had been marginalized for a long time, and which have been classified, or categorized, as useless in terms of economic potential, have come up; a number of minerals have been discovered in those areas.

Currently, Kitui County is rated as county number one in terms of minerals. If we do it right, in terms of exploitation, this is going to help our people and at the same time contribute greatly to the national economy.

Looking at this Bill, there are a number of good things. I think it is this legislative framework, or legal framework, which is going to be in place after this Bill becomes law. It is actually going to go along way in ensuring that Kenya benefits from these natural resources; we hope we will not go the way most of the African countries have gone, where discovery of minerals became a curse. Looking at this Bill, there are three or four clauses which are really attractive, and strick me as very good clauses. For example, clause 149(2)--- I would really wish to read this clause out.

“149(2) A mineral right shall not be granted to a person under this Act, unless the person has obtained an environmental impact assessment license, social heritage assessment, and a environmental management plan has been approved”.

This has been the fear of most of the Kenyans in terms of environmental issues where we have mining activities. When you look at this Bill, it is very clear that, before any mining is done, the Government will make sure that an environmental impact assessment report is actually submitted, analyzed by our experts and it is confirmed that at the end of the day, Kenyans will be safe even with a mining activity around.

The other thing that is very important is that this Bill also talks about what we call skills transfer. When we look at Clause 44, it says that anybody who will be involved in mining will be required by law to ensure that they transfer skills from experts to the

citizens of this country. This means that with time, Kenyans will be able to take over some of the technical areas and actually manage them.

The other good area is that of employment. The Bill clearly states that, when it comes to employment, miners will make sure that they employ Kenyan citizens. I would also like to add--- I would plead with the Chair, who has done a very wonderful job, to make sure that he does not leave out Kenyan citizens, but considers them wherever mining is undertaken. We know in this country there are times when you talk about Kenyan citizens, and you find a Kamba like me coming from Kitui going to Turkana and being employed in Turkana where oil is being drilled oil; then it will be claimed I am a local. That is cannot be true. I think what we need to do is make sure that if a resource is found in an area like Turkana, we should make sure that the Turkanas, the people who live in that particular area, benefit from the resource. I think this will help this country and will also help us. The other area which was really of concern--- I am happy that the Committee was able to pick it; I was really getting concerned. It is the way you look at the form of this Bill; the Cabinet Secretary has so much power that it can be easily be abused. I want to salute the Committee because they were able to see that and say, instead of having all this power concentrated on an individual, it be pushed to a board. This is really one of the best practices. I think we are going in the right way. This is an international best practice where power is actually given to institutions rather than individuals. That way you are sure that power cannot be abused.

The other area which I think is very important is that of the local equity. We are talking about Kenyans and the locals having a bit of shareholding in companies. This will make our people rich and will create wealth; our people will be as rich as the miners themselves.

The other area which I think needs to be really considered is that of royalties. This Bill is actually very quiet on that area; it is just mentioned in passing. I think it is such an important aspect of mining and should not just be mentioned in passing. This Bill does not state anywhere how royalties will be shared. I think it is important that this is considered, because other than providing for the Government to get its share, it does not say after the Government gets its share, then what next. I think we need to state clearly how much will go to the Government, how much will go to the county government and, most importantly, how much will go to the local community where mining will take place. That is very important because we know mining activities will lead to displacement of our people; it will result in people losing the farms; it will result in people losing their land. Since people are going to be displaced it is important that once they are displaced then they benefit from whatever mining activity is taking place in their locality. That is the worry. For example we talk about Kitui county, the area with a lot of coal. One of the challenges we are facing is lack of title deeds. Our people do not have title deeds. We are wondering how they are going to be compensated when they do not have title deeds. That is why we are pleading with the Government that they need to facilitate issuance of title deeds to our people, so that when it comes to compensation, they can actually be compensated properly; we want to make sure that they are not---

As an hon. Member said, there is a lot of talk when you go down to the ground that Kenyans who are used to taking advantage of people who are ignorant have started schemes to take advantage of our people. We want to make sure that our people are not

going to be exploited; we want them to be informed; we want to make sure that they will benefit from this natural resource. We have even said that our locals must benefit from this natural resource; we are not saying that other Kenyans should not benefit. We are saying, that as other Kenyans benefit, those who actually live next to where resources are should benefit more.

Over time we have complained as a community of marginalization. That is why we see the issue of Kibwezi-Kitui-Mwingi- Isiolo Road becoming very central to us. We are saying that if this road is tarmacked, then it will open up our area; people will be able to benefit economically and even minerals, which are going to be exploited, will be easily transported to various parts of this country.

So, I really want to support this Bill; I want to really commend the Committee for being able to pick these salient issues, which were left out by drafters.

With those few comments, I support the Bill; I say thank you very much for giving me this opportunity.

Temporary Deputy Speaker (Hon. Cheboi): Well, let us have the Member for Narok West.

Hon. ole Ntutu: Thank you hon. Temporary Deputy Speaker, for giving me this opportunity to also join my colleagues in supporting this very important Mining Bill of 2014. I want to begin by saying that I thank the Committee for the good job that they have done. I think when you look at the Bill it is one that will really go a long way in helping this industry. The mining industry for a long time has been abused by international miners, who come to our country and mine anyhow for lack of proper laws. When you look at the laws that this country has been using since 1940--- Of course a lot has changed since Independence, leave alone 1940 when this country was a colony of the British. This Mining Bill will really help this industry to improve in a lot of ways. Therefore, the Mining Bill will help this industry to improve many things.

Hon. Temporary Deputy Speaker, if you look at the economy of this country, you will find that we have all along been depending on agriculture and tourism. However, if we manage the mining industry well, we will definitely improve the economy of this country. Many of our areas have a lot of potential when it comes to mining.

Many companies have visited Lolgorian in Narok County and I think this Bill will help the community in that county to benefit from mining. I would also like to recognize the good work that was done by the Committee in proposing that we need a community development plan.

We are aware that when most of the international companies come to our country, because of the laws that exist, they normally exploit our communities. They just build a few classes and hospitals when they come and then after that they will not care even if they stay for 20 or 30 years. The community development plan will go a long way in helping the community where mining is being done.

Hon. Temporary Deputy Speaker, I also agree that the Cabinet Secretary has been given a lot of power. We must look at that and I agree with my colleagues who have spoken before me that our Constitution says that we must devolve power. That is why we have our county governments. The same thing should apply to mining. This is because every mining company will go to a certain county in this country. Therefore, the powers must be devolved to those communities where mining will take place. On the licensing of

mining, I totally agree with the Committee that the rules to regulate have been set out and I need to go page by page to ensure that a good job is done in terms of licensing these companies.

Most of these international companies spend a lot of money to come and mine in our country. I totally agree with the Committee when it says that US\$500 million must come to Parliament. It is, indeed, important that Parliament which is a representative of the people must be involved whenever a company wants to mine in our country. This is in terms of making sure that the agreement is good for our country and the community where that mining will take place. Mining in our country has been exploited for a long time. It is time to bring order to the mining industry in this country.

The other day, I saw the Cabinet Secretary cancelling licences of a mining company. You could read mischief in the cancellation of the licences because our country is one of the most corrupt countries in the world. The Cabinet Secretary cancelled the licences without investigating to find out whether that company was doing a good job or not.

Hon. Temporary Deputy Speaker, with those very few remarks, I also want to support this Bill and thank you for this opportunity.

Hon. Baiya: Thank you, hon. Temporary Deputy Speaker for giving me an opportunity to support this Bill. I also wish to thank the Committee for the suggestions that it has come up with. The Committee's observations are very important, especially with regard to the approach taken in the current Bill where power seems to be focused and concentrated on the Cabinet Secretary.

Some of the speakers who have commented about the experiences of mining and the curse of resources have alluded to this fact. The point that is being made is that if you look at the countries which have experienced the so-called curse for resources, you will find that it is basically because of lack of transparency and accountability to the people. One of the most important expectations from this Bill was for the Government to, first and foremost, come up with a strategic policy paper which can inform why this legislation is being made and let the country know what to expect when we go into mining. That is the only way you can inform prospective investors that this is what the country has to offer to them before they make a decision whether to invest or not to invest. On the other hand, it can inform all the other stakeholders; the community, Government and the county government what their legitimate expectations are.

This Bill, as it is, does not respond to some of these concerns and we must demand from the Government to do more than what it is doing. What we are seeing is possibly a mismatch of ideas and proposals here and there that do not respond to a well thought and holistic policy. For instance, if you look at the way the Government has organized its mineral exploration strategy, you will find that the Chairperson has actually commented on how the human resources are being split between the Ministry of Mining and the Ministry of Energy and Petroleum. What informed the split of these two Ministries does not appear to respond to any logical or rational explanation. The logical thing is that mining is mining. I cannot imagine oil being anything but mining. We should have one policy and clear strategies on how we will do this and make sure that no powers are concentrated on any individual no matter how trustworthy he may be because the forces of corruption will not let him stand.

We, therefore, expect checks and balances among the institutions that will be involved in issuing licences and even those that will be supervising those institutions. That is why we expect the Cabinet Secretary to be an overall supervisor but not the one dealing with the operation or consideration of the licences.

Hon. Temporary Deputy Speaker, we have the best countries with the best practices to emulate. We have a country like Norway whose policies in mining are characterized by absolute transparency and openness and not like we see in Kenya. For instance, when they started exporting titanium in Mombasa, we started hearing that they were delaying that because they wanted to re-negotiate the agreement at the point of export. Of course, somebody who has already negotiated with you and has the agreement in his pocket will be a very difficult person.

The country is in the dark on the Cabinet Secretary's role in that agreement. The country is left in the dark about that agreement. We must make sure that for any of those agreements, they are made transparent and open so that even as the Government officials are negotiating with the prospective miners, they know that ultimately, the Kenyan public will get to know whether you sold the country for a song or whether you actually delivered as a public officer a good bargain for the country.

Hon. Temporary Deputy Speaker, these are mandatory strategies and it is good to know that among the threats we have as a country and all Third World countries, most of the mining companies are big international corporations commanding a lot of resources and they have a lot of capacity to negotiate. So, they would not hesitate to misuse or destabilize the local governments as they seek to obtain concession for themselves. The only solution the country has and the responsibility of this Parliament at this point is to make sure that through the legislative framework that we will create, we will demand of the Government to do what is in the public interest and to defeat conspiracies against the Kenyan people between Government officials and those multinational companies. This is the forum we have to ensure that the kind of legislation we will give, will also make sure that everything is attractive.

The last point I want to make is about the need to attract investment. It has been pointed out by the Committee with quite good proposals how to ensure that there will be conducive and attractive investment policies to attract that kind of investment but at the same time safeguarding the national interests. Those investors should include local ones and those who will invest should be assured that they will get better returns from their investments. I am sure that is enough and clear strategy; a good legal and policy framework that will in itself create certainty that is very essential for attracting investment and ensuring sustainability but not a situation where there is arbitrariness; where decisions are made, licences issued and half way along the line they are withdrawn. That is the kind of arbitrariness that chases away any prospective investor. That is caused by the absence of clear policy and strategy frameworks in this. We expect the Government to do more than this kind of proposal so that we can have a Bill that will not require to be amended a month after it has been passed by this House.

With those remarks, I beg to support.

Hon. S.S. Ahmed: Hon. Temporary Deputy Speaker, minerals are a national wealth. Many of the speakers before me have said it and I support this Bill wholeheartedly. It is the first time that minerals have been accepted as the wealth of the

people rather than the wealth of a few. Raw material extraction has been with the foreigners all the time. We have heard about the Kakamega gold mines; the ones in Loitokitok and the ones in Lolgorian. We have even heard of the scam of Goldenberg claiming to have exported tonnes of gold that we cannot mine in this country. Basically, the mining industry has been a den of thieves; a den of corruption. None of the commissioners of mining are less than millionaires. They have sold our minerals for peanuts and they have gotten away with it. Many of them are walking around as if they are untouchable. Even Magadi Soda has been sold all over the world for the last 80 years yet Magadi itself is one of the poorest places in Kenya. So, the people themselves from where the material is being extracted do not get a dime. The miners of the soapstone do not get a cent.

There are hon. Members in this House who have made millions out of sale of extraction of semi precious stones. They are millionaires now.

An hon. Members: Who?

Hon. S.S. Ahmed: We are not allowed to name them!

Hon. Temporary Deputy Speaker, from where they come from---

Hon. (Ms.) Abdalla: Members in this House?

Hon. S.S. Ahmed: Yes, Members in this House!

The Temporary Deputy Speaker (Hon. Cheboi): Avoid exchanges from the Floor.

Hon. S.S. Ahmed: Hon. Temporary Deputy Speaker, where they come from in Ukambani, their constituents are very poor yet---

Hon. (Ms.) Abdalla: On a point of order, hon. Temporary Deputy Speaker. Would the hon. Member substantiate who those Members from Ukambani, who are very rich and their people are very poor are? I am just concerned about that because there is a previous speaker who said that there is another one who has taken community land where there is oil. It is important that we name the persons because it appears that it is individuals from that side and mostly their principals. So, can you confirm which people you are talking about?

The Temporary Deputy Speaker (Hon. Cheboi): Both of them were, obviously, out of order because you cannot discuss any hon. Member without a Substantive Motion. I hope you do not want to proceed in that direction Hon. S.S. Ahmed.

Hon. (Ms.) Nyamai: On a point of order, hon. Temporary Deputy Speaker. I just want to follow up on the same line as Hon. (Ms.) Abdalla has said because this matter has been raised severally and for those of us who are representing such constituencies, I think it is a matter that if anyone has to mention, then it is important that they substantiate the information.

The Temporary Deputy Speaker (Hon. Cheboi): The issue is not even about substantiation but the fact that if you have to impute improper motive against your colleague, you need a Substantive Motion. You will not even hide under the veil of giving sweeping statements. Of course, I know you are a very seasoned Member. I would rather you pursue your arguments without having to create unnecessary heat.

Hon. S.S. Ahmed: Thank you for your guidance, hon. Temporary Deputy Speaker. If it satisfies my colleagues, I will withdraw and apologize to whoever feels aggrieved.

An hon. Member: Whoever feels the heat!

Hon. S.S. Ahmed: Whoever feels aggrieved; not the heat; I want to clarify that. Hon. Temporary Deputy Speaker, as I said, Magadi Soda have been---

The Temporary Deputy Speaker (Hon. Cheboi): That does not even help because I had not even asked you to withdraw that. I had just said that pursue a line that is not going to generate unnecessary excitement. I want you to simply proceed because when you seek to withdraw, especially indicating that you are withdrawing against people who feel aggrieved, that does not help.

So let us proceed.

Hon. S.S. Ahmed: Let me proceed the way you have suggested, hon. Temporary Deputy Speaker. We have the titanium and oil exploration. In the last Parliament, there were some of us going round saying that we were going to be oil sharks because somebody had said there was going to be oil in some area. In Kisumu right now, Tullow Oil has gone round also in Nyando and Muhoroni where they have said that they have found oil. They have done absolutely nothing about it and they just wanted to make a statement so that they could go and raise some money abroad. So, they come up with unsubstantiated discoveries of potential oil. Right now in Kisumu and other places, many of our peasant farmers are rubbing their hands in the hope of being oil sharks. What I was trying to suggest is that---

The Temporary Deputy Speaker (Hon. Cheboi): Do not say it too loud because Sheikh Nicholas Ngikor is listening keenly. That is with a light touch!

Hon. S.S. Ahmed: Hon. Temporary Deputy Speaker, many of the peasant farmers have been misled and this is what happens with the foreign companies that come over here. They tell us “xyz” and then try and convince our local leaders; give them some small tokens and start buying land. They also lease land. That is what happens and as you know, wherever oil is discovered, there are land disputes and people are killed for something that they have not participated in.

Indigenous Kenyans – I do not include myself in that---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ngikor, what is it? I can see you are well placed in terms of the listing here. I do not expect that you want to interrupt. I would rather you wait for your time because it is not too far from now. Is it about that issue?

Hon. Ngikor: On a point of order, hon. Temporary Deputy Speaker. Is the hon. Member right to say that when investors go to some areas, they give some small token to some leaders in order to buy land? Is he in order? If he is in order, which areas are those and who are those leaders?

The Temporary Deputy Speaker (Hon. Cheboi): Really, that makes a lot of sense, hon. Shabbir. I actually did not get that; I hope you did not say it.

Hon. S.S. Ahmed: Hon. Temporary Deputy Speaker, I said that they go round giving tokens to owners of land. There is a history. Kenya was sold for cowrie shells. It is not untrue.

The issue of the Commissioner of Mining and the Cabinet Secretary having excessive powers is a matter of concern. As you know, in this Parliament we have a group called the African Parliamentarians against corruption. We will be watching

carefully to see what happens. One person should have unparalleled power that might encourage him, perhaps, to look the other way.

Hon. Mwadime: Thank you, hon. Temporary Deputy Speaker for this opportunity. I stand to support, but with amendments. This Bill is long overdue. This is because it has taken decades before this Bill was last amended. Social licences are in line with the principles of devolution. They encourage the entire Mwatate Constituency and Taita Taveta County at large. I have a feeling that communities which own this land will benefit over time. Over time I have experienced investors trickling into Taita Taveta County which is rich in minerals. They get rich and leave the place without even building a single toilet. The only thing we are left with is a wounded environment. I thank the Committee for taking care of this in the Bill.

Minerals are found in the national parks. It is, therefore, important that the Committee considers the communities when issuing out licences. In Tsavo East and Tsavo West, investors are given licences and yet the people they bring there--- There is growing insecurity in those areas. We nowadays hear of women being raped. It is important that the Committee realizes that it is important to involve the communities that live around the parks. It is important to go as low as the ward level in order to involve communities especially where community land is an issue.

Common minerals now fall under the jurisdiction of the county governments. I feel that common minerals should be left to the communities---

Hon. Muchai: On a point of order, hon. Temporary Deputy Speaker. Is it in order for the Member to be reading reference material as he addresses this House?

The Temporary Deputy Speaker (Hon. Cheboi): If he is reading, that would be totally out of order. However, from what I was seeing it looks like he was only referring.

Proceed, hon. Mwadime.

Hon. Mwadime: Hon. Speaker, it is better for the Member to know that in this House I am the most experienced person in minerals because Taita Taveta County---

The Temporary Deputy Speaker (Hon. Cheboi): That was not in issue. Please, proceed.

Hon. Mwadime: Hon. Temporary Deputy Speaker, Clause 14 is about monetary compliance and enforcement. In my county, minerals are found all over. There is a clause that stipulates that a person found in possession of minerals should be penalized. However, it is important for the Committee to consider the counties where minerals are all over. In some of these counties, minerals form part and parcel of the lives of people. This penalty should only be considered when a person goes to another county. In counties where minerals are found, there should not be a penalty. If you find Mwadime with a mineral in Taita Taveta, you should not penalize him or ask him whether he has a licence or not. This is because in Taita Taveta even when you dig latrines you get minerals.

With those few remarks, I support but with amendments.

Hon. Bowen: Thank you, hon. Temporary Deputy Speaker. I want to support this Bill. Mining for a long time has been affected by corruption and forgery. This has led to several scandals in the country, including evasion of taxes. I would like to commend the Committee led by hon. Amina Abdalla for this comprehensive Mining Bill. I want to support the issue of community development.

With regard to social corporate responsibility, some international companies come over and do, say, a small road and a health centre. They then call this social corporate responsibility. In my county, Elgeyo Marakwet, the Tullow Oil Company is exploring petroleum in Keiyo Valley. We have had several meetings to resolve conflicts. The Tullow Oil Company gave out scholarship worth Kshs1 million for four constituencies. That is like targeting five students in every constituency. This is an average of Kshs100,000. They are then expected to go away with the whole resource.

This Bill is important because it involves the communities that live in the area where the exploration is being carried out. We have seen communities demonstrating. The other week we saw Turkana demonstrating in the streets. Even for small jobs, the miners or the companies import workers from either from Voi or Nairobi. In terms of even supplying meat, they also contract foreign suppliers and yet we know Turkana have so many cows. They get meat from Nairobi from their own relatives or friends. This is going to address such community grievances.

Hon. Temporary Deputy Speaker, again we need to be very careful because we have seen petroleum and minerals being sources of conflicts in so many areas. We have seen a lot of conflicts in Democratic Republic of Congo (DRC) between different communities. Warring parties are coming up. People want to break away from the Government because they feel they have a lot of wealth from the minerals. We must come up very strongly and see how we can curb such kind of issues so that we do not again break our country when it is a time that we should be moving forward and making this country industrialised by 2030. So, in such a case we need to have a conflict resolution mechanism to do with mining so that in case such issues arise there must be a board which looks into the grievances and sorts them out.

Hon. Temporary Deputy Speaker, again on employment there is child labour. We have seen so many children being exploited like in the DRC where they undertake mining of gold. This is very serious and I think as we move forward with this Bill we need also to put in place measures to avoid child labour. This is because we know minerals are precious and everybody wants to be involved in them because of the big money which is there. I am very sure that with these kinds of discoveries you will see a lot of school dropouts because they are driven by the money from the minerals.

Hon. Temporary Deputy Speaker, another point I want to make is about revenue sharing between the communities, national Government, county governments and the investors. That one must come out very clearly. You cannot get people producing oil and yet they are the poorest; they are dying because of hunger and their children do not go to school. Billions of shillings are generated in their areas but they are not benefitting. We need to come up with a serious legislation on revenue sharing between the two levels of Government, the communities and also the investors.

Hon. Temporary Deputy Speaker, when it comes to the management, and this is where I have an issue, the Government is in the process of collapsing so many parastatals in the country by merging some of them into one because of the so called high wage bill. When we come up with several boards like the Mining Corporation Board then it makes the situation worse. We also have a Water Bill which is coming up with almost four authorities like the Water Management Authority, Underground Water Authority and Surface Water Board. These are so many boards. So, we are doing nothing because we

are trying to reduce the many parastatals and at the same time we are creating more in this House.

So, I think we need to look into this very carefully because I thought in this case a small department in the Ministry like the Department of Mines and Geology can be doing all this work which these bodies are supposed to do. If we create them, they will also need money from Treasury to run their affairs. We need to be very careful on that move so that we do not create more bodies and at the same time trying to collapse some other parastatals.

Hon. Temporary Deputy Speaker, lastly, at this point I support this Bill. Maybe in the Committee of the whole House we can bring some substantive amendments so that we have a very good Mining Bill for this country. I support. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let us hear from the Member for Turkana East.

Hon. Ngikor: Thank you, hon. Temporary Deputy Speaker for giving me this chance to contribute to this Bill. First, I would like to thank the Committee for coming up with this important Bill but there are issues which need to be clear. One is that of the royalties. The issue of royalties is not clear in this Bill. In the first place, when we talk of the issue of mineral exploitation in our country we need to know that God has opened ways for those communities which were marginalised during those days. Now, when we come up with such a law, we need to be clear so that these communities can benefit from the Mining Bill. When we talk of royalties being put under the Government, what will the community say?

When we talk of these powers being vested in the Cabinet Secretary, it is really something that we need to look at in this Bill. We cannot leave all the power to one person. We never know, a human being is a human being. We need to have a body which can make decisions. People in that body can differ.

Hon. Temporary Deputy Speaker, the other issue is that of employment. It does not come out clearly here. All these minerals are found in areas which were marginalised by all the previous regimes. In Turkana East which I represent and specifically where Ngamia I is located, there are two categories of employees leave alone the expatriates. There are nationals and there are locals. When we go that way, what are we trying to do? So, it is only this Bill that can address this issue because if we leave it open, it will lead us somewhere bad.

Hon. (Ms.) Abdalla: On a point of information, hon. Temporary Deputy Speaker.

Hon. Ngikor: Let me finish first and then I will accept your point of information.

The Temporary Deputy Speaker (Hon. Cheboi): In other words, hon. Ngikor has rejected your point of information.

Hon. Ngikor: I am talking about oil and I do not know who else can talk about it in this country apart from me.

(Laughter)

The other issue is that of community land. We must address this issue. As we know, community land belongs to the communities in those areas but in this Bill, we are

giving somebody called “Commission” or “Cabinet Secretary” powers to decide how this land can be given to an investor. We need to be clear on how this land should be handled, so that the local communities can benefit out of it, so that their land cannot be retained by somebody who is from outside their area.

The other issue I would like to speak on is that of information. We need to have a way of ensuring that the national Government, the county governments, the host community and the investor can share information---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Amina Abdalla, you are still on intervention. Is it still about information or are you on a point of order?

Hon. Ngikor: Hon. Temporary Deputy Speaker, if it is information, I need to continue.

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Speaker, is it in order for the hon. Member to dispute the contents of the Constitution by saying that communities should be responsible for land yet that is the function of the National Land Commission?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ngikor, proceed as you respond to the point of order.

Hon. Ngikor: Hon. Temporary Deputy Speaker, I would like to thank the Committee Chairlady for what she has said about land. We really know what it means when we talk of community land in the Constitution but when it comes to community land, like trust land, it is a different matter. We are now giving the Cabinet Secretary the mandate of finding somebody who can go and work on that land without the knowledge of the community. How can that happen? In the previous constitutional dispensation, county councils were the custodians of trust land, but the land belonged to the communities. The county councils were just there to give guidance on the use of trust land.

The other issue I would like to comment on is about sharing of revenue. This aspect is supposed to be clearly defined. We need to know what percentage will go to the national Government, what percentage will go to the county governments and what percentage will go to the host communities. My colleagues who spoke before me talked about coffee and tea. Why is all this coming up at this time? We have never talked about coffee in this House. We have not talked about tea. We have not talked about maize, as hon. Wamalwa said. We have just been going on, receiving whatever we received.

We have been marginalised all these years. This is now our turn to develop. It is not somebody’s time. It is God’s time. It is God who looked back and saw that there are people who have been left behind in this country. So, we need to move together. With regard to the percentages, if it is 10 per cent for the host communities, let us all support that position, so that those communities which have been left behind all these years can also join the rest of the communities in this country, so that we can talk of Vision 2030 together, instead of talking of Vision 2030 for some areas when we have no roads or schools or water in other places.

An hon. Member proposed 70 per cent for the national Government; 20 per cent for the county governments, and 10 per cent for the host communities. I support that proposal and beg hon. Members to also support it, so that the host communities can also benefit out of the revenue realised from extraction of the resources.

Another issue that has been mentioned in this Bill is that of protection. The Bill talks of protection of mineral interests in Parliament, community development and training of the people who will be working in the extracting entities. What about the protection of the host communities? The communities should also be protected. This Bill should be clear on how the communities will be protected by the Government, so that the investors do not chase away the communities or harm their livestock.

Where I come from, we are pastoralists. We move from one place to another with our livestock in search of pastures. The oil fields are our grazing lands. How will our livestock be protected? We need a clear understanding on how our resources will be beneficial to us.

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

The Temporary Deputy Speaker (Hon. Cheboi): Very well, I think we have been lacking in terms of gender. Let us have hon. Member for Kitui South, and then I will resume the list.

Hon. (Ms.) Nyamai: Thank you, hon. Temporary Deputy Speaker, for giving this opportunity to support this important Bill. I would like to appreciate the Mover of the Bill and the seconder hon. Amina Abdalla for giving us very strong points because this Bill requires to be amended so as to take care of some of the issues, which I will mention at the end of my contribution.

As I contribute to this Bill, I would like to reflect on the situation of my own constituency; Kitui South which has different types of minerals from Iron ore, limestone, green granite and so many others. Why I want to reflect together with these hon. Members in this House is because the people of Kitui South have heard people talk about minerals year after year. When discussing matters of minerals, you will hear people saying that they have buried their people in limestone and they did not know. When they are digging graves, they see a whitish substance and they bury their people there.

This is the time that our people should benefit because talking about the presence of minerals is not enough. Exploitation of those minerals and benefiting of the community is what is important. I would strongly like to say that this is the best time for these minerals to be mined. I would even dare say that, if it was possible, the activities that are going on today in my constituency to wait for this Bill. Given the amendments that are going to be passed by this Committee, those activities would highly benefit my constituency.

We have seen investors in my constituency doing exploration. The question is; after exploration, how long does it take for a company to mine? It is important to ask ourselves questions now. Suppose investors fight over minerals as is the case in my constituency where several companies have taken each other to court? They are contesting the mining of limestone. Is there an opportunity for the Government to come to the aid of the community?

This Bill has come at the right time when matters regarding land ownership have been raised. Our communities' land does not have title deeds. Well, it is not community land as such because it has boundaries. It is important when people talk about community land and when investors have been directed to such communities know that this is not community land but one that is demarcated.

As I reflect on amendments that need to be brought on board, I would like to point out that in many areas where mining is happening, matters of corporate social responsibility, which have been mentioned, are not appropriately taken care of. We should not wait and address it at the level of mining. We should also discuss it at the level of exploration of minerals as it is happening in Kitui County at this time. Companies will come with intention of exploration and offer communities what they refer to as disturbance fee. The issue is that this disturbance fee that is being offered to our community members, most of whom are not literate, is too low. This Bill may want to address that matter.

When it comes to compensation, the issue of community members being compensated as per value of the land or the market rate is really not right---

Hon. Temporary Deputy Speaker, the issue of community members being compensated as per the value of land or the market rate is not right. It is important for us to be aware that although the value of land, for example, in my constituency would be very low, it is important to know the value of what is underneath. The fact that people are going to be moved from their own communities to settle in other communities---

We need to address the issue of relocation, where community members are being moved from places where they are used to, where their social fiber or the way they interact with the community is fully understood. It is important that we also capture it properly within this Bill. When people are being moved, it should be done with a proper relocation plan which will take care of the social networks amongst the people.

I know that this Bill has addressed the issue of environmental impact assessment, but the issue of health impact assessment has not been tackled. I would be interested to work together with the Committee to bring an amendment which will address the issue of health impact assessment because today various contributors have spoken about what is happening in Garissa. A statement has been raised on the Floor of this House regarding various diseases that can be linked to the oil industry. We need to have this captured properly; that health impact assessment needs to be taken care of within the Bill.

Hon. Temporary Deputy Speaker, I would also like to say that members of our communities are interested in co-ownership or being co-investors. If they have 100 acres, they do not want to give all the land to the investor. Members or the community can be incorporated in the investment such that when they give 50 per cent of their land, then the other 50 per cent of ownership should go to them.

Hon. Temporary Deputy Speaker, I would also like to point out that the issue of dispute resolution has not been captured properly in this Bill. It is important that when we are at the Third Reading, we introduce the issue of proper dispute resolution.

I would also like to point out a matter that has been raised by some of my colleagues, about the common minerals. Within the areas that are being mined, there are other common minerals and members of the communities can continue to be involved. It is important to find an opportunity where community members can have an opportunity to invest in what we are referring to as common minerals.

Hon. Temporary Deputy Speaker, the issues of revenue sharing and negotiation need to be put into proper perspective. We need to know whether revenue will be shared by the Government at the national level or at the county level and the involvement of

stakeholders. In this case, I am referring to the community members who are the owners of the land. That should also be addressed.

I would also like to point out the issue of respect for the locals in terms of moving them from one area to another. It is traumatizing for people to be moved from where they are used to living to another place where they may not be used to. On this, I would like us to respect the issue of counselling. I know counselling is not a matter that is generally acceptable within serious investments like this in our country. This is an issue that the Chair may want to address.

Hon. Temporary Deputy Speaker, as I conclude, the issue of transparency in terms of how much these companies make out of this mining activity is the question that--

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over. Hon. Members, you do not need to finish the ten minutes, especially when other hon. Members have spoken to this Bill. Let us just get to those issues that other Members have not raised. Let us forget issues of CSR and so forth. Let us raise new issues, so that more Members can speak to it. I will give a chance to hon. Wandayi and I will also see the independence. So, you have the opportunity

Hon. Wandayi: Thank you, hon. Temporary Deputy Speaker for this opportunity. I want to be very brief and to the point. From the outset, I want to support this Bill because it has come at the right time. I must also commend the good work that the Committee has put into this Bill, including the various points they have canvassed in terms of enriching it.

It is common knowledge that this country has for a long time operated under a very archaic legal regime concerning the mining industry. Indeed, this Bill is an attempt to redress some of the anomalies that have characterized the mining industry since Independence to date. One of the features of this legal regime has been the opaqueness. I am happy that this Bill, together with the recommendations of the Committee now attempt to bring back sanity to the mining sector by putting in place a governance system that is transparent and accountable. That is something that needs to be applauded.

You will recall that the opaqueness of the legal framework that governed the mining industry is what has enabled very serious scandals to happen in this country. In fact, one of the biggest scandals in the history of this nation, the Goldenberg scandal, happened because of the opaqueness of this industry. In fact, many other scandals have tempted to ride on that scandal but they have not been able to. If you look at it in terms of corruption, the flagship project during the Moi regime was the Goldenberg. Later on, of course, the Kibaki regime attempted to catch up through Anglo Leasing which never managed. Of late, we have also seen the SGR scandal. None of these has been able to get to the level of Goldenberg. That obviously reinforces the fact that this industry has been exploited by a few people to enrich themselves. A few corrupt people have enriched themselves at the expense of ordinary Kenyans. In fact, this industry has been run like a *mafia* cartel, to say the least. I am happy that this is now going to be a thing of the past with the passage of this robust and pragmatic Bill.

There is something that we need to take into consideration when addressing the matter of exploiting our mineral resources. It is a fact that minerals, unless they are extracted from the soil have got no value to a nation like Kenya. Therefore, we should put

in place mechanisms to provide incentives to those investors who are able to put in their money to extract these minerals from the soil. Therefore, the Government's role in this process is basically to provide an enabling environment for the foreign investors who have the capital to invest in this industry for us to benefit from the minerals. Otherwise, if we put impediments on the path of the foreign investors, we shall end up with minerals under the soil without benefiting from them. That is why I was really taken aback when I saw the Cabinet Secretary attempting to put serious road blocks through the legislative proposal on the path of potential investors.

In the past, most of the powers have been vested in the Office of the Commissioner of Mines which, you are aware, have been grossly abused. In the original form, the Bill attempted to transfer those powers to the Cabinet Secretary. Really, this was a game of musical chairs; trying to transfer powers from one office to the other without creating the reforms that are necessary to enable this industry to grow. I am happy that the Committee has taken note of this and therefore, has proposed a lot of amendments that will enable the industry to run in a manner that is transparent and democratic through which powers are shared in form of committees and tribunals.

A lot has been said about this, but it must be stressed that it is criminal for a few investors and officers in Government to benefit from natural resources, at the expense of communities who host these resources. Therefore this Bill, plus the recommendations of the Committee is going to address this grave anomaly in terms of empowering the communities to benefit through revenue sharing and royalties. A lot has been talked about in terms of corporate social responsibility. I want to encourage my fellow Members---

The Temporary Deputy Speaker (Hon. Cheboi): Now that will be repetitive, I do not want you to proceed; I thought we agreed on that.

Hon. Wandayi: Of course, I just want to stress on one point; that we should not be mesmerized. We should not over-emphasize the matter of corporate social responsibility. What is important is to ensure that there is a legal regime that ensures that royalties are paid appropriately, adequately and as by law provided so that communities benefit as a matter of right not through some gestures.

I want to end by saying that this Bill will only help us so much, but the fact is that unless the law enforcement agencies are able to do their work, in terms of ensuring that there is no illegal minerals that are smuggled into the country, which end up distorting the mineral sector and fueling corruption, we are not going to achieve much. You remember when the President of the Democratic Republic of Congo, President Kabila, had to fly all the way to Nairobi to follow his gold which had been stolen by some fellows in Nairobi. To date, we are not aware where that gold disappeared to. Unless we are able to put in mechanisms to ensure that such kind of happenings do not recur this Bill will be in vain. Therefore, this is a wakeup call to the Government that the security apparatus; the agencies concerned should remain alert even as we implement this Bill which is very progressive. The other arms of Government should also do their part.

With those many remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Kibwezi West.

Hon. Musimba: Thank you, hon. Temporary Deputy Speaker for this opportunity. I want to, indeed, commend the Committee for delivering this Bill to this House. I think this heralds a big opportunity for this nation to finally stand on the ground that we are, indeed, a wealthy nation. Planning this wealth is not to procrastinate, it is just to put the mappings which they have put in place, which I think will take us far. As I look at the proposals such as the establishment of a minerals exchange, I think it is imperative to look at it from the perspective that we have now legislation which puts into place our futures market. A lot of concern has been the gap between prospecting and identifying what minerals we have and actualizing the sums towards our natural development. The case in point is like the oil that we have discovered. We have discovered in excess of 800 million barrels of oil, which translates to over US\$800 billion. Today if that money were to be rolled out into this economy, it would wipe out entirely our national debt and that of our neighbours and take us way beyond Vision 2030. In terms of looking at this and the potentiality, when do we actualize this dream? That it does not remain futuristic as the legislation that we, indeed, are trying to repeal which was enacted in 1940; that it does not take us another 50 years to actualize this dream.

Hon. Temporary Deputy Speaker, the futures market will provide an avenue that ensures that the people who prospect, the communities and the counties, in line with our new Constitution, get this benefit immediately. This will be actualized by having the mineral exchange market being enacted as a special economic zone so that all these players within the regions and within and without our country come and consider Kenya as a mineral hub for the international market. The minerals that we have are instrumental in driving industrialization not just in Kenya but around the world. We will be moving this and giving incentives to companies around the world to come in as we mobilize.

With the establishment of the National Mining Corporation, we will be moving the capital and we will not be left to be arm-strung by multinational corporations which after seeing that we do not have the necessary capital take advantage. We should actualize the money now and get the necessary equipment and expertise in terms of human capital development by moving into our educational institutions and put in the necessary skills to drive this forth. If we look at all these things holistically, I think the Mining Bill will take us a notch higher in actualizing the dream of this nation being a great country.

The Chair of the Departmental Committee on Environmental and Natural Resources alluded to the fact that the necessary safeguards will be put in place and that all these controls will not be vested in individuals who will be tempted by corrupt tendencies. With regard to ensuring that our entrepreneur participation meets our own populace, I urge this House to borrow a leaf from what has been done in the property sector. This is where people can participate through developmental units. They can pool what has successfully been done for the last 50 years in our nation; that is little capital mobilization. Individuals would be part of the contribution towards the companies which, indeed, come and prospect. The little mobilization in terms of thousands of shillings will herald millions that are required to go into the joint ventures purely at formation. This is because the Act says that we are going to participate in the same companies when they list. However, the issue is that once a company has done the prospecting and discovered

that it is worth billions of dollars, even if it lists, the shares will be way beyond the reach of our people. I think such a mechanism will drive us forth and make us part of the journey from the beginning to the end. This will actualize us fully.

Hon. Temporary Deputy Speaker, thank you very much for this chance. I look forward to the Third Reading of this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): If the hon. Member for Dagoretti South will be brief enough, hon. Nyikal will have some say to this.

Hon. Waweru: Hon. Temporary Deputy Speaker, this is a good Bill and from the outset I want to state clearly that I support it. In this country, we have had an import bill in excess of 50 per cent from oil. We know that we have discovered oil and natural gas in various parts of this country and our goal should be in making sure that this brings prosperity to this country and not misery as it has been the case in other countries. So, I would like to tell hon. Members to compare countries that have had these kinds of resources like the DRC and South Africa. You can clearly see the difference in how you handle these kinds of natural resources.

Initially, the companies that do exploration might not be the ones that end up getting the oil from the earth. It might not necessarily be the initial company that sunk in billions of shillings into the discovery of these resources that ends up getting the oil out. So I would like to urge our Members to be considerate to those companies that put in a lot of money initially and are not certain that they will recoup their investment in this. So, we need to be considerate about the benefits that accrue to it so that we can attract additional investment in this sector to move this country forward.

Among the benefits that we stand to get from these kinds of investments are, for example, saving a lot of foreign exchange in importation of oil. We are also going to generate a lot of employment for our youth. As you know, there will be a lot of activities; we are going to get a lot of support services that we are going to create employment. This might also give us the necessary raw materials for our industries, transfer of knowledge from oil producing countries and other minerals and we are going to diversify our FOREX income not to over-rely on tourism and Diaspora returns among other sources. But most importantly, it is the stabilization of our FOREX which might make the cost of living a bit cheaper. I know my colleague here has talked about deepening of the markets; derivative futures and commodity markets which I think is most welcome but the most important thing for our country is to understand that for a resource on the ground, somebody must come, invest and risk his money and with a lot of uncertainty, we cannot attract those kinds of investors if we do not have the necessary friendly regulatory framework. I am very impressed with the sharing ratios between counties and the national Government in the region of 60 to 20 to 10 per cent but I would have preferred it to be 70 to 20 to 10. We may probably change it in the Committee of the whole House.

The other very interesting aspect of the Bill is the reduction of the discretion that the Minister for Mining had because as we know, we need to be more structured and more institutionalized in the way we do things. The other thing that I have noticed in the Bill is the conditions of licensing. I think it is important for us to put in some clauses there that have an element of skill transfer for the benefit of capacity building to our locals and also to have community development plans. I do not think it is a good idea to wait for a company to have discretion in deciding what to do for a community. It is

important for us to put it in law so that we can see a comprehensive community development plan for these kinds of companies that are investing in this. There is also an element of environmental assessment that is a condition for the licensing of these companies. It is important for us to protect our environment from degradation and have a clear plan on how to manage it. The other important aspect is that of having the local component in the production and any support services during the undertaking of these investments. I heard a Member talk about cattle in northern Kenya where most of these activities are being held. It is important that we have a local component in these institutions.

Being a capital market practitioner, I would advise that it is important that we broaden the ownership of some of these ventures. It is about time we shared these kinds of resources and have wide ownership. That way, the benefit that accrues and the profits that are made in the companies in Kenya can be enjoyed and owned by Kenyans. If, for example, we were to build a company of the level of Safaricom with, say, capital of Kshs500 billion you can imagine what would happen if no Kenyan shares in the ownership of such a company. The Government now owns in excess of Kshs200 billion in some companies and also Members here have some stake in those institutions. It is important that we put a condition that any company of that level must have wide ownership, say, 20 per cent in the stock market so that anybody from Kenya has the opportunity to enjoy the benefits and successes of those companies.

I support.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill. Let me start in these dying moments by appreciating the work of the Committee. This is huge and complex Bill, but they have done tremendous work on it. The true potential of Kenya in terms of mineral resources actually has just been realized. What we are seeing now is basically the beginning. You realize that in every place there is exploration and something is found. In Kisumu, we are being told that there is indication that there are some deposits. Even the old mining areas that were abandoned at the time of independence, say, Kakamega, Migori and Seme there are still indications that there are minerals. The old Bill we are now, fortunately, replacing could not cater for the interests of the country; it was basically catering for the interests of the colonialists who were basically extractors. They were getting the minerals for themselves. When their time came up they told us that some areas were already exhausted. They did not just tell us the truth. We must be prepared now that resources are coming.

Many countries have suffered because of minerals. We cannot forget a country like Nigeria. It is not about community and environmental problems; it is also about the problem of managing the large resources that are found in the counties. You get the minerals and people actually get poorer. People do not even get---

The Temporary Deputy Speaker (Hon. Cheboi): Order, Member for Seme Constituency! That is going to be it. You have a balance of eight minutes. That should be at the beginning of the debate. So, do not come halfway through and say that you had an opportunity of eight minutes. You have to be here when this debate resumes tomorrow.

ADJOURNMENT

Hon. Members, it is now 6.30 p.m. The House is, therefore, adjourned until tomorrow Thursday, 17th July, 2014 at 2.30 p.m.

The House rose at 6.30 p.m.