

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 17th July, 2014

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Executive Summary and the Report of the Auditor-General on the Appropriations Accounts, Public Accounts and the Fund Accounts of the Republic of Kenya for the year 2012/2013

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

The Annual Financial Statements of the Insurance Regulatory Authority for the year ended 30th June, 2012

The Report of the Auditor-General on the Financial Statements of Embu University College 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 Meru Water and Sewerage Services Registered Trustees for the year ended 30th June, 2012 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of Nithi Water and Sanitation Company 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 Statements of the Kenya Forest Service 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 the Anti-Counterfeit Agency for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Amina Abdalla.

Hon. (Ms.) Abdalla: Hon. Speaker, on behalf of the Committee on Environment and Natural Resources, I beg to lay on the Table the Report on the Consideration of the Mining Bill, 2014.

Hon. Speaker: Members of the Public Accounts Committee (PAC), remember that regarding the Executive Summary and the Report of the Auditor-General on the Appropriations Accounts, Public Accounts and the Fund Accounts of the Republic of Kenya for the year 2012/2013, the country is watching because you know that it has a bearing on revenue sharing between the two levels of Government. It is a very important Report. So, PAC, please, be seized of the Report immediately and move with speed.

Departmental Committee on Transport, who is the Member tabling the Report on the benchmarking visit to the Republic of Indonesia between 12th and 16th May, 2014? Is it hon. Grace Kipchoim, the Member for Baringo South?

Hon. (Ms.) Kipchoim: Hon. Speaker, I beg to lay on the Table of the House the Report of the Departmental Committee on Transport, Public Works and Housing on the benchmarking visit to the Republic of Indonesia from 12th to 16th May, 2014.

Hon. Speaker: I hope that other Committees that have also made benchmarking visits to other places, including those who may have visited Jerusalem or Bethlehem are welcome to table their Reports. The National Assembly must be the yardstick upon which county assemblies must operate. You do not just frolic all over the world without bringing back what it is that you learnt, so that the country can benefit from your experience. I can see that the Leader of the Minority Party is happy about that position.

Hon. Members, I will exercise my discretion under Standing Order No.1 to allow the Chairperson of the Departmental Committee on Justice and Legal Affairs to table his Report a little later. As you know, they have a deadline of today. I have approved that the Committee should sit now even as we proceed in plenary. It is important for the country to know that when they do not see Members of Parliament here, they are also doing other things. They must know that Committees are still working even as we sit in plenary.

Next Order!

STATEMENTS

Hon. Speaker: Hon. Members, today is a day for responses.

Chairperson of Departmental Committee on Transport, Public Works and Housing, you have a Statement regarding terms of service for former Kenya Ports Authority staff, requested by the Member for Mvita, the hon. Nassir Abdullswamad Sheriff.

An hon. Member:--- (*Off-record*)

Hon. Speaker: If the Member is not present, you can table the Report, hon. Mahamud.

Hon. (Eng.) Mahamud: Hon. Speaker, as the Member is not in the House, I will just table the answer.

Hon. Speaker: It is okay, you can table the Report. The Member can come and read. It will be part of HANSARD.

Hon. (Eng.) Mahamud: Will he come back to ask me about it another day?

Hon. Speaker: No, no! He loses his right to do so. He should have been here. If he chooses to go to other functions not related to parliamentary work, he can certainly not come back to you.

Hon. (Eng.) Mahamud: So, I table it for him to read at his own time.

Hon. Speaker: He can read it at his own pleasurable time.

TERMS OF SERVICE FOR FORMER KPA STAFF

Hon. (Eng.) Mahamud: Thank you, hon. Speaker.

I beg to lay on the Table of the House the Report on the Statement request by hon. Abdullswamad Sheriff Nassir regarding the terms of service for the employees of the Kenya Ports Authority.

Thank you.

Hon. Speaker: Chairperson of the Departmental Committee on Labour and Social Welfare, you have a Statement regarding renaming of Moi International Sports Centre Kasarani to Safaricom Sports Centre, requested by the Member for Kipkelion East, hon. Joseph Limo.

Yes, hon. Joseph Were!

RENAMING OF MOI INTERNATIONAL
SPORTS CENTRE KASARANI

Hon. Were: Hon. Speaker, I would like to respond to the Statement requested by the Member for Kipkelion East. He wanted to know the following:-

(a) the steps taken by the Government to prevent the national stadia management from altering historical names for financial gain;

(b) the steps being taken to reverse the naming of Moi International Sports Centre Kasarani to “Safaricom Stadium”; and,

(c) the steps being taken by the Government to develop a framework to manage the renaming of public infrastructural development such as roads, stadia and airports to protect and prevent such alterations.

Hon. Speaker, I would like to respond as follows:-

The Sports Stadia Management Board (SSMB) is a State corporation whose mandate is to develop, manage and market sports and recreational facilities in Kenya. The SSMB is under the Ministry of Sports, Culture and Arts. The SSMB currently manages the Moi International Sports Centre and Nyayo National Stadium. The Moi International Sports Centre is a complex sitting on approximately 1,000 acre land and comprises of the following facilities: The main stadium; indoor arena, which is the gymnasium; aquatic complex; stadium hotel; housing estate; upcoming international sports academy, public golf course, the performing arts, and the motorist track, among other proposed projects.

Hon. Speaker, in the SSMB’s Strategic Plan for the period of 2011-2017, the Board has prioritised to develop strategic partnerships and collaboration for facility development and increased utilisation through formulation of proposals to attract funding, investment and sponsorships. One of the key areas is the naming and branding rights. This is also captured in the Board’s annual performance contract for the year 2013/2014.

The concept of naming rights involves the legitimate owner or manager of a sport facility giving up the right to name the facility to an independent sponsoring institution –

usually a corporate body or product – at an agreed upon fee for an agreed upon period of time. Naming rights is relatively a new concept not just in Kenya, but in Africa as a whole. Kenya is the second country after South Africa to venture into the concept. In South Africa, for instance, the flagship stadium for the Government of Gauteng, popularly known as “Soccer City” is now renamed “FNB Stadium” after the First National Bank bought naming rights to the facility.

In Europe, naming rights has achieved marked success, with examples ranging from Arsenal Stadium, which has since been renamed “Emirates Stadium”; Bolton Wanderers Stadium, which has been renamed “Reebok Stadium”; and Manchester City Stadium, which has been renamed “Etihad Stadium”, just to mention a few.

Hon. Speaker, the SSMB/Safaricom deal was a culmination of a number of consultative forums with various authorities. The Board of the SSMB adopted the proposal on 27th April, 2012. Further, the SSMB sought consent from the parent Ministry on 4th May, 2013, which was granted on 8th May, 2013. The SSMB put up a tender public notice on 17th May, 2013 in the *Daily Nation* Newspaper and on 21st May, 2013 in *The Star* Newspaper, where it sought bids for naming rights for the two facilities at Moi International Sports Centre – the main stadium and the indoor arena.

After the tender process was completed, amongst the ten firms that responded, Safaricom Limited offered the most competitive bid, with a total bid of Kshs55 million for a two-year period. In addition, they committed to undertake improvement to both facilities at a cost of Kshs155 million over and above the money paid directly to the SSMB. This makes a total package of Kshs210 million for the two-year period.

It is also worth noting that apart from the above benefits, the agreement with Safaricom Limited is very progressive and allows for other synergy projects to be negotiated within the contract period. Back in the year 2009, when a naming rights deal was offered to *Coca Cola* Company Limited, the SSMB sought legal opinion from the State Law Office in March, 2009 in respect to changing of the name “Nyayo”. The legal opinion given directed that an organisation can seek the Minister’s written opinion to use specified names like “Nyayo” or “Moi” without contravening the provisions of Section 3 (a)-(c) of the National Flags, Emblems and Names Act, Chapter 99 of the Laws of Kenya.

With respect to naming rights agreements the world over, the alteration of the original name is usually temporary. Normally, the original name reverts back at the end of the contract period. Also, exclusion of use of the commercial name during State functions is usually factored into the contract.

Hon. Speaker, in the case of the SSMB/Safaricom deal, the Moi International Sports Centre has not been interfered with. It remains as it is. The two facilities within the centre offered to Safaricom for naming rights do not bear any protected name as shown in some photos attached to this response.

On steps being taken by the Government to develop a framework to manage the remaining public infrastructural developments such as roads, stadiums and airports to protect and prevent such alterations, Section 3(a)-(c) of the National Flags, Emblems and Names Act, Chapter 99 of the Laws of Kenya, provide a legal framework on protection and alternation of names, emblems and national flags. Further, the exemptions are indeed necessary for the stadium’s sustainability as the concept of naming rights is one of the acknowledged best practices internationally.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Limo!

Hon. Limo: Hon. Speaker, first, I am not sure whether what has been presented here is a Report because it bears no name of the person responding to the request, unless the Chairman is the one doing so. It is not signed, unless he has another Report. I have with me here a Report comprising of only five leaves of paper, which are not signed, and which bear no name of the person responding to the Statement request. Therefore, this is not a serious Report. We have been waiting for it for a very long time and they have taken us for a ride. Other than that, the Sports Stadia Management Board has actually failed the country, because they have not taken the opportunity to use the stadia in the country innovatively.

First we want to know, other than once in a while when there are football matches and national celebrations, what other activities have they planned to do in that stadium? Other than planning to rename it from “Moi International Sports Centre” to “Safaricom” what other plans do they have? They have not even indicated whether this Kshs.55 million which they purport to have received from Safaricom has actually given this country any value; because they say it is a new concept of naming and branding. I want to state that naming and branding are two different things. Can they substantiate how much was given for naming and branding? This is a raw deal---

Hon. Speaker: You know now you are debating.

Hon. Limo: I am actually asking a question, hon. Speaker, that we want a breakdown---

Hon. Speaker: Even if we were to change the rules and the Cabinet Secretary who gave the response was here, I would not allow hon. Members to debate issues. Surely, we have given you so much time, hon. Limo. You have continued rumbling on and on. Surely, where is the clarification? You have said the Statement is useless, so what clarifications are you seeking? Is it how much money they have received or how much money was paid for branding and renaming? I mean all those, which one is he going to respond to? Remember, he is not actually the author of that Statement. I appreciate your concerns about this, but who is going to respond to some of the issues that you are raising? It will just be debate, and obvious the records will show that you really debated this matter, but there was no response to you. So, why not seek a clarification?

Hon. Limo: Thank you, hon. Speaker. I take your guidance. Let me summarize by saying the response is not adequate because it does not even justify all what they are saying. This is because they are not giving us the specific actions that they are going to undertake. This response has not answered the specific questions that I asked, that they have actually renamed the stadium and therefore, they have actually removed the heritage of this country. I was asking what action the Government is going to take to reverse this. They have not answered that. They have not also answered the question on what they are going to do to protect other names in future.

I just want to finish by saying that it is shameful for a very respectable company like Safaricom to engage in such activities. What they should do is to negotiate for branding but not renaming. Finally, they have actually failed to even renovate the stadium. I want the Chairman to go back and clarify the issues I asked because they have

not been answered. They have gone round saying they are internationally accepted standards, which I am saying they are not.

Hon. Speaker: Is there anybody else intending to raise a further clarification. Does that appear like hon. Moses Cheboi?

Hon. A.B. Duale: It is not hon. Moses Cheboi; it is the Leader of Majority Party. I also want to clarify because I spoke on this matter. I have never been a member of KANU and I do not anticipate, but I have friends.

What is happening to Moi International Sports Centre is that they are renaming it from *Mzee* Moi, who is the original *baba* - I drank his milk. His name is being removed and then replaced with "Safaricom". During the last Parliament, we dealt with the statue of Tom Mboya and Dedan Kimathi and we should build one for Paul Ngei. Now, as we recognize leaders in this country, we are removing the one of *Mzee* Moi.

(Applause)

Next time we are going to remove the name "Uhuru Park", the name of the fourth President of the Republic of Kenya; my President. We are going to remove Jaramogi's name from somewhere. If we go this way, then I can assure you the names of Tom Mboya, Jaramogi Odinga, Uhuru Kenyatta, Mwai Kibaki's Statue and Wamalwa Kijana will be removed. Again, for only Kshs.55 million, all this is done. It is very shameful! Since we have agreed to bring Cabinet Secretaries to the House to answer questions, the Cabinet Secretary for Sports should be the first one to come to the House to tell us if the name of *Mzee* Daniel Toroitich Arap Moi is worth Kshs.55 million. It is not worth it, because even hon. Duale is not worth Kshs.55 million. Even hon. Benjamin Langat is worth Kshs.1 billion.

(Laughter)

Hon. Speaker, I want you to direct that this matter be referred back and if possible a select committee of this House should be constituted and hon. Cheboi and I are ready to deal with this issue. Some of us want to defend the name of *Mzee* Moi. This is because he has a very rich history. Without him, the Leader of Minority Party's political career could not have been there, it would have been dead!

(Laughter)

It is *Mzee* Moi who made him what he is today. The former Prime Minister worked with *Mzee* Moi. The current President and the Deputy President are all from the school of thought of *Mzee* Moi, so is the whole country. Even hon. Kalonzo, if it was not for *Mzee* Moi, today maybe he could be in Tseikuru maybe doing business.

(Laughter)

So, those of us who drank his milk and those of us who went to his political school, need to tell Safaricom CEO Bob Collymore that he makes between Kshs.17 and

18 billion. He cannot buy the heritage of *Mzee* Moi for Kshs.55 million. I think you need to give direction that this is a serious matter of national importance, and if we allow this to continue, then the legacy of hon. Cheboi and hon. Duale when they leave politics will also be bought for Kshs.1 billion.

Hon. Speaker: Hon. David Were.

Hon. Were: Thank you, hon. Speaker---

Hon. Speaker: Hon. Members, sometimes it may be important, let us hear what the Chair has to say.

Hon. Were: Thank you, hon. Speaker. Let me start with the Member who requested the Statement. First, I have a forwarding letter which forwarded the Statement and it has a signature. Because of the forwarding letter, I believe the Statement that I have read is authentic. It was on a letterhead and it bears a signature.

Two, hon. Limo has asked apart from Kshs.55 million what else Safaricom is offering. I had already read in the Statement that apart from the Kshs.55 million sponsorship deal, they have offered another Kshs.155 million for repairs in the stadium.

Apart from that, I have also indicated that there are other facilities they are able to give depending on the negotiations they will enter into with SSMB. These are contracts that were signed on 1st October, 2013 to run for two years and it is due to expire on 30th September, 2015.

Hon. Speaker, because there is a signed agreement which spells out all that Safaricom is supposed to do in the stadium, I will be able to table the agreement so that hon. Members can look at it to appreciate what Safaricom does at the stadium. The stadia are supposed to be self-financing and SSMB as an autonomous body has to raise funds to maintain the two stadia I have mentioned. That is, Nyayo Stadium and Moi International Sports Centre, Kasarani.

(Loud consultations)

Hon. Speaker, for the last three years, the Government has not injected any money for the maintenance of either Moi International Sports Centre or Nyayo Stadium. Therefore, SSMB has to find a way of raising funds to maintain these stadia. It is not right to say that Safaricom has done nothing. It was not Safaricom's own decision to write to the Ministry or SSMB that they wanted to do something at the stadium. It is the SSMB which advertised in the newspapers for interested parties to apply and whoever won would be given the contract to maintain the stadium. I do not see where Safaricom has failed in its obligation because this is a request which came from SSMB.

Hon. Speaker, of the remaining, I have indicated very clearly when I was reading the Statement that the Moi International Sports Centre, Kasarani, has various facilities bearing different names. It has various facilities including a hotel. It has a swimming complex, gymnasium and football stadium. These are the most used facilities and SSMB could not raise funds even to maintain them. That is why they had to put it on newspapers.

Hon. Dido: On a point of order, hon. Speaker.

Hon. Speaker: What is your point of order, hon. Ali Rasso Dido?

Hon. Dido: Thank you very much, hon. Speaker. The hon. Chair is saying that Safaricom has done a lot by giving Kshs55 million. I think Safaricom has a duty to this country. It has almost a monopoly to do that as part of corporate social responsibility---

An hon. Member: Yes. That is right!

Hon. Speaker: You rose claiming to be on a point order, you are now giving an argument. Sit down!

Hon. Were: Hon. Speaker, I do not think it is right to say that Safaricom is not doing social corporate responsibility because it is all over the country. We know that through the Safaricom Foundation, many projects are being built in this country including in my own constituency. I have so many facilities that have been funded by Safaricom and I know there are other facilities---

(Loud consultations)

This thing is not only in my constituency. I know it is in so many other constituencies.

Hon. Speaker: Hon. Were, can you please restrict yourself to responding on the clarifications sought. You are now going back to the Statement in full.

One issue cannot take such long---

Hon. Were: Hon. Speaker, I do not know why hon. Members are excited. They are excited on something that they do not understand.

Hon. Speaker, I have indicated that Moi International Sports Centre is still the same. It has not been renamed. Some hon. Members who are saying that it has been renamed might not have gone there to understand the concept of what is going on there.

Hon. Speaker: Very well. That should conclude that matter.

Hon. Were, again you are the one to respond to the next Statement by Ewesit Akujah. Proceed to the next one.

DISTRIBUTION OF RELIEF FOOD TO DROUGHT-HIT AREAS

Hon. Were: Hon. Speaker, I beg to respond to the Statement requested by hon. Protus Ewesit Akujah, Member of Parliament for Loima Constituency, on distribution of relief food in the country, more especially in Turkana County.

I beg to read the response from the Cabinet Secretary Ministry of Devolution and Planning.

The national Government continues to distribute relief food to vulnerable populations in all parts of the country through monthly food distribution. A total of 27 counties, particularly from arid and semi arid regions are covered in the food distribution. So far, the Government has distributed 76,406 of 90 Kilogramme bags of maize; 90,159 of 50 Kilogramme bags of rice; 70,868 of 50 Kilogramme bags of beans and 18,043 cartons of three litres of vegetable oil. Also it has distributed 7,170 bales of Nutropap to mitigate effects of drought.

Out of the above quantities, Turkana County has since the beginning of the 2013/2014 Financial Year, received 9,871 of 90 Kilogramme bags of maize, 7,000 of 50

Kilogramme bags of rice; 7,688 of 50 Kilogramme bags of beans, 1,663 cartons of vegetable oil and 140 bales of Nutropap.

The number of beneficiaries so far reached is 1.3 million Kenyans. The Government will continue distributing relief food to the affected areas for the next two months. Therefore, the situation will be reviewed to establish need for the continued distributions.

The Government has put up the following logistical measures in place to facilitate smooth distribution of relief food:-

(i) Each of the 27 counties has been issued with lorries for relief food movement while Deputy County Commissioners are facilitated with funds to assist in relief food distribution. To date, a total sum of Kshs23,080,000 has been issued to various Deputy County Commissioners to facility relief food movement and distribution in their respective areas.

(ii) Turkana County has received a total of Kshs2,750,000 as follows:-
Turkana Central, Kshs650,000; Turkana North, Kshs150,000; Turkana East, Kshs750,000; Turkana South, Kshs450,000; Loima Kshs450,000; Turkana West; Kshs150,000 and Kibish Kshs150,000.

(iii) Thirty districts have each been given one GK vehicle to help in distribution of relief supplies.

(iv) County steering groups have been established in each county to help identify the vulnerable population and facilitate smooth distribution of relief food.

Membership of the steering groups include:-

The County Commissioner who chairs the group, the governor, the representatives from State departments of devolution; representative from the National Drought Management Authority and county heads of department. Senators and Members of Parliament offer oversight functions to the committees.

The Government works closely with other humanitarian organizations in counties providing humanitarian assistance to the affected population.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Member for Loima, Protus Ewesit Akujah, where are you?

Hon. Akujah: Hon. Speaker, I want to take this opportunity to thank and appreciate the Chairman for presenting this report in this House although it has taken more than six months since it was asked. Some of the responses have been overtaken by events, but I want to seek a few clarifications from him. Response to part “(c)” talks about how long the distribution will take. It is indicated in the report that the distribution for Turkana County was done in January and March 2014. The response says that two more months were required. When is the next review of the situation? The situation remains as it was and this can be justified by the 30,000 people from Turkana West and Loima who are currently in Uganda in search of pasture and water. When is the next review because the situation has not changed since then? The other distribution was supposed to be done in April and May. What about June, July and other months?

Part “(d)(ii)”, talks about the logistical measures that have been put in place to ensure that there is smooth distribution of the relief food. Part “(ii)” talks about Senators and Members of Parliament offering oversight function to the committees. There is a county steering group which was formed in the 26 counties that were affected. How are

the Senators and Members supposed to oversee this particular exercise when we are not aware of these county steering groups?

Hon. Were: Hon. Speaker, this Statement is dated April. They had indicated that the exercise would be completed in two months. So, I expected that maybe, by mid June, this exercise would have been completed and a new schedule prepared. So, I will liaise with the Ministry to ensure that the same is done. It is such a serious issue for 30,000 Kenyans to cross into Uganda looking for food. Two, Senators and Members are supposed to oversee the exercise basically because we are an oversight House. It is expected that the Members of the National Assembly and the Senators will oversee this exercise. However, we would like to inform the Ministry that when this kind of food is distributed, Members of Parliament should be informed, so that they can know what is going on within their constituencies. We will pursue this so that it is done.

Hon. Abongotum: Hon. Speaker, using your discretion, I want to request you to allow three Members from the Upper North Rift, North Eastern and Eastern to seek clarification. As I speak, the county governments have no capacity to deal with the feeding of thousands and thousands of people who are on the verge of death in those specific areas. In my place, I am almost losing many people. This is because the famine relief programme was cascaded to counties. If this was being handled by the national Government, we would not be facing this danger.

For the first time in the history of Kenya, we are going to lose so many people in Ukambani, the former North Eastern Province, the Upper Eastern and the Upper North Rift. My people are almost perishing because of lack of food. This programme used to be managed by the World Food Programme in consultation with the national Government, World Vision, the Red Cross and other NGOs like Action Aid. We need to be assisted. Our people are dying and the national Government is not providing solutions to this. The county governments cannot solve it. They cannot handle it. So, I do not know whether hon. Were, my friend, is just being fed with information, but I want to tell him, from the horse's mouth, that our people are dying and he needs to do something.

Hon. Dido: Thank you, hon. Speaker. I want to add my voice to the sentiments by my colleagues. There is a very serious drought in my constituency and many others in northern Kenya. People and livestock are at the verge of death. Like hon. Kamama has said, if we are going to say that there is devolution, we are going to leave our people to perish. It is right that this House and the national Government stepped in to save our people.

Hon. (Ms.) Kipchoim: Thank you, hon. Speaker. I had interjected to contribute on the issue of relief food.

Hon. Speaker: To contribute? There is no debate.

Hon. (Ms.) Kipchoim: Hon. Speaker, I wish to seek clarification. We have not had rainfall in the country this year even in the highlands where we normally receive rainfall. The places are dry and we want to find out what the Government is doing. The Government should find alternative ways of helping the people of Kenya.

Hon. Maanzo: Hon. Speaker, I would like to seek clarification from the Chair regarding the system of distribution of relief food that they are going to use. In parts of Ukambani, including my constituency, there is serious drought and there are no signs that the national Government is about to supply relief food to schools.

Hon. (Prof.) Sambili: Hon. Speaker, I would also like to seek clarification regarding secondary schools. In my constituency, which is one of the semi arid constituencies, people are starving especially children in secondary and primary schools. What will the Government do, urgently, to save the children from starving and schools from getting closed? We should avoid bureaucracy and save the people of Mogotio Constituency and other parts of Kenya.

Hon. Speaker: Hon. Members, I can see so many of you wanting to seek clarification. For example, hon. Sambili wants to know what the Government will do. Since I do not seem to see the Government here, is hon. Were the Government?

Hon. (Prof.) Sambili: Hon. Speaker---

Hon. Speaker: It is okay. Once you lose your chance, you lose it once and for all. It is my responsibility to ensure that the persons who speak are from various parts of the country. So, you cannot speak from just one county. Let us hear from Kitutu Chache North. I am the one who gives people leave to speak.

Hon. Angwenyi: Hon. Speaker, I would like the Chairman to clarify whether that programme can be extended to areas which have not been known to be arid like Kisii? We had this disease which came from Bomet and destroyed all our maize. We need relief food in our schools and for our people. Could the Chairman clarify whether the programme can be extended to the Kisii County?

Hon. Speaker: Surely, hon. Members, you know the futility of this. You are asking hon. Were to say whether the programme can be extended. It is not in his power to extend any programmes. His responsibility as the Chairman of the Committee concerned does not include the things you are asking him to respond to. Hon. Were, just respond.

Hon. Were: Thank you, hon. Speaker. I think the Statements that have been---

Hon. Speaker: Hon Members, just listen. It does not matter how viciously you look at me. I never get scared. It does not matter, you can open your eyes to the last bit. I do not bend rules. Let us hear the hon. Chairperson.

Hon. Were: Thank you, hon. Speaker. I hear the general sentiments of Members and it looks like there is a real crisis concerning the food situation in arid and semi arid areas. What I want to say is; I believe that the Government is up to the task. I am going to communicate the concerns that have been raised by various Members, so that the Government can take up action immediately.

Hon. Speaker: That is the best the Chairperson can do; to communicate. Let us move to the next one, hon. Were once again. You are the one responding still. The question was asked by hon. Wetangula on KICC.

STATUS OF KICC AS A HERITAGE SITE

Hon. Were: Today is my day. Thank you, hon. Speaker. This is a Statement that was requested by hon. Wetangula, Member of Parliament for Westlands. He wanted to know why it has taken this long to declare KICC part of Kenya's cultural heritage as a protected building, pursuant to the National Museums and Heritage Act, Cap.216, Laws of Kenya. Two, whether the current external alterations to the building were approved by the buildings architects. Three, the current and registered name of the building since it was recently rebranded from the well known "KICC" to "Kenyatta International

Convention Center” and the rationale for this. Four, the total number of architectural designs and community heritage sites which have not been designated as protected areas.

I beg to respond.

The Ministry of Sports, Culture and Arts is the custodian of the national heritage, thus charged with the protection of all heritage sites in Kenya. Over the past years, the National Museums of Kenya has continued researching and gazetting all buildings which were threatened by rapid development and pressure to urbanization. However, in the last couple of years, a campaign to gazette some of the post-independence and modern buildings that are of special value and worth celebrating was initiated. This necessitated the involvement of other stakeholders from educational institutions, private entities and Kenya Architectural Association, who elicited input from the public in the identification of buildings worth celebrating or protecting. KICC and Parliament Buildings were voted as the most popular buildings by the members of the public who participated in the survey. Other heritage areas include Kaloleni Social Hall, Mzee Jomo Kenyatta statue and the mausoleum.

One, 24th July 2013, the Cabinet Secretary, Ministry of Sports, Culture and Arts, published a notice via Kenya Gazette Vol CXV of 26 July 2013 declaring Kenyatta International Conference Centre as a monument within the meaning of the National Museums of Kenya. Two, KICC did not seek the expert opinion of the Chief Architect, Directorate of Public Works, Ministry of Lands, Housing and Urban Development on the structural integrity and stability of the building and whether the signage will alter the initial concept of the tower. The Ministry responded via a letter dated 20th August 2013 and assured KICC that the designs presented were not going to affect the structural integrity and stability of the building. Further, the signage lighting was going to enhance the visibility of the building. Based on the above expert opinion, KICC proceeded to lease out the space. It should, however, be noted that the signage as erected is temporary and will be restored back to its original state. The current and registered name of the building is still “Kenyatta International Conference Center.”

However, the enactment of the Tourism Act of 2011 changed the nature of the parastatal from Kenyatta International Conference Center to Kenyatta International Convention Center. The rationale for this is that a convention center is usually larger than a conference center. It can hold more people and hold conferences for over many days. A conference center is smaller compared to a convention center. It should be noted that when KICC was established, its object and purpose then was limited to organizing and hosting meetings. With increased mandate, the object and purpose of KICC went beyond just hosting of meeting to include bidding and providing technical support services related to organizing of events. There was therefore need to change KICC from a conference to a convention center to adequately address this mandate. It should also be noted that Kenya is benchmarking with the leading meeting conferences and exhibition destinations in the world, where major meeting venues are known as convention centers as opposed to conference centers. There is Vienna Convention Center, Cape Town International Center, Durban International Convention Center, Melbourne Convention and Exhibition Center and others.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Wetangula

Hon. Wetangula: Thank you, hon. Speaker. I would like to thank the Chairman for this response. But I wish to request for the following clarifications. One, I would like to know whether there was public participation in the change of name from “Kenyatta International Conference Center”, to “Kenyatta International Convention Center”, as demanded by Article 232 of the Constitution. When you look at the rebranding of the building, any guest coming to Nairobi today will mistake it to be the Samsung International Conference Center other than Kenyatta International Convention Center, because the rebranding of that building has a signage that automatically altered the architectural design of that building. I would like to know that because KICC is part of Kenya’s heritage and as very well articulated by the Chairman, it has been declared a national monument. So, whether there was public participation in the change of name, this signage has altered the image of the building.

Hon. Cheboi: Thank you, hon. Speaker for at least hearing the voice of the original owners of this particular building.

(Laughter)

The clarification I want to seek is this--- Of course, we are an endangered species having lost the Nyayo National Stadium, the Kasarani Stadium and now we are losing this other one to Samsung. More importantly, world over, when we have national monuments or buildings, you do not change their structure or colour. The colour of KICC has changed. It is now dark brown from the original grey. At the top of the building, we used to have a hotel when we used to manage our building as a party.

(Laughter)

Hon. Speaker: What do you mean when you say “our building”?

Hon. Cheboi: You know, I am the party leader of *Jogoo* in this House. Members are free *kutingiza* as I speak. I think it is high time---

(Applause)

Hon. Speaker: Is that the reason why the hon. Leader of Minority Party is very close to you?

Hon. Cheboi: You can see we were consulting, hon. Speaker. Is it not time we set aside funds for some of these national monuments and particularly KICC so that we do not enter into some agreements so as to get money? At night as you drive home, for us who do not go home early, you will think it is a Samsung project and this is very bad for a national monument. Is it not about time we set aside funds for KICC, Kasarani and Nyayo stadia so that they do not take the names “Safaricom” and “Coca Cola”? I know you have answered that question, but we do not want to lose our monuments.

Thank you, hon. Speaker.

(Applause)

Hon. Speaker: Hon. (Prof.) Sambili, I can see you are also very concerned about it.

Hon. (Prof.) Sambili: Hon. Speaker, I think I have become KANU original although I am maybe the youngest. I believe that we need to protect our heritage. This is a national heritage and when I become emotional, I think we are an independent country; we have our heritage; we have our identity. We cannot lose our identity. If these organizations have money and I know they are making money, let them start their own stadia. Let them build their own stadia! Let them not come and whitewash our heritage. When in the last Parliament I was the Minister for Sports, I refused the change of “Nyayo Stadium” to “Coca Cola Stadium” because I believe we need to protect the heritage of this country. We need to protect the names because it is our heritage. It is our history. It is nothing political.

Thank you for giving me this opportunity because I was wondering why you were not giving me a chance. The one of Safaricom in Kasarani has not improved. Let us maintain the name “Moi International Sports Center”. Let us maintain the name “Kenyatta International Conference Center” (KICC). *Tuchunge nchi yetu* because it is our heritage. We can raise money. So, *naomba kabisa* because it is nothing political; it is the heritage of this country.

I now see that you have nothing against me. I was beginning to feel that I do not want to be ridiculed because I am a senior Member. So, my heart is clean now. I was beginning to wonder, *kwani* when I say secondary schools--- I know I am a very capable leader. I go to those schools. Hon. Were is talking to the Ministry, let there be no bureaucracy. *Hii maneno ya chakula*, let it be given to the people. People should not die. I know he is not the Government but he is the Chairman of the Committee that will deal with those issues so that our people do not die and then we protect our heritage.

(Loud consultations)

Hon. Speaker: Hon. Members, it is fair to also follow our own Standing Orders. The issue at hand is about the KICC. I have just used my discretion under Standing Order No.1 not to apply Standing Order No.106 with regard to relevance. So, it is fair! When you begin contributing in one language, you must stick to that one. You do not mix; jump from English into Swahili because then the record will not be clear. I can appreciate the emotions but hon. (Eng.) Gumbo you have the Floor.

Hon. (Eng.) Gumbo: Hon. Speaker, it is a common saying that the best things in life are free. That is why, for example, the converse of that is that you cannot attach value to the best things in life. That is why you cannot buy the air we breathe; you cannot buy love; you cannot buy the best things in life. My concern and the clarification I want to get is: Are we really not in danger of over-commercializing public institutions if we go this way? Most importantly, how do we know that as a people of Kenya we are getting value for money when we give away what is the heritage of this country?

Hon. Speaker: Hon. Members, let us allow hon. Were to respond to those. It is not a debate. You are seeking clarification. Do not raise fingers. We are not in those party days. Let hon. Were respond first and then I will determine whether there is need for further clarifications.

Hon. Were: Hon. Speaker, I want to assure hon. Members that I am equal to the task and as for answering questions, I did it in the Ninth Parliament and I think I perfected it then. So, it is something that I have done before.

I want to go to the question by hon. Wanyonyi. From all indications, public participation was not done and this is something that we will take up with the Ministry. We would like know why they did not ask for public participation when it came to changing of the name from a conference center to a conventional center. I also agree that the signage of Samsung is so prominent that at night you can think that it is a Samsung conference center. But I just believe it is because of the problem of lack of funds and most of those organizations are trying to use any means possible to raise funds. So, it is something that as a Committee and maybe as a Parliament we need to be assisted because we have even tried to get funds for maintenance---

(Hon. (Ms.) Abdalla consulted Hon. Were)

Protect me from hon. (Ms.) Abdalla because whenever she is responding to Statements, I do not interfere with her.

Hon. Speaker: You are protected!

Hon. Were: Hon. Speaker, I was saying that as a Committee, we will try to assist and ensure that these bodies that fall within the Ministry that we supervise are funded adequately. I know we have tried before even when it came to the stadium management and the Ministry had even requested Kshs1.2 billion for maintenance of the various stadia in the country. However, it was not possible because of scarcity of funds. The request that they made was not granted and that is why the other bodies have resorted to finding ways of raising funds to maintain those facilities.

I agree with the issue of protecting our national heritage and as a Committee we are going to pursue to ensure that it is protected. When it comes to the issue of specific funds, I agree with hon. Cheboi that we should create specific funds for the maintenance of specific national heritage. But just as I have said, it is the issue of inadequacy of funds that has made it very difficult for us to make sure that every part of the structures of Government are funded adequately. So, I believe that the Government has goodwill to ensure that all national heritages are protected.

Hon. Murungi: Hon. Speaker, my clarification is on Kasarani Stadium. Safaricom paid Kshs55 million, so how much is Samsung paying for using KICC? The Chairman should confirm that there will be absolutely no change of that name and the only acceptable change will be to "Uhuru Kenyatta International Convention Center."

Hon. (Ms.) Sunjeev: Hon. Speaker, I seek clarification on this very pertinent issue because as we talk about national heritage, some very senior Members of Parliament have talked about the external side of KICC. If at any point in time the Chairman would clarify how much Samsung has been able to pay for the upkeep of the KICC, would they say how much in maintenance is going towards the upkeep of the toilets at the KICC? This is because I have evidence and I can tell you that the people who go to the KICC have a very big problem because there are no lights when you go into those bathrooms. That, from my point of view, is a big shame. How many billions of dollars do we need just to fix the toilets in KICC?

(Laughter)

Hon. Speaker: Well, of course, Parliament has several offices there and I wish to confirm from here as the Chairman of the Parliamentary Service Commission that we are not in arrears. So, there is no reason why the management of KICC should not maintain the place. Hon. Were, you could respond to those two issues.

Hon. Were: Hon. Speaker, at the moment I do not have figures on how much Samsung is paying KICC. I can find out and bring the information to the House. I want to assure hon. Members that the only change that happened there is the change from a conference centre to a conventional centre. When we were young, the most spectacular building that all of us used to admire was “KANU House”. That time it was not known as “KICC”.

With regard to the upkeep and maintenance of the building, I will refer to the authority so that they ensure that the building is in a good state of repair and Members who have offices there and their guests can get proper services.

Hon. Speaker: Hon. Kamama, I am informed that you wanted to make some Statement on some issues.

COUNTRYWIDE POLICE RECRUITMENT

Hon. Abogotum: Thank you, hon. Speaker. On Tuesday, hon. Dr. Chris Wamalwa of Kiminini and quite a number of Members raised issues on the exercise of recruitment of police that took place on Monday, last week. So, I just want to report to Members that we have liaised with the Office of the Cabinet Secretary for Interior and Coordination of National Government. He has asked that this information be availed to the House on Tuesday because of the distance between Nairobi and the far-flung district headquarters. The amount of information and data that has been collected is massive and they require some time to give the House a quality report. That is the request by the Minister. According to me, even Tuesday is too early but since they have accepted to present the information on Tuesday, I will present the information on that day, with your concurrence.

I appreciate that quite a number of Members raised issues. There were even demonstrations in some places with regard to this exercise. I urge hon. Members to be patient until Tuesday when I will table the report on that recruitment exercise.

Hon. Wakhungu: Thank you, hon. Speaker. Indeed, the Chairman had communicated this to me and we have no otherwise. It is for him now to take note that this is a very serious issue. The report has to be comprehensive. We have heard of families losing people. Some parents have died. There is a case in western Kenya where somebody paid out Kshs300,000 to get her daughter a chance, but she did not make it. The *mzee* collapsed and died. As we speak now, we are mourning. There are also many instances. Since my friend has mentioned this, we have no otherwise but to wait. My humble request is that we change the rules, so that Mr. ole Lenku is allowed to come. If time allows, he could be asked to be available at that corner on that particular day so that Members of Parliament interrogate this matter accordingly.

Hon. Speaker: I hear your concerns. Something is coming.

BUSINESS FOR THE WEEK COMMENCING 22ND TO 24TH JULY, 2014

Hon. A.B. Duale: Hon. Speaker, pursuant to Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC) I rise to give the following Statement regarding the business appearing before the House the week beginning Tuesday, 22nd July, 2014.

Hon. Speaker, as usual, the HBC met on Tuesday this week at the rise of the House to schedule business of the House and give priority to the business of the House for part of this week and next week. In this regard, next week, the House is expected to consider the Second Reading of the following Bills:-

1. The Private Security Regulations Bill, 2014
2. The Children (Amendment) Bill, 2014
3. The Mental Health Bill, 2014
4. The Climate Change Bill, 2014
5. The Insolvency Bill, 2014
6. The Companies Bill, 2014
7. The Order of Precedence Bill, 2014
8. The Prohibition of Anti-Personnel Mines Bill, 2014
9. The Business Registration Service Bill, 2014

The Statute Law (Miscellaneous Amendments) Bill, 2014.

Hon. Speaker, allow me to request hon. Members and their Committees to specifically pay attention to the Statute Law (Miscellaneous Amendments) Bill, 2014 which seeks to bring minor amendments to various laws.

The Bills scheduled for consideration at the Committee Stage next week are:-

1. The Kenya Qualifications Framework Bill, 2013
2. The Physiotherapists Bill, 2013
3. The Alcoholic Drinks Control (Amendment) Bill, 2014
4. The Law Society of Kenya Bill, 2013.

Hon. Speaker, these will be dealt with if not concluded today.

Another important Bill to be given priority is the Finance Bill which should be passed by the House by 24th September, 2014 in accordance with the Public Finance Management Act and the Standing Orders which indicate that the Bill ought to be passed within 90 days from the date of the passage of the Appropriations Bill. This period will expire on 24th September, 2014. It is in this regard that it will be safe for the House to finish with the Second Reading of the Bill before we proceed on recess slated for 29th August, 2014.

The HBC has also lined up other critical business particularly relating to the six legislative proposals with constitutional deadline. My office, the Office of the Attorney-General and that of the Constitutional Implementation Oversight Committee is working around the clock with the offices of the CIC and the Kenya Law Reform Commission. We expect that those Bills to be in Parliament, latest on Monday, next week.

There are eight Bills pending with constitutional deadlines, but two of them have already been enacted. One is on Article 46 of the Constitution, that is, the Consumer Protection Bill. The Attorney-General and CIC have confirmed that there is in existence the Consumer Protection Act which Parliament enacted in December, 2012. Both the

Attorney-General and the CIC have agreed that this Act suffices for the purpose of meeting the constitutional deadline of 27th August.

The other Bill is on Article 48 on fair hearing. I want to confirm here that the Victims Protection Bill by hon. Millie Odhiambo which is on the Order Paper today has addressed this issue. This, again, suffices for the purpose of meeting the constitutional deadline of 27th August.

Hon. Speaker, according to the CIC and the Office of the Attorney-General, there is a Bill on Article 227; The Public Procurement and Asset Disposal Bill, 2014. This draft Bill, in the opinion of the CIC and other stakeholders, needs to go through more public participation. Out of the six Bills, that is the only Bill that we might need to have an extension of time because it is very important. However, the other six Bills will be in Parliament by Monday and if they are not I want you to go and use your powers to compel the CIC to forward those Bills straight to Parliament. That has happened in the last Parliament under the leadership of your predecessor, the former Speaker, hon. Kenneth Marende. But both the CIC, the Attorney-General and the Cabinet Office have confirmed that these Bills will be in Parliament latest by Monday.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Kajwang’.

Hon. Kajwang’: Thank you, hon. Speaker. Allow me to appreciate the Leader of Majority Party for laying the business of the House and also to congratulate the House Business Committee (HBC) for focusing us on the business before us.

Hon. Speaker, allow me to speak to the subject only of the constitutional Bills that are needed to implement the Constitution. The CIC, the Cabinet, the Attorney-General and all those authorities that the Leader of Majority Party has mentioned have had a fair share of their time in considering these Bills and they have promised over and over that they will be coming to the National Assembly but we have only seen promises. We have never seen actions.

Hon. Speaker, these are very important Bills because they not only implement the Constitution but they are the main reason for which we are here. This is because these have timelines and as the National Assembly we do not have any option but to comply with the timelines. There are nearly six Bills that are out there and the time is running fast. In fact, we are going to have hardly a month to be able to consider them. Now, they have had one year but now we will have a situation where this National Assembly will have to sit here late in the night and consider Bills that have not been properly thought through. Members have not had time to do research and to reflect on them and then we will be in a position to implement them. I think something needs to be done. I do not want to take issue with the Chair of the Departmental Committee as at now because he is just a Member like me but I want to take issue with those authorities out there. This authority called the Cabinet; you look through the Constitution and the legislative laws and you do not see how the Cabinet becomes a body which legislatively can consider a proposal. So, when they take all this time they have taken and when the reason is only that it is still lying before some Cabinet, then that is bad. You know, these are not elected people. It is only this National Assembly under Articles 94 and 95 that has the legislative mandate. So, these people can hold those Bills for all they care but they will never be held accountable or responsible for the delay or for the consideration of those Bills.

Hon. Speaker, just as the Leader of Majority Party has requested you, I want to also say that it is time you reined in on these people or as the National Assembly we rein in on these people and follow the well considered decisions of hon. Marende when he ruled that those Bills will stand in this House, whether they are before some Cabinet or not so that we take charge of that proposal and timetable. I kindly request you to give a considered decision on this and order that these Bills be in the custody of the National Assembly and then now we are able to see how we can midwife them. Thank you very much.

Hon. Speaker: Very well, well spoken. Do you have any intervention on this, hon. Gumbo?

Hon. (Eng.) Gumbo: Hon. Speaker, like my colleague, hon. Kajwang' has said, I want to thank the Leader of Majority Party for laying the business that is coming before the House.

Hon. Speaker: Are you saying something? You know, you are bending so I am not able to see whether you are saying something.

Hon. (Eng.) Gumbo: Hon. Speaker, I am saying that I want to follow from where hon. Kajwang' left by commending the Leader of Majority Party for putting before the House the programme that we are to follow. However, there is a matter really that I think this House needs to pronounce itself on. We are all aware that the largest single employer of public servants is the Teachers Service Commission (TSC) and it is a fact that any Kenyan of note, including yours truly the Speaker of this House, has passed through the hands of a teacher and yet as we speak now, the TSC is not properly constituted. There was an attempt I think sometimes back to bring the list of commissioners here for approval but that did not go through and it is beginning to look like there is confusion. The fact that the TSC, which is a constitutional commission, is not properly constituted is interfering with some duties of that commission particularly the welfare of the teachers.

Hon. Speaker, would I be in order then to request the committee concerned and the leadership of this House to intervene with those responsible for the appointment of the commissioners of the TSC, including the chairman to expedite the process so that, that list of commissioners and the chairman can come to this House and be approved? We need to have this important constitutional commission in place? I thank you.

Hon. Speaker: The proper way would have been through a request for a Statement from the Chairperson so that she can make some response, especially with regard to the last issue. However, I think it is fair that those bodies recognised in the Constitution in preparation of the Bills to actualise the Constitution, namely the CIC, Kenya Law Reform Commission and the Office of the Attorney-General take note of hon. Kajwang's observation. Those are the bodies to which we should direct our rage but I think we should take comfort in what the Leader of Majority Party has said; that the Bills are going to be before the National Assembly by Monday next week. If any of them is not here, then we will pronounce ourselves on the way forward because it is fair that we must also stamp our authority.

If Kenyans felt that they wanted to petition the High Court in the event that any of those Bills is not passed, they will not be petitioning the High Court to dissolve Cabinet; the Constitution provides that the petition will be for the dissolution of the National Assembly. So, we cannot sit here and wait for people who know that they have no other

obligation other than to earn their salaries and send messages here. So, we must rein in on them. So, by Monday if we do not have those Bills, we will definitely pronounce ourselves with finality.

Hon. Amina Abdalla, you appear to be burning to say something. What is it?

Hon. (Ms.) Abdalla: Thank you, hon. Speaker. I want to join hands in requesting that you rein in the offices that need to bring constitutional amendment Bills so that we do not get ambushed and be given very little time and then be held responsible for the quality of those Acts that will come out. In addition to that I would like to raise a matter on the quality of the Executive's legislative proposals to this House. Hon. Millie and I have been looking at the Bills which have been coming from the Executive and we are concerned about their quality. We have reviewed 37 typographical errors in one Bill. How can the Leader of the Majority Party continue signing Bills of such poor quality from the Executive, whereas Private Members Bills have far less typographical errors?

(Applause)

Hon. Speaker, even as Chairs, if we are going to scrutinize a Bill and propose about 60 amendments to one Bill, we should return it to them to republish and then bring it back. This is because they come to our committees and agree with us on the amendments; why did they not just do that in the first place? Bring here a clean Bill, so that we do not have to do their job; they have more man power that we do.

(Applause)

Hon. Speaker: Well, hon. Amina Abdalla, it is within your power as Chair of a Committee; if you think that what has been brought before you does not meet a certain threshold for this House to consider, just report here. The House is going to agree with you. What you are speaking to about the quality of Bills coming from Members, to me is kudos to Parliament. It means that Parliament is doing well in our legislative drafting section. Those responsible for Bills emanating from the Executive should, therefore, pull up their socks and try to catch up. The point is that a committee is at liberty to make a report; you do not have to spend so much time making corrections to a Bill. You can return it to the sender by making a report to the House and we will agree with you. If you are going to make so many amendments to a proposed Bill, it speaks volumes about the competence of the people responsible for their drafting.

Again, the Committee on Justice and Legal Affairs, which I believe is still sitting or has just finished sitting, has brought more amendments to the Statute Law (Miscellaneous Amendments) Bill No.2 (National Assembly Bill No.33 of 2013). The business appearing as No.8 on the Order Paper is taken out and will be placed on the Order Paper without fail on Tuesday, 22nd July, 2014. Therefore, that business will not be considered today. But, we are still waiting for the report of the Committee; it has a deadline of today. I gave an extension and did indicate that I was going to apply Standing Order No.1 to allow them to table that report; we need to see it. It is not enough for Members to see it in their places and claim that we have finished with it. I have no way of knowing that you have finished until I see the report here.

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Next Order

BILLS

Second Reading

THE VICTIM PROTECTION BILL

(Hon. (Ms.) Odhiambo-Mabona on 30.4.2014))

(Resumption of Debate interrupted on 16.7.2014)

Hon. Speaker: The Member for Kaiti, hon. Richard Makenga, you have a balance of nine minutes, you were the one who was on the Floor.

Hon. Makenga: Thank you, hon. Speaker. I want to continue from where I left off yesterday. I started by thanking the hon. Member who brought the Bill to this House and said that it was very timely.

Some of the issues which have been cited in the Bill are very important. The victim's details have to be captured and I was going to propose that further information be added to them. These details should be computerized, so that they are not interfered with, because this would deprive the victim of their rights.

The other issue that I cited is that, let there be a provision of quick response to the victim, especially when a case is reported. Let there be something like an ambulance provided in the constituencies, so that the victim can be rushed for medical attention. I also said that there should be some proper mechanism for protection of the victim's rights.

The Bill also should ensure that the victim is protected and given fair treatment. I would also like to cite an incident in my constituency, where a victim was raped by an offender who was HIV positive. When the victim's relatives went to report to the police, the police never assisted by giving them a P3 Form. In fact, it took my intervention for the victim to be given the P3 Form, so that the offender could be arraigned in court. This Bill is very timely because it has come at a time when many incidents are happening in many parts of the country and they go unreported.

The Bill will address all these issues and victims will feel protected; the proposal that there is going to be a fund to take care of victims is a very good idea. Some of the victims, like the ones who are physically challenged sometimes get molested or even get raped because of their disability; some of these incidents are never reported. I think the board being established will come up with very good structures on how to make sure that physically challenged persons are attended to whenever they are victimized by offenders.

I want to thank the Mover once again and say that I support this Bill.

Thank you very much.

Hon. M'uthari: Thank you, hon. Speaker. I rise to support this Bill. This is a very important Bill as it takes care of the vulnerable members of the community, or those who victimised in one way or another. Therefore, this particular Bill is going to make it possible for the victims to receive justice. We seem to be in a society where the

vulnerable, those who may not have strength of one kind or another, are exposed to danger; in many cases they suffer.

What we have witnessed in recent days are just cases of those who do not have a chance of getting what is equitable or what is fair. With this particular Bill, it will be possible for the people who are affected in one way or another to get justice. They will also be treated with the dignity they deserve. With this Bill there will be a possibility of creating reconciliation in cases which will help in terms of restorative justice as provided.

It will also help to have the programme by the Government that can assist citizens who are affected. It will be in the right direction; this will again assure victims that, at least, they have the right to have food and shelter, at least the basic human needs. At the end of the day, as they wait for justice to be done, at least they will be accorded human dignity.

This Victim Protection Bill will allow people to come out clearly even in incidents where they will have been affected. There are times when, because of the challenges faced by the victims, they fear to come out clearly and tell the authorities their challenges, so that justice is accorded to them. This is because they fear powerful people. Some mechanism will provide an opportunity for all to take their right place in the society. The weak will have their rights as far as access to justice is concerned.

With those few remarks, I support this Bill.

Hon. Speaker: Hon. Members, at this point I will interrupt this debate and go back to Order Nos.5 and No.6 to allow the Chairman of the Departmental Committee on Justice and Legal Affairs to make presentations.

Hon. Chepkonga, the Floor is yours.

Hon. Chepkong'a: Thank you, hon. Speaker. I thank you for being very kind to our Committee by allowing us time.

This has been a very difficulty report to write because of the time limit in relation to the paper work, the persons interviewed and the memoranda we received. We had to sift through big reports.

The Committee wishes to sincerely thank you for indulging us. I know that you have just gone out of your way. We have just met this afternoon and concluded this report.

PAPER LAID

REMOVAL OF CHAIRPERSON AND MEMBERS OF IEBC

Hon. Speaker, I therefore, beg to lay the following Paper on the Table of the House, today Thursday, 17th July, 2014:-

Report of the Departmental Committee on Justice and Legal Affairs on the Petition for Removal of the Chairperson and Members of the Independent Electoral and Boundaries Commission.

Thank you, hon. Speaker.

Hon. Speaker: Very well.

NOTICE OF MOTION

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REMOVAL OF CHAIRPERSON AND MEMBERS OF IEBC

Hon. Chepkong'a: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Justice and legal Affairs on the Petition for Removal of the Chairperson and Members of the Independent Electoral and Boundaries Commission laid on the Table of the House today, 17th July, 2014.

The Committee finds that the Petition does not disclose sufficient grounds for the removal of the Chairperson and members of the Independent Electoral and Boundaries Commission.

Thank you, hon. Speaker.

Hon. Speaker: Very well. We go back to the Bill.

Member for Muhoroni constituency, hon. Oyoo, I can see your name or, you wanted an opportunity for other things?

(Resumption of Debate)

Hon. Oyoo: Thank you very much, hon. Speaker. I had intended to contribute to the Victims Protection Bill.

Hon. Speaker: It is the one we have before the House.

Hon. Oyoo: Sorry; you got me off guard.

I want to say that this Bill could not have come at a better time. We are going through many challenges in this country. We have many innocent victims who have fallen prey to rape by their bosses and some other politically- or well-placed individuals. They are in most cases afraid of reporting their ordeals for fear of repercussions. As the Government found it very good and prudent and set up the Witness Protection Board, which I think has substantial support from the United Nations we need to establish a serious victim protection board, or mechanism, so that those who fall prey to evil designs get proper redress.

We are also aware that the Journey to liberation, the journey to the democratic rights we are enjoying was never smooth. It involved detentions, lots of torture and many people became victims. Some still walk but some were maimed and are going through various challenges. It is my wish that at this juncture the Government should be able to put in place a mechanism for helping these people in their lives; they should be recognized properly and accorded proper assistance, so that they can overcome the many challenges they face.

Hon. Speaker, we have had cases of people going through serious challenges because of impunity. One of the challenges that this country is going through is the draconian attitude called "impunity". We have people who are highly placed in society, especially in Government, who do things the way they wish. They change laws for their convenience. People who can challenge them have tried; these are those in NGOs, or the civil society. But they have faced serious repercussions from these people, who behave in draconian manner. There is very little they can do because they can always challenge them. Sometimes these people end up catching up with them and they suffer heavy reprisals. We, therefore, need strong mechanisms to be put in place.

I also want this Bill to help us crush impunity because we can see it creeping back. The Jubilee Government is trying its best. I would say the President is trying his best. I would say that the President is walking his talk. The former President, hon. Daniel arap Moi, said that he was a driver of a bus and the bus had people who were picking other people's pockets.

President Uhuru Kenyatta may mean well, but he has several thieves and criminals in the Government, who are pushing their own interests and making it appear like it is Jubilee. If this mechanism is properly in place, we can use it to discipline them without fearing reprisals. This is because in the meantime, we have seen some political touts, or *wakor*s, in Jubilee, who are trying to push their personal agenda and they want it to appear as if it is the Jubilee Government. We know that Uhuru does not condone *ukora*.

Hon. (Ms.) Kajuju: On a point of order, hon. Speaker. The Member has gone out of his way to speak to issues that are not relevant to this Bill. Is he in order to refer to the Members of the Jubilee Government as criminals and political touts? That is unparliamentary language.

Hon. Speaker: Well, did you say that?

Hon. Oyoo: Hon. Speaker, I am very sorry for the lady---

Hon. Speaker: No, no. Did you say that?

Hon. Oyoo: I want to apologise. I said some people.

Hon. Speaker: Some people where? In the House?

Hon. Oyoo: I said some people in the Jubilee Government. I went ahead and to say that President Uhuru Kenyatta does not practise political *ukora*, or any manner of *ukora*, but some people, as former President Moi said---

Hon. Speaker: Please, once you choose to contribute in English, you must continue only in English. Do not mix languages.

Hon. Oyoo: I will. When I said *ukora*, I referred to touts or rascals. I should say political rascals.

Hon. Speaker: Is that what you have withdrawn?

Hon. Oyoo: I have withdrawn and apologized. I am sorry if that hurt the hon. Lady, but with a light touch---

Hon. Speaker: Very well. Are you through with your contribution to the Bill?

Hon. Oyoo: Yes, I am, hon. Speaker.

Hon. Speaker: Okay. Hon. Members, I am aware that this Bill has attracted a lot of interest, but let me know something. Some Members, whose names appear here, have indicated to me that they are preparing themselves to get a first shot at the Mining Bill, which comes up after this one. So, I can see the name of hon. Florence Kajuju; is it to this one?

Hon. (Ms.) Kajuju: Yes.

Hon. Speaker: Very well.

Hon. (Ms.) Kajuju: Hon. Speaker, let me start by thanking hon. Millie Odhiambo for this Private Members' Bill. I agree with hon. Amina Abdalla when she said that Private Members' Bills are a step beyond everything else. This is one Bill that came before our Committee on Justice and Legal Affairs, and the Members of the Committee really appreciated the content, the language and the reason why hon. Millie

Odhiambo had to bring the Victim Protection Bill, 2013. One of the things that I appreciate in this Bill is that it allows the victims of crimes an opportunity to get justice.

Hon. Chepkong'a: On a point of order, hon. Speaker. I rise under Standing Order No.95 as read together with the Standing Order No.83. As you know, this is a Bill that is anticipated by the Constitution, and has a deadline. As you have seen, many people have contributed and no one is in opposition. Would I be in order to request that the Mover be now be called upon to reply? As you know, my Committee has extensively discussed this matter, including hon. Kajuju. She is party to the report that has been tabled. We would like to thank hon. Millie. In fact, she is looking at me with such kind eyes that I know I am just doing the right thing.

Hon. Speaker: Did you say that hon. Millie Odhiambo is looking at you with kind eyes? Well, I have not undertaken a study on looks, especially a study on eyes to know kind ones.

Can you finish, hon. Kajuju, and then I will put the question?

Hon. (Ms.) Kajuju: Hon. Speaker, much as I made my submissions before the Committee, it is important that hon. Millie realizes that we appreciate the effort that she has put into this Bill. Most importantly, what is unique about this Bill is that it creates the Victim Protection Trust Fund. For the first time, victims will be directly compensated by the offenders. This is a milestone that has been created by this Bill. These are some of the issues that I appreciate as a practitioner.

Also, victims will be protected as a right in the Constitution, and as a right that the Government must abide by. Without going into details, I submit that this Bill require the attention and the support of this House to ensure that it is passed; when it becomes a statute of this House, it should be implemented to the letter.

Hon. Abass: Thank you, hon. Speaker for giving me an opportunity to contribute. I want to join my colleagues in thanking hon. Millie for this timely Bill. There has been a lot of injustice in this country. Many Kenyans are suffering with bitterness because of victimization. This Bill will protect the victims' dignity and take care of victims in different groups; an example is children. One important thing is the mandatory information to the victims. Many people have been victimized without being told why they have been victimized. Institutions that are supposed to take care of victims have also not been helpful. Today, many Kenyans have been injured and disabled permanently because of unjustified victimization. Others have been unjustly kept behind bars due to lack of quick hearing of their cases. Many Kenyans have lost their properties due to lack of hearing of their cases; they have been victimized. As you are aware, legal services in this country are beyond the reach of many Kenyans, who are poor. They are expensive. The proposed Board of Trustees will need to be given some legal representation as part of its facilities.

A lot of injustices have taken place in this country, and we need to have restorative justice. This House should compel those who are holding the Truth, Justice and Reconciliation Commission (TJRC) report to table it in this House, so that this country can heal and move forward together; all the people who have been victimized should be heard, heal and live without bitterness. We need to reconcile and take responsibility.

With those few remarks, I support the Bill.

Hon. Iringo: Thank you, hon. Speaker. Let me add my voice to this Bill. I want to thank hon. Millie for bringing this Bill; I also thank the Committee on Justice and Legal Affairs for having approved it to be brought to the Floor of this House. This Bill is timely. Victims of any violence in this country are neglected, even after undergoing the traumatizing effects of whatever calamity might have befallen them. Even if the criminal is caught and punished by law, either through a fine or through a jail term, the person who went through a traumatizing act is left to suffer. This suffering can even last a very long.

I am victim of a crime. I was attacked and shot by some people. One of them was caught and jailed, but nobody bothered to know what had happened to me. Today, I walk with a limp, not because I was born limping, but I was shot by somebody who wanted to kill me. The Government should have done something, at least, to compensate me. Even if that person was also shot and killed, I am still suffering. It was wrong that this was done to me.

So, this Bill is timely. Its operation must even be backdated to cater for those people who have not been compensated, including me; the Government should look into this. We have got those people who are able to pay for insurance.

Hon. Speaker: Hon Members, I will allow people to say what they may, but, of course, you know about retroactivity of laws. We should not be seen by those watching us as people who are not aware of some things.

Hon. Iringo: I stand guided hon. Speaker.

Some victims also lose bread winners and people are left suffering. Even today when we go to areas where we have had criminal activities like in the coast area of this country, we see that so many people have been killed. They were killing men who were bread winners in their families. Some families which now are going without food had bread winners. We are running after the criminals, we have killed some of them, we have gotten others to jails; they are be jailed, but nobody is looking back and asking what will happen to children, and a lady who was the wife, of a dead person. What will happen to the property which was under the watchful eye of the person who was killed?

Hon. (Ms.) Odhiambo–Mabona brought this timely Bill and I really support it. There are those people who go through the traumatizing ordeals like rape that is a lifelong problem which needs even counseling. We need to have people to counsel victims and we pay for their services. We have people who should try to rehabilitate these people and tell them there is life after whatever they went through. What we do is run after the person who did it; he then bribes his way out; he goes scot free and the person who went through an ordeal is left asking themselves what next. I support the Bill.

Hon. (Ms.) Nyamunga: Thank you hon. Speaker. I also stand to support this Bill. I think that most of the time when people talk about protection of victims, normally we only refer to things like domestic violence and rape; we do not look at the bigger picture. I think that this Bill looks into many issues that should be raised like protection of the victims, fairness to the victims, compensation and many other things. But the most important thing in this Bill that I would like to support is the fact that there should be creation of the fund to assist the victims.

It is already mentioned that there are so many Kenyans who cannot afford insurance. There are some who cannot afford it, and there are some who are not even aware that generally you can insure yourself against many ills. Many people who are affected by crimes are not able to support themselves by, for example, taking cases to courts and following them up to the end. Some of them cannot even report crimes because they think that they will not be compensated. Even if they are compensated--- There are times when somebody is, maybe, sexually abused, but because of fear, or lack funds to take care of them--- Most people will suffer in silence. I think that the creation of a fund to protect victims of violence of whatever nature--- In this case it is wide; it is about the sexual offences and similar wrongs. It is even about accidents and loss of a member of a family, the breadwinner. It is very wide and covers most of the areas that should be covered when it comes to victims of whatever form of violence.

I think this is a very timely Bill that should be supported; even after it has gone through, it is very important that it is implemented and seen to be implemented. It should be implemented so that it helps the many people who are suffering because of ignorance, poverty and many other things. I beg to support this Bill because it is very important to the people of Kenya, people who are able and people who are not able. Even our friend, a whole Member of Parliament, has said that he is limping, not because he was born a lame man, but because of circumstances. So, victimization is something that cuts across all people. So, I support the Bill.

Hon. Speaker: Hon. Members, there was a point of order raised by hon. Chepkonga. If everybody is supporting and saying the same thing---Hon. Members you can raise issues; this is not the end of the road. The Bill will still go to Committee Stage.

Yes, hon (Ms) Emaase.

Hon. (Ms.) Otucho: Thank you hon. Speaker for this opportunity. First I want to thank hon. (Ms) Odhiambo-Mabona, for this Bill, I remember my very first Statement was on victim protection and hon. (Ms) Odhiambo- Mabona, stood on a point of order and said that she had a similar Motion coming and I had to withdraw my statement. So, I want to congratulate her for this Bill.

There is a saying that the greatest taste of the quality of justice is how well we treat our victims. This reminds me of a scenario in my own Constituency last year, where we lost a number of people in some areas like Ochude and Kwangamor; I remember that some women lost their husbands. Some of them had their hands chopped off. Right now, there are children who cannot even complete their basic education because their bread winners were actually killed in the attacks that were meted out to the community.

I think this proposed legislation is very timely; it is important that we have bought legislation and practical measures to ensure that we protect individuals who fall victims to crime. I am very happy with hon. (Ms) Odhiambo-Mabona because we are actually taking practical measures that we need to put in place. For example, there is a proposed fund that will actually be used to compensate some of the victims. This is very important and it is why I support this Bill. I want to urge all Members that we need to support this Bill, so that we ensure that we stay in solidarity with our victims, those people who fall victims to crime and they are left without any support and protection; most of them happen to be the sole bread winners of their various families; I think this is very important.

Thank you hon. (Ms) Odhiambo-Mabona, and thank you hon. Speaker for the opportunity.

Hon. (Eng) Gumbo: Thank you hon. Speaker. I thank you, indeed, for giving me an opportunity to contribute to this Bill. A lot has been said about protection to the victims of crime, but I have just been having a word with hon. (Ms.) Odhiambo-Mabona. In my view, if we are to talk about victim protection law, it needs to be wider than this. I am saying this because we live in a society which has real issues. A lot of times people become victims not necessarily of crime, but because of the way we go about our societal issues.

I think, perhaps, as we go forward, and, maybe, if it is possible to accommodate it at the Committee stage, I think the Bill should be made more encompassing because victimization really comes in very many forms. One of the things that I think we should talk about is issues to do with societal prejudices. You will see cases where people actually suffer even psychological victimization, social and even cultural. I went to a school which was multi-tribal; I and people from my community became victims; even small children would call us children just because our cultural beliefs did not allow us to do certain things; so, in their eyes we were children.

We also have cases where people suffer on a daily basis, merely because of their personal and religious beliefs. Recently you heard the story of the poor lady in Sudan, who suffered merely because she chose to marry the love of her life who happened to profess a different religious faith. Not even that, I remember as a young engineer practicing here in Nairobi, I became a victim merely because of my educational background. In those days many people who were calling themselves engineers were actually technicians. So, for that some of us joined the engineering profession with university degrees, we were hated; we were not even allowed to enjoy career progression merely because those people felt threatened. Even natural ability was an issue. I remember a certain time when a complex problem that needed a firsthand solution arose; an older engineer who was sitting across me wanted to take a longer route and I thought there was a better way to do it. I offered a solution which seemed to impress everybody. The next thing I knew was that I was being threatened on account of what I thought was just the fact that I had ability which my colleague across the table did not have.

I would want, as we go to the Committee Stage, to look at and expand the idea of victim protection beyond protection of victims of crime; we need to look at all the other victims. Of course, we live in a country which has reality. The truth of the matter is that ethnicity in Kenya today is a problem. There are people who cannot even enjoy career progression because the communities from where they come are considered not to be worthy of note; they remain stuck in a particular job group just for the simple reason that they were born into a particular community. So, I would request Hon. (Ms.) Odhiambo-Mabona - I have had a discussion with her - that, maybe, we need to look deeper into victimization. Some of the worst forms of victimization are not necessarily criminal in nature, but they still affect people. They are psychological; they are emotional and you live with them for a very long time.

If we leave it as it is now, or confine it to victims of crime--- Hon. Angwenyi who is sitting over there, knows where I went to school was near his home. Some of us used to be called names which were indescribable just because we happened to come from

communities which were different from theirs. These things cause pain of a different kind; pains which are long lasting; I think for us to have a really all-encompassing victim protection law, we need to look at all societal prejudices, all forms of victimization which may be latent in form, but which have a long lasting effect on individuals.

Hon. Speaker, I thank you but I also give an indication that I will be proposing amendments, so that the whole issue of victims--- Of course, you cannot cover all aspects of victimization, but with regard to our contemporary times--- With regard to things that we experience as a society, we need to bring in all issues that affect us daily as the people of Kenya: All those issues that make us victims even when we ought not to be victims.

Hon. Speaker: I am wondering whether some of the things are not completely outlawed by our Constitution like discrimination on whatever basis or reason.

Hon. Kang'ata: Hon. Speaker, the intention of this Bill is good but in my own humble opinion, it is very inadequate. This Bill has failed to address the real problems which affect victims of a crime. Why do I say so? At present, when you look at crime trend, it is tilted in favour of an accused person. How? First, in a criminal court, an accused person has the right to access evidence before the commencement of the case, the right to look at witnesses' statements before the commencement of a case, the right to legal representation and the right to bond. When you look at a victim, or what I would call a complainant in a criminal case, he does not have the right to access evidence that is in the hands of the defence; a complainant does not have the right to even address the court apart from when that person is giving evidence.

I remember there was a case involving a person called Tom Cholmendeley. He had been charged with shooting a person. He was convicted but there was a certain issue which became very contentious. The court ruled that the defence had the right to look at the witnesses' statements; because of this practice the defence tends to be very well prepared in a criminal case. They are able to do cross-examination very well. They are able to be well prepared as opposed to the prosecuting side.

So the High Court gave a judgment that taking into account the other side, that was the defence, had the right to look at the evidence of the prosecuting side. It then ruled that the other side, that was the prosecution, had the right to look at the statements of the proposed witnesses of the defence. Thomas Cholmondeley went to the Court of Appeal and that ruling was overturned. The Court of Appeal said that the prosecution does not have the right to look at the witnesses' statements of the defence. As a result, you find the criminal justice system is tilted in favour of an accused person. I was thinking that this Bill---

Hon. Speaker: Hon. Nuh, what is the intervention for?

Hon. Nuh: I am sorry, Hon. Speaker, I had pressed it before Hon. Chepkong'a completed. I wanted to request you to call the Mover to reply. Everybody was supporting the Bill.

Hon. Kangata: Hon. Speaker, I was expecting my lady to bring this Bill in that context.

Hon. Speaker: But your lady is not here! She must be at home.

Hon. Kang'ata: I am sorry; I apologize.

Hon. Speaker: Your lady must be somewhere outside the Chamber. Who is your lady here?

(Laughter)

Hon. Kang'ata: Hon. Speaker, it is a word that is used respectfully in courts when you are referring to---

Hon. Speaker: We are in the National Assembly of the Republic of Kenya.

Hon. Kang'ata: I apologize!

Hon. Speaker, I was thinking that this Bill was going to address that imbalance in a criminal matter. I was thinking, for instance, that we could have a provision compelling the defence to provide the prosecution with witness statements. I was thinking of a situation where the lawyer representing a complainant, or victim, will now have the right to do some form of cross examination or give submission. For instance, we have a case where there is an adjournment. You find that when the defence applies for adjournment, the court will only hear the accused person and, maybe, the prosecution, and, maybe, that adjournment is going to inconvenience the victim, or the complainant. So, I am thinking that this Bill should, probably, address issues like this one.

I was also thinking about providing for a fund that is going to help victims, particularly during the trial. At present, if you are a witness in a criminal matter, you will go to court and then ask for what we call your expenses to be defrayed by the court. More often than not, that application will be disallowed, but if we were to expressly provide in the law that expenses of a witness, who is a victim, or a complainant, are going to be provided for by the court--- When we are coming up with a budget for the Judiciary that can be expressly provided for; in my opinion, this will make the system fairer. We have seen in other jurisdictions, for instance in the ICC where the lawyer representing the victims is an integral part of the criminal justice system as opposed to here in Kenya--- When you are watching brief, you cannot talk at all. You cannot even say something. So, this Bill should address this radical imbalance in our criminal justice system, which is now in favour of an accused person and against victims of crime.

Some people will argue that the State, the prosecution, is at present well enabled to hold brief and do everything for the victim. That is not true for several reasons. One, we do not have enough State counsel in our criminal justice system who can adequately represent victims. In any event, it is not even desirable that we employ so many State counsel to all our stations to handle every case. It will be very expensive! There are so many criminal matters pending before courts. If we were to employ State counsel to represent every victim of crime then I would imagine that the budget for the DPP's office would balloon through the roof. So, the whole idea is to have a balance, so that a person is given a leeway. If you are a complainant in a case you need to have your own lawyer who will raise matters on your behalf as opposed to the present day practice, where the interests of a victim are purely in the hands of a State counsel, or a police prosecutor. I intend to propose some amendments along that line, so that we have a more balanced criminal justice system.

(Applause)

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker. I take this opportunity to thank all the Members for the support they have given this Bill. I am glad that hon. Kang'ata has spoken last and made very strong points that strengthen this Bill. I am not saying that he is the only one, but because he has been in the criminal justice system as a lawyer for long, he has a shaper eye for imbalances. One of the aims of this Bill is actually to cure those imbalances. When I was practicing I represented women and children a lot and one thing I noticed was the grave imbalances: Our justice system looks more favourably to the accused persons and forgets the victims of crime.

Through work that we did in the past we supported the Sexual Offences Bill when I was outside of Parliament. When I came to Parliament I supported the Counter-Trafficking in Persons Act, which deals with very specific victims of crime; but you have a whole array of victims who are not covered by those two pieces of legislation. So, what this Bill seeks to do is to cover that array of victims of crime, who were not covered by that legal framework.

I am very happy. I cannot mention every Member by name because all the Members who have spoken have supported this Bill. I want to thank you. I have taken into account what they said. In fact, hon. (Eng.) Gumbo consulted with me, and I was thinking about how to deal with the issue of discrimination. It is provided for constitutionally but only the civil aspect in relation to compensation. How do you deal with the trauma related to that? Those are some of the things I will be looking at when it comes to amendments.

Different Members have brought out different aspects that I had not thought about and I am sure that will go a long way in enriching this Bill. I thank the Departmental Committee on Justice and Legal Affairs. I discussed with them this Bill at length. I have spoken with the Office of the Attorney-General, and we have agreed that we could try to merge the body I propose with the Witness Protection Agency, so that they look at issues of victimization and witnesses at the same time. I had a late discussion with the Budget and Appropriations Committee and they were of the same view. We will be looking at the issue of budget and at the same time ensure that very vital service is rendered to the citizens of this country.

I thank the Members and beg to move.

Hon. Speaker: For obvious reasons contained in Article 121 of the Constitution, we will deal with the next stage on Tuesday.

We will move to the next Order.

Second Reading

THE MINING BILL

(Hon. (Ms.) Abdalla on 16.7.2014)

(Resumption of Debate interrupted on 16.7.2014)

Hon. Speaker: Hon. Prof. James Nyikal, you have a balance of eight minutes.

Hon. (Prof.) Nyikal: Hon. Speaker, I rise to support this Bill. Yesterday I appreciated the Committee for coming up with a complex and very detailed Bill. I indicated that we are just realizing the potential of Kenya in terms of mineral resources in the country. The discovery of oil may not be all and I believe that even in the old mining areas that were abandoned around the time of Independence, there may still be a huge potential for minerals. I am talking about areas such as Kakamega and Migori.

There is an Act that was put in place in 1940. I do not believe that the intentions of legislators in 1940 were also the interests of Kenyans; dominant were the interests of people who were benefiting by exporting most of these minerals abroad. With this discovery, we need a new law that will look at all the areas.

It is important to realize that many countries in this continent have suffered great poverty after the discovery of minerals; we call it the curse of minerals. We are aware of places like the Kabinda Enclave in Anglo and the problems in Nigeria that are not to do with environmental issues; there are actual major economic problems arising from huge sums of money exported out of countries by foreigners working with collaborators. It is important that at this point in Kenya we have this Bill. Indeed, it has come in very appropriately.

I support this Bill because first and foremost it vests all the interests in minerals in the Government, specifically the national Government. Clause 6 of this Bill categorically states that minerals wherever discovered are a property of the national Government. This is important at this time in our early devolution, and when counties are seeking to exert themselves. It is not that, that is bad; in fact, it is the desired thing. I know that we are already noticing that counties may feel that if minerals are discovered in their areas, then they have sole ownership. The Bill, in that respect, protects the integrity of the Kenyan nation in terms of utilization of minerals.

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

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

This Bill also protects the acquisition of rights and even gives Government a lot of control. I think that is desirable. As much as that is good, we notice that a lot of power has been vested in the Cabinet Secretary. Every clause you read the Cabinet Secretary has been charged with the responsibility of doing this and that. I think there is too much power vested in him. This matter has been raised and I believe it will be taken care of.

I support this Bill because it sets up institutions and structures. This is important at this stage of utilization of our resources. Directorates have been split. We now have two directorates that make it easy to deal with minerals. The setting up of the National Mining Corporation---

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Kang'ata! Kindly consult in lower tones.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I think the setting up of the National Mining Corporation is a good step to ensure that our nation as a whole has a stake in the resources and the funds that will come from minerals and mining. However, I want to sound a warning. Many of our State corporations, particularly the ones that handle a lot of money, have actually been a disappointment. In the social security and social protection sector, corporations have been used as milking cows and the citizens have not benefitted much. We have to look at this law carefully and protect the interests of the citizens when this corporation is put in place.

Hon. Temporary Deputy Speaker, Clause 28 of this Bill allows for foodstuffs, minerals and metal commodities exchange. I think this is extremely necessary to ensure that whoever discovers minerals allows the mineral to be utilised. This is extremely important. It is also important as this Bill has provided that there will be a tribunal. There is no doubt that where you have minerals and great wealth there will be lots of disputes, and so setting up a tribunal is extremely important. However, as the Bill is now, the procedures and other details about the tribunal have not been put in place; I believe that these can be contained in regulations.

Hon. Temporary Deputy Speaker, again, it is really commendable that this Bill looks at the categories of rights and licences that can be given. You have licences for prospecting and mining and appropriate times have been put in place. It is also important that the Bill recognises where a mineral is discovered, be it is in community, public or private land. Again, the Bill provides for compensation in this case.

Hon. Temporary Deputy Speaker, another important point is that the Bill provides for training and expertise; I think this is important, if eventually we will have to benefit from this; our own people should get training and skills that are required to exploit minerals.

In the area of the environment, I think there is a provision for environmental impact and health assessment, but in the area of health, I have not seen enough details; we should look at this.

Hon. Temporary Deputy Speaker, I recognise that time is not on my side but let me say one last thing.

The Temporary Deputy Speaker (Hon. Cheboi): Actually you have overshot your time.

Hon. (Prof.) Nyikal: In whatever we do unless we control corruption in this country, we shall not really benefit from the minerals that we are discovering in this country.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): You know you had eight minutes and you have used close to nine-and-a-half minutes.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I support. Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Now, let us have the hon. Member from Kiambu.

Hon. Njomo: Thank you, hon. Temporary Deputy Speaker for this opportunity. I would like to support this Bill and to congratulate the Departmental Committee on Environment and Natural Resources for the good work that they have done. I know the other day they brought in the Kenya Wildlife Service Bill; here now they have brought the Mining Bill.

Hon. Temporary Deputy Speaker, Kenya is endowed with a lot of mineral resources.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Njomo. You see this is a very important Bill and I can see the Chair's ears are interfered with by some two gentlemen there. I would rather they give the Chair the opportunity to follow this. Kindly, let us give the Chair an opportunity; I am sure she wants to concentrate on this.

Hon. Njomo: Thank you, hon. Temporary Deputy Speaker. I know they are excited because they think that the Chair has defected.

As I was saying, Kenya is endowed with a lot of mineral resources. We have seen that in some countries when they discover mineral resources they end up being in war - they get into a resource curse. To protect ourselves from getting this resource curse, it is important that we have a good law to govern the mining of the mineral resources. Therefore, this Bill is very timely.

Hon. Temporary Deputy Speaker, as you very well know when his Excellency the President was trimming his Cabinet from 42 to 18 ministries, he created one new Ministry, and that is the Ministry of Mining; this was because there is great potential in this sector; therefore, we should govern it using a good law. That is a law that will protect the investor, the interests of the Government and those of the community at large. That is why in this Bill a Mineral Rights Board has been proposed to govern the industry. Previously all the powers of the industry were vested in the Minister, or the Cabinet Secretary. This made it very easy for the powers to be misused. A mistake done by one individual would cost the country a lot of money.

A Cabinet Secretary, or a Minister, may have vested interests. It would also encourage corruption if we had one person with all the powers; that is why I really support the introduction of the Mineral Rights Board - a body that will be vested with all the powers to make decisions on what royalties are going to be paid to the Government, and generally regulate the industry.

Hon. Temporary Deputy Speaker, if you remember well, in the middle of last year most of the mining licences in the country were cancelled by the Cabinet Secretary for Mining, hon. Balala. This portrayed Kenya as a very unsafe mining destination to the international mining community. This is because when an investor spends a lot of money prospecting, acquiring the rights to do the prospecting--- Finally, when he finds a resource he spends a lot of money in mobilising resources, equipment and whatever else is required to go into mining; so, should not wake up one morning and find his licences are cancelled. This sends very bad signals to the international community. It does not matter how many minerals you may have. So long as we have not been able to remove them from the ground they are as good as nothing. It is, therefore, very important that we

also respect the rights and the investments of people who come to our country to invest and to look for mineral resources.

Hon. Temporary Deputy Speaker, I would also like to comment on the industry. A levy was introduced a couple of months ago on all the gold exports from our country. This levy has killed our industry. Since the levy was introduced no gold has been exported from the country. As you know, we get our gold from miners in different areas and it became very expensive for them to export their gold. It is now very well known that gold is being traded in, in the Kisumu black market, because there is only one avenue for exporting gold, and that is through Uganda. Our gold exports have dried up because of a levy that has been introduced. It is very important for the concerned Ministry to ask itself the question: Was it necessary to impose the levy that has stopped our country from getting any---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Member. Hon. Osele, what is it?

Hon. Onyango: On a point of clarification, hon. Temporary Deputy Speaker. While I am not in the mood to interrupt my friend, hon. Njomo, I would like to get it clear from him. He says there is black market of gold in Kisumu while we know that is not a border town connecting Kenya to Uganda. May I hear from him. We will then take keen interest in it and find out what is really happening.

Thank you.

Hon. Njomo: Hon. Temporary Deputy Speaker, business can be done anywhere. It does not mean that because Kisumu is not a border town, business cannot take place there. This is something which is well researched. It is very well known that the market for gold has now moved to Kisumu, for whatever reasons. It is being exported from Kisumu to Uganda, from where it is exported to the international market. It is a well known fact by the people who are doing that business. Maybe, it is a convenient town for doing that business. I do not do gold business.

There is great need for our country to invest in aerial geophysical survey. We do not know what minerals we own. It is only a geo-physical survey which can help us to have ideas as to where different resources can be obtained. I remember that some time back, a certain amount of money was provided in the Budget for carrying out of a geo-physical survey, but it has never been done. It will be very important for the Ministry concerned to invest in a geo-physical survey, so that when investors come to prospect for minerals, they do not have to go round the whole country doing trial and error. They will have some guidance as to where to get the different types of minerals. There is titanium in Kwale County, and coal in Kitui. Many of the minerals in this country were discovered by accident. If we invest in a proper geo-physical survey, we will know what kind of resources we have, and where they are likely to be found.

Hon. Temporary Deputy Speaker, this Bill also seeks to help our artisanal miners. There was a proposal in the Bill, which artisanal miners referred to as the “Chinese Clause”. The Clause indicates that if two investors are interested in a particular area, the authority issuing the licence should look at the financial capability of the two companies and give the licence to the company that is in a better financial position. We plan to amend that particular Clause so that we can have a fair playing ground. There is also intention to introduce a Clause that will encourage local investors to invest in the mining

industry. In a period of time, large-scale investors will be expected to float their shares in the local stock exchange, so that local investors may also invest in this industry.

The Bill also seeks to have sovereign funds established by the county governments. This will help county governments to build---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over, hon. Njomo. Let us now have the Member for Awendo.

An hon. Member: He is not here!

The Temporary Deputy Speaker (Hon. Cheboi): If he is absent, he loses the position. Next is hon. (Bishop) Mutua.

Hon. Mutua: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to speak on this Bill, which I support.

This Bill has come at the right time for a number of reasons: Firstly, Kenya is discovering minerals in various places which have, for a long time, been relying on food relief supplies. This means, if we can be honest and do the right thing at the right time, areas which used to be very poor and totally dependent on relief food supplies will become self-sufficient and hubs of economic activities in this country.

I would like to emphasise the need to involve the county governments. This Bill does not speak very clearly on the involvement of the county governments. I would like the county governments to be recognised as key stakeholders. Even though we have not devolved that function, it is important for them to participate, particularly in terms of the agreement section, which falls under Part VII, starting with Clause 95. That way, the county governments can begin to play an active role in terms of mitigating any negative consequences that may come up due to mining of minerals.

Hon. Temporary Deputy Speaker, this Bill needs to recognize the importance of giving the first priority of employment to local communities in the mining areas, so that we do not have mining activities that do not benefit the local communities that are displaced or relocated elsewhere. Therefore, communities in mining areas must play an active role in terms of employment, equitable sharing of the benefits and involvement in the activities related to mining.

This Bill needs to provide for infrastructural development. It should make it mandatory for mining companies to, first and foremost, develop the infrastructure of the region where they will be carrying out mining activities, so that the communities living in those areas can appreciate that discovery of minerals in their region is not a curse but a blessing. In addition, the Bill must address issues of displacement. There are people living in areas where mining activities will take place. Most of those people do not have title deeds.

This Bill must address the issue of issuance of title deeds before commencement of mining activities, so that the communities in those areas can benefit. A good example is Mui Basin, where 500 million tons of coal worth Kshs3.5 trillion is expected to be mined. That is a huge income for the country. However, the communities in that area are very worried because they do not have title deeds. The land registration process is not complete and yet, we are at the verge of beginning mining. This is bound to generate conflict of interest between the mining company and the communities living there. This Bill needs to address that situation. We should not leave the issues and the processes involved at the mercy of those who are purporting to speak on behalf of other people.

This Bill must address the issue of corruption, particularly with regard to people who collude with even the Ministry of Energy. You find a few people becoming billionaires in the process of mining just because there is no legal regulatory framework. Therefore, this Bill is very important to all of us. It should draw a clear roadmap, so that communities in the counties as well as the National Government can literally benefit from mining.

Another thing I would like to emphasise on this particular Bill is the sharing of the profits. The National Government has a stake. The county governments should have a stake. The local communities should have a stake. The National Land Commission should also have a stake in mining. The mining companies will also have a stake. The question that this Bill should address is the ratios that are going to be applied for every category and every stakeholder to feel comfortable and well compensated, so that they can see the venture as fruitful as opposed to one or two stakeholders being very happy and proud about the exercise at the expense of the other stakeholders. So, we need to look at this Bill with a tooth-comb, so that we can only streamline the aspirations of the Kenyans and bring them *in tandem* with it.

As I conclude on this Bill, there are several issues that must be addressed seriously. One of them is: This Bill should specify the process of relocation because, as you know, people who are relocated are actually going to be culturally displaced. They cannot enjoy the same social structure that they used to. This is because the relocation will mean transferring them and sometimes altering the arrangements of who was their immediate neighbour. So, they may find themselves not being near their immediate neighbours after the move. Those are some of the social things that this Bill should address and the people should be compensated for such disturbances.

The other one is environmental pollution. Those people should use appropriate technology for mining, so that we do not have a mining system that is going to be used at the expense of the long term sustainability of the environment. Sometimes, you might have the excitement of mining at the expense of the long term sustainability of the environment and, therefore, we have a long term impact that is negative as compared to 30 years that were positive during the mining time.

This Bill needs to address all those issues, so that we can be sure that our mining structures and industry is a plus. It is actually a benefit, a blessing but not a curse in disguise.

With those very few remarks, I wish to support this particular Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Once a bishop, always a bishop. Let us have hon. Member for Bomet Central.

Hon. Tonui: Thank you, hon. Speaker. I rise to support this Bill, because it is very timely as we try to diversify the sources of income in this country. This country relies mainly on agriculture and a bit of tourism, transport and service industries. Diversifying to mining is a welcome thing, now that we require creating employment in this country for our youth and industrializing. We cannot do that if we do not diversify into mining. I believe this Bill is very timely and needs to be supported.

This Bill is very important and it must also incorporate issues like public participation. As we discover minerals in various parts of this country, the people or communities around those areas, where we are finding those minerals must be

incorporated in all the mining activities. They must participate in various decision-making. It should not be directives only at the national level but everywhere.

Currently, we have the Ministry of Mining. It is unfortunate that during our budget-making process, we allocated that very critical Ministry only about Kshs2 billion. Out of that, we allocated about Kshs500 million for what is called Geospatial survey, which is to identify the various minerals that are located in various parts of this country. This is very little money, I believe if I can remember well, the Ministry required, at least, Kshs1.5 billion to do that very major activity, but we were unable to provide adequate funding. While we place in a Ministry like the National Treasury about Kshs38 billion for development, it is a big surprise to everyone. What kind of development the National Treasury can do with Kshs38 billion and it is not one of those infrastructure-related ministries.

So, I would wish that the Ministry of Mining be well supported in terms of funds. That more funds be allocated to it, so that it can ensure that proper infrastructure is put in place to allow mining in this country. In a place like my county, we do not have any known mineral. But I believe if there could be adequate funds in this Ministry, it could identify some minerals in Bomet County. There are those people who have been in the mining industry. I think their interests should also be well catered for in this Bill. Those old agreements, which they have and the contracts in mining, should be honoured and taken care of as we work on this Bill, and be incorporated so that their interests are not disregarded.

There are issues also of the communities which are there and might need to be resettled. There should be proper procedures of resettling them and even compensating them. It should be in such a way that the compensation is favourable to them. There should be nothing like forced acquisition of their farms. They should move out of those farms willingly to new places where they can settle.

This Bill is talking about the Cabinet Secretary. Everything is about the CS running the whole show. I believe the Committee is thinking of coming up with a Mineral Rights Board so that it can be dealing with licensing which needs to be incorporated in this Bill, so that we do not have sole monopoly in the mining industry whereby everything is approved by the CS. Powers should be shared and placed at the lower level where people can be---

The Temporary Deputy Speaker (Hon. Cheboi): Order hon. Tonui! Are you not a member of the Committee?

Hon. Tonui: But those amendments will come in the next stage. Are we in the Committee of the Whole House?

The Temporary Deputy Speaker (Hon. Cheboi): Because I thought as a Member of the Committee, you should actually be expounding better and not in a way that looks like you are criticizing. This is because you are in the Committee which---

Hon. Tonui: I am contributing to the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Okay proceed. I just wanted to confirm that you are a Member.

Hon. Tonui: Are we already in the Committee of the Whole House, where amendments are made?

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, hon. Tonui.

Hon. Tonui: Should I contribute on the Bill or the amendments to come?

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, because actually in my opinion, you look like you are contributing on the amendments that are coming, which you are, therefore, preempting. But, proceed, hon. Tonui. You are doing okay.

Hon. Tonui: I was saying that the way the Bill stands currently, everything is about the CS approving, giving licenses and doing all that, and there is need to place those powers elsewhere, so that we do not have too much power in one person and encourage corruption the way we have just come from a very corrupt exercise in the recruitment of police in this country. I think Kavulundi mismanaged the whole thing.

So, corruption should be discouraged in this country by ensuring that there are more controls so that people may not misuse their powers. There are those small miners who are also captured in this Bill. Their interests should be well taken care of, because they have made various discoveries in terms of minerals. I know if they are not well protected, the big players or miners will come and take over those minerals without caring who discovered them in the first place. So, they need to be protected so that they are not snatched from them. There are issues of benefits sharing, I know the Bill itself did not capture that, but the Committee is trying to capture it, so that the benefits accruing from those mining activities can be shared both at the national level, county level and the local communities. The biggest issue is to decide on what ratios we are going to be sharing the benefits from those mining activities.

We know minerals are national assets but the people living in those areas where those minerals have been found must be taken care of. So, there should be some money going to the county government and the local community, either at the ward or location level, to take care of infrastructure facilities within those mining areas, so that we are not generating billions of shillings from those areas while the people there are languishing in poverty. I believe if we do something like that, we will not be having such conflicts like in the Niger Delta in Nigeria and South Sudan. I hope as we discover minerals like oil in this country, this will not invite the interest of the Super Powers to come and cause trouble in this country.

Resolving issues which comes out of mining should be done in a very fast manner. We should be able to resolve any conflicts promptly so that investments can be encouraged in this sector. That is why the creation of the Mining Tribunal in this Bill is very vital, so that investor confidence is encouraged.

Hon. Temporary Deputy Speaker, there is the national mining corporation which is being formed by this Bill. I believe this is a move in the right direction because the Government should keep off completely the issue of mining. It should be there so that it can moderate the kind of activities in mining; in order to know the various challenges in the mining industry.

I know in the petroleum industry, we have National Oil Corporation which moderates prices of petroleum products in this country. Therefore, we also need one parastatal in this country which will be dealing with mining so that the issues of mining can better be understood by the National Government.

Hon. Temporary Deputy Speaker, there is also one other issue which I want to mention. In this country, the cost of power is too high. That is why mining is a very important industry especially in terms of coal which has been discovered in various parts of this country.

The Temporary Deputy Speaker (hon. Cheboi): Your time is over hon. Tonui. Did I see hon. Anami? To me, it looks like he added a lot of weight between yesterday and today. What could be the reason, hon. Anami?

Hon. Anami: Thank you, hon. Temporary Deputy Speaker. We have several places where *wananchi* undertakes small scale mining. Indeed, those people have depended on that mining all the time we have been independent. They did the same even before Independence and some of the places have been named after the mining exercise. When you hear of Ikolomani, Roasterman *etcetera*, all those places including Kilingili, are named after the exercise of mining to the extent that the culture of those people is dependent on that exercise of mining.

Hon. Temporary Deputy Speaker, when I look through this Bill, the concern that it rises is that, how are those communities involved in mining all their life going to benefit? They have been involved in the management of mining. I wish to suggest - and I will bring this matter up during the Committee stage - that we should have a clear intervention on behalf of communities like Ikolomani and Roasterman involved in those undertakings that have been listed to be undertaken by the Cabinet Secretary (CS). They need to be consulted because our Constitution talks about citizen participation and here, they have to be involved.

I am happy that we have this Bill because it is going to take small scale mining to another level. We have lost a lot through shady dealers because of the people who are involved in mining and have not had the right equipment to indulge them in real and proper mining, with the right technology. Therefore, what has been proposed by this Bill is going to regularize this process, in which case we will not have people being buried in the mining fields anymore. We have lost many lives in the mining fields. At least, every now and again, you find lives being lost and people being buried alive in those mining manholes.

Therefore, I wish to support this Bill and emphasize the need to indulge the communities; not just the communities, but even the communities' way of life which is dependent on mining. We even have children who have been named after mining. Therefore, they have a bearing to the existence of those mines and they would like to be part of the process of regularizing the mining industry in Kenya.

Hon. Temporary Deputy Speaker, I wish to support this Bill, but allow me to take this opportunity to thank the people of Shinyalu for the prayers they made for me. Also the people from Ikolomani and Roasterman for extending prayers throughout the night until the Supreme Court gave me an extended lease of life in this august House.

(Applause)

Hon. Temporary Deputy Speaker, I was not sure that I would be here today to contribute to this Bill.

An hon. Member: This is more of your second term.

Hon. Anami: Oh, yes! Actually, this sounds like my second term. Since I will be there during the Committee Stage, I can assure you I will bring up a few proposals to enhance this Bill so that it can benefit the people of Ikolomani, Roasterman, Shinyalu and Kilingili. Some of our people from Lurambi, Ikolomani and Shinyalu have mining fields behind their houses. We will be interested to know what will happen to such mining fields when the Cabinet Secretary gazettes them and makes them confined places.

Therefore, we will be interested to introduce some amendments at that time.

With those remarks, I support. I am sure my brother, Mr. Otaru, who is here with me--- I thank him for coming to the Supreme Court.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): That is now sufficient. Thank you very much. We will have the hon. Member for Kiharu.

Hon. Kang'ata: Thank you, hon. Temporary Deputy Speaker. I have looked at this Bill and it is a good Bill. But it has shortcoming because it concentrates powers in the office of the CS. If this Bill is not amended, the Cabinet Secretary in charge of mining will be so busy that any other duty that the CS is assigned by the President will now be relegated or that CS will stop functioning. Why do I say so? Look at the arrangement of clauses of the Mining Bill, 2014. You will see that the proposed Section 12 of this Bill provides that:-

“The Cabinet Secretary shall be responsible for the general administration of this Act.”

It means that the CS is in charge of operationalization of this Act. So many facets relating to mining will now be vested in the CS. Those facets include, for instance, the CS declaring an area reserved for small operations. The CS will be in charge of areas reserved for tendering. The Cabinet Secretary will have the power to restrict or exclude areas from operations as proposed in Section 15 of this Act.

Hon. Temporary Deputy Speaker, look at the proposed Section 78 of this Bill; it gives powers to the Cabinet Secretary to give licenses. If you are interested in exploring minerals, you will now be applying to the Cabinet Secretary. Let me not enumerate, but a lot of power has been vested in the office of the Cabinet Secretary. In a nutshell, the bottom line is that this Bill has concentrated a lot of powers to the Cabinet Secretary. The remedy is very simple. I am one of those people who are very conservative when it comes to issues of money. I rarely propose the formation of boards because I am of the view that boards tend to increase expenses of the Government. They tend to create many layers of procedures and bureaucracy. Be that as it may, this is the only exception so far that I am going to clamour for the establishment of the Minerals Board, so that we can, therefore, transfer all those powers which have been vested upon the Cabinet Secretary---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Kang'ata. Maybe, it is important that I guide the House. I can see the interest is even increasing in terms of contribution. I also realize that we are repeating ourselves. Can we remove the issue of the CS completely, so that the Members do not speak to it because it has been spoken to? The issue of the powers of the Cabinet Secretary, of course, hon. Kang'ata has started, but no other Member should bring it up because it has also been brought sufficiently. There are quite a few other areas which the Members have really contributed on. If the Members have new issues that they want to speak to this Bill, it makes perfect sense. But

if we are going to say the same thing, we are going to debate this Bill in eternity. You realize that there is no limit to the debate on this one and surely, we cannot have all the Members speaking to it and speaking the same thing. So, I just wanted to guide the House. It is not interference on the contribution by hon. Kang'ata, but I would like that from now henceforth, let us not speak to what other Members have already touched on.

Hon. Kang'ata: Hon. Temporary Deputy Speaker, I am now in the realm of the remedy and how to improve this Bill. I am of the view that we establish a Minerals Board. The rationale will be that, one; we are going to have more mines. When it comes to administration of public funds or even management of any entity, one person does not have monopolies of ideas which appear to be the philosophy guiding this Bill. So, when you have a Board, you have representation from the stakeholders and experts from the various areas. They will constitute the so called Minerals Board. This will make more sense.

The members to the Minerals Board can be appointed by the Cabinet Secretary. Those are issues which we can leave to details, but the bottom line is that it will enable the Cabinet Secretary to concentrate in other areas. It is going to be more consultative and ideas will be analyzed by many people as opposed to having a situation where it is one person making all the decisions.

Another issue that I have with this Bill is in the area of vesting exclusive ownership of minerals to the State. I agree that all minerals belong to the State, but what of situations where you have a community adjoining a site where there are minerals. I have seen some mentions to such kind of circumstances, but I am of the view that we need to strengthen clauses relating to the rights of communities in the regions which adjoin areas where there are minerals. I say that being inspired by what I have seen in regions like Ukambani and Turkana. In Murang'a County, I know as a fact that we are minerals scarce, in my assessment. But I feel that going forward, the future of this country---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Member! What is it the Member for Kapenguria?

Hon. Chumel: On a point of order, hon. Temporary Deputy Speaker. I have seen that there are still more Members who want to contribute and we are running out of time. This Bill affects some areas in this country, could I be in order to request that we reduce the minutes taken by the Members to five or three minutes?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Moroto, first, you are a seasoned Member. This is your third term. I am sure you heard the ruling of the Speaker and which we are all bound by. By the way, that comes from the Standing Orders that if you want to limit debate to a certain time limit per Member, you should do it at the beginning of the debate and not somewhere in-between. The Standing Orders are very clear. But, be that as it may, you really do not need to speak for ten minutes on an issue which everybody has spoken about. You can limit debate without having been instructed to. If Members can speak for three, four or five minutes, the Standing Orders will not bar you from doing it. I agree with what hon. Moroto is saying but, unfortunately, I wish you had done that before. But for the Members who are contributing, you need not speak for ten minutes. When you are given an opportunity, we do not say that you must finish those

minutes. So, as soon as you finish saying what you think is new, the rest you can leave to other Members.

So, hon. Kang'ata, you should be finalizing. Your time is almost over.

Hon. Kang'ata: Hon. Temporary Deputy Speaker, I am now talking on behalf of regions which I am seeing are not the new frontiers of development. I am speaking on behalf of areas like Turkana and Ukambani, where coal has been discovered. Going forward, I am of the view that in this Bill, we should provide for the establishment of systems where more benefits can accrue to those regions.

Finally, I want to address the issue of environmental protection. This country has very strong environmental laws. But, be that as it may, it is good to protect the environment for the sake of our children's future. But we should not protect the environment so much to the detriment of development. I remember the problems which accrued to an investment where people wanted to extract Titanium at the Coast. That project took so long. It is only the other day that they procured a license and exported the first minerals. Presently, I have also seen a matter where the road---

The Temporary Deputy Speaker (Hon. Cheboi): Unfortunately, your time is over. So, we will have hon. Otichilo. I hope the Members will be guided. Let us speak to the new things. It can be as short as is possible for the rest of the Members to have opportunity.

Hon. (Dr.) Otichilo: Thank you, hon. Temporary Deputy Speaker. I will try to be as brief as possible. First, I want to inform the Members that as a Member of the Committee on Environment, Water and Natural Resources, we have looked at this Bill in detail and we have proposed a number of amendments which will be coming and is available for those who can look at our Report.

This is one of the most important Bills that have even been brought to this House. The Bill that is currently in operation on mining was enacted in early 1940s. From that time, no law has ever been enacted on mining. It is no wonder that mining in this country has been a preserve of a few people. Because of that, a few of those people have become very rich, exploiting national resources. This has happened because we have not had an enabling mining law that has opened up this sector for exploitation for the benefit of the local people and of the country. I can confidently tell this House that this country has lost billions of shillings that could have brought development to this country through mining which has been done by a few and unscrupulous people. Those people have thrived on this because there has been no serious law that has exposed this sector to the nation. Therefore, it has been also been a syndicate of a few of those people to ensure that no law on mining is enacted, so that they can continue exploiting this country. Efforts have been made to enact a mining law, but it has always been defeated. Even in the 10th Parliament, we tried, but we were unable. Therefore, I want to congratulate the current Government for being very bold and realizing that this is a sector that has been neglected for a long time and went ahead and created a full-fledged Ministry that now can be able to manage that sector. I am now convinced that this sector is going to move this country to greater heights and I can confidently say that this sector is the only sector that is going to make this country achieve Vision 2030 where we are aspiring to become a middle income industrialized country. We have a lot of minerals which we have not exploited. This Bill is now opening the avenue for us as a country to explore and exploit those minerals. I

believe everybody who cares about economic development of this country, should support this Bill, because it is going to transform this country. How is it going to transform this country? The likelihood of this country to become industrialized lies on this Bill. That is because the numbers of minerals that have already been discovered are indicating that this country, if we use those minerals well, will become industrialized. Secondly, this is the sector that is going to create many jobs. If this Bill is implemented very well, and a good and enabling environment is created so that the industry can thrive,

I believe this is a sector that has a lot of prospects, particularly the small scale miners or artisanal miners. For many years, the local people have never had power or even legal mandate to mine and sell minerals. They have always been smugglers. They have always sold those things under-cover. This law is now giving opportunity to the local small scale miners to be able to mine legitimately and sell the merchandise to open market. So, this is going to create a lot of employment. Smuggling of minerals, particularly gold and diamond, has been rampant in this country. We have been having gold being brought from other countries and coming through this country, as a channel for export. This Bill now is creating an enabling environment where we shall be able to benefit from a legitimate business of mineral marketing from our neighbours. They will be able to bring gold or whatever mineral to our country through what is being proposed in this Bill as metal commodity exchange bureau, where they will be able to come and sell their commodity legitimately on the exchange bureau and this country is likely to make a lot of money. So, smuggling of minerals is going to me something of the past, if this Bill is passed. We have had a lot of mining in this country and, as I have said, lots of millions of shillings have been earned. But our Government has earned almost nothing. Most of this money has gone into peoples' pockets. The locals where those minerals are have earned nothing. In fact, if you go to those areas, most of those people are very poor. If you go to West Pokot; if you go to Ikolomani, those people are extremely poor. It is the few middle men who have been dealing in this business that have made a fortune. So, this is going to change with this Bill.

The other issue that I want to talk to is about compensation. This Bill sets an environment where, if a mineral is found on your land or property, there will be a clear system on how you will be compensated and later on, be able to relocate to another area. This is to me a very important component of this Bill. Concern has been raised about putting so much power into the hands of the Cabinet Secretary. I want to tell you that the Committee has looked at this and we have proposed an alternative where now, it would be an independent body that is going to regulate the industry.

Finally, I want to say that the issue of geo-physical survey is so critical that if this country is going to benefit from that industry, we need as a House to budget more than Kshs2 billion so that we can carry out a geo-physical survey of our own country. I want to assure this House that I am a scientist and a specialist in those areas. This country has a lot of potential of very many minerals. With a geo-physical survey, we shall be able to see where all those minerals are and, in that way, it will be easier for us to exploit them.

Without belabouring on this, I want to strongly support this Bill and we shall be bringing in more amendments as a Committee.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. (Dr) Ottichilo, you promised to be very brief but you have ended up squandering the entire ten minutes. It

was a good contribution. Let us see from the other gender if they will be brief. So, let us hear from hon. (Ms) Chebet.

Hon. (Ms) Chebet: Thank you hon. Temporary Deputy Speaker for giving me this time. I have really waited the whole afternoon but I think it has borne some fruits. I want to contribute to this Bill, support it wholly and say that it has come at the right time. In my Elgeyo Marakwet County, we have a huge land which is Arid and Semi- Arid and has mineral deposits. I think when we have a Bill like this to control the mining of those minerals, it is going to support our county and the National Government. The county government is already banking on that. It is banking on minerals to create wealth and extra resources. From the community side, we look forward to the mining of those minerals. They are already under exploration. When the mining starts, I know the community will benefit because the place will be opened up. The roads will be made and, maybe, the railway transportation will also be improved so that it can connect the upper areas of the land and the lower area. Again, we are going to have employment in the mining industry. That employment will absorb our youth. It will create wealth and that will translate into food security into our community. That part of the community; that part of the land is dry and cannot produce food. So, if we have money from the mining industry to buy food, I think the poverty level of the community will go down. Education of our children will be supported and we will have an educated youth that can contribute to the development of our county. Generally, counties that have mining industries like South Africa, Nigeria and others have come out of poverty. They have created wealth and they are very rich now because of the mineral deposits in their countries and the mining industries that have been put up. Kenya will be joining those rich countries if we have a proper law like the Bill that we are going to make enact and control and regulate the mining industry. I know we are going to meet the target of Vision 2030 in Kenya.

Thank you, hon. Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Your opinion deserves congratulations because that means she went straight to the point.

Hon. Mati: Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to contribute to this Bill. I will support it totally. This is very timely. I come from Kitui County and it has become like the Wild West where all sorts of opinion peddlers and wheeler-dealers have descended on the poor people of Kitui County to basically sell the minerals. We have seen people from the Ministries and faraway places like China marketing the minerals of Kitui people without owning an inch of land where the minerals are obtained. This is happening in relation to the coal found in Mui Basin. This is happening to the limestone found in my constituency in a place called Ngaiyie. The people of Ngaiyie may not know Nairobi but they have been known in as far a place as China because opinion peddlers and wheeler-dealers have gone to far places like China to market the limestone of the people of Ngaiyie without taking cognizance of the fact that the people of Ngaiyie have lived in that land for thousands and thousands of years.

What I would like to emphasize is the fact that the Government's involvement will cut off those wheeler-dealers and opinion peddlers who have unscrupulously benefited from the proceeds or potential proceeds of the land of the people of Mui, Ngaiyie as well as Mutomo, which are the three places where minerals have been found – that is limestone and coal. An important factor is that those opinion peddlers and

wheeler-dealers are sabotaging the State of the Republic of Kenya because Kenya is aspiring to produce more energy. As those people deal and block every attempt to mine the coal in Mui, we are losing time; important time, because our State hopes to increase the amount of power in our grids with coal. However, everybody comes up and puts a road block at every turning point and demands their cut. I hope and pray that this Bill will help eliminate those wheeler-dealers.

Another factor that I would like to share with you is the fact that I do not know whether, as a country, we are prepared for the outcome of a lot of minerals coming to our nation. I was in Turkana the other day - Ngamia I and Ngamia II. One of the things that I realized is that we may not be prepared in terms of preventing the conflicts that may emerge as communities try to redraw their borders so that they include the minerals within their territories. That issue has to be dealt with seriously because, if it is not dealt with, we could have a very difficult situation such as that has befallen our neighbours and some of the African countries. I am saying this because as we discover coal and limestone in my county, I have seen attempts at encroaching on what has been our land. The Government has to be ready, willing and available to deal with issue of small arms because without small arms, there will be no damage. But as long as we allow the proliferation of small arms, then borders are going to be redrawn by force so that people can be included; neighbours can be included in the proceeds of the minerals. So, I hope that there will be a multi-sectoral approach in addressing this Bill when it becomes law. Let us ensure that so that the security apparatus can get to know. This becomes more difficult because our people do not have title deeds and so, their borders are not known; they are porous. We have to deal with this matter exclusively.

Hon. Temporary Deputy Speaker, I have heard about benefit sharing when it comes to the county governments. This House has heard it and we have experienced the fact that decentralization to the county level has not meant fair distribution of resources. So, we may have governors getting dividends from minerals but the targeted beneficiaries – those who suffered or vacated their lands so as to enable the minerals to be exploited – may not get anything. So, we have to do something to make sure that those who are directly affected and displaced by those mines get a good share. I would propose a bigger share than the county government because it is those who suffer who should be compensated and not a bureaucracy that has placed itself in-between the people and the State in Nairobi.

With those few remarks - I promised not to consume all my time – I rest my case.

The Temporary Deputy Speaker (Hon. Cheboi): That is another very well utilized time; exactly five and a half minutes. I will give an opportunity to Hon. Nuh and I hope we will go in the same direction.

Hon. Nuh: Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to speak on this Bill. I stand to support it and say that it is a very important Bill. This is a Bill that is going to operationalize one of the big economic sectors of this country. Mining is one of the sectors in this country that has not been exploited fully by Kenya so that it can add to the development of this country.

The country has been focusing much on agriculture and tourism, and other normal and usual sectors of the economy. Mining is a great sector in the world. There are countries in the world that depend wholly on mining. When the workers in the mining

sector in South Africa go on strike, the whole country grounds to a standstill! That tells you how important that sector is to the biggest economy in Africa, before Nigeria made the mathematics in another way to become the biggest economy the other day. I come from a mining county; Migori has a lot of mines. There is gold, copper and iron ore in that place. Even the copper that was recently intercepted at the Kenya Ports Authority (KPA) by the Cabinet Secretary for Mining was from Migori. It was intercepted from some Chinese people. So, for that reason, this is one of the Bills that is going to make the lives of those people change because it is giving direction now on how this sector can be regulated.

Hon. Temporary Deputy Speaker, one of the issues I wanted to urge the Committee to look into is when a company is incorporated to do mining in this country. It should be forced to be part of the Stock Exchange so that Kenyans can buy shares in that company and own it. Secondly, the Bill is concentrating more on large scale than small scale miners and forgetting about the majority who are the artisans. So, the Committee should bring an amendment to make sure that the artisans are taken care of. There is the issue of sharing of revenue which the Bill has not talked about. I would like to propose an amendment where those revenues should be shared 50/50 by the county governments and the national Government. Again, the county governments can allocate 10 per cent to the communities where those minerals are found. As part of devolution - and because Kenyans have been complaining so much now about historical injustices in terms of people saying they have been deprived of this and that - it is now time to make it clear that the resources that are going to be found in your county are going to be shared because all resources are assumed constitutionally to belong to the Government of the Republic of Kenya. They need to enjoy the benefits from the minerals that have been found in their areas. I suggest that we should share on a 50/50 basis so that part of the revenue remains in that area in order to develop it.

Lastly, there is this issue of free carrier where, when a company is incorporated, the Government gets a shareholding of 10 per cent. If they want to increase their shareholding, they should go through the normal way and buy their shares through the Nairobi Stock Exchange. Otherwise, that might erode investor confidence.

This Bill is proposing that the Government should put up a national mining corporation so that the Government can involve itself in mining. I think that is the wrong way to go. The Government should remain in the domain of policy making. It needs to come up with policies that will enable a good environment for investment. If the Government involves itself in mining, there will be a lot of conflicts of interest and it will have serious wars with other international mining companies. Even where the Government has invested---

Hon. Njomo: On a point of order, hon. Temporary Deputy Speaker. Is it in order for the hon. Member to mislead the House that the Mining Authority will be involved in mining while it is very clear in the proposed Bill that the Authority's role will be to regulate and control the activities of the mining industry?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Njomo, first, you are out of order yourself because you have used an un-parliamentary term. No Member deceives another. Once in a while they mislead, but they do not deceive.

Hon. Njomo: Sorry, hon. Temporary Deputy Speaker. I did not use that terminology.

The Temporary Deputy Speaker (Hon. Cheboi): If that is the case, then we will proceed and hear the response from hon. Junet.

Hon. Nuh: Hon. Temporary Deputy Speaker, I do not need to respond to that.

With those few remarks, I beg to support the Bill because it is an important one. Thank you, for giving me an opportunity to contribute to this Bill.

Hon. Lomwa: Hon. Temporary Deputy Speaker, I rise to support this Bill. I know that the spirit of public participation is very important in this. The concern of the people is that this is an improvement to the previous laws that existed. The spirit itself is encouraging and, therefore, the Bill is good and it has the capacity to streamline and transform the mining sector. The Bill has seen the potential. There is quite a lot of opportunities in research, investment and exploration of the mineral resources countrywide. This is particularly identified in the pastoralist and arid areas where there is quite a lot of potential. It also offers a strategic economic asset for the improvement of the economic prosperity of this nation, particularly the Jubilee agenda of realizing the double digit growth. It is only through investment in the mining sector that we will be able to realize that.

We need, however, to introduce amendments in order to give prominence to this Bill. Participation is a constitutional requirement. Information needs to be availed that will inform the decisions made in this House during this debate. This Bill, indeed, is long overdue.

The Bill will provide serious legal commitments that will bind and guide management of natural resources in our country. The country will be transformed as has been mentioned. We will then realize economic prospects. There will be no more manipulation without knowledge and notification in the mining sector. The local people have great fear only when it comes to resource sharing and compensatory rights. Alternatives must be given on the basis of workable options. We should not just issue mere statements but, rather, we should provide for this in the interest of those who are directly and indirectly affected. The locales need to be educated on the content of this law and avoid manipulation and exploitation. We should ensure that the benefits accrued are shared equitably.

I support.

Hon. Chumel: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I do not want to repeat what my colleagues have mentioned because this issue is touching on our areas. What is still governing mining in this country is the colonial law. The successive governments we have had did not remove that law and, instead, they benefited out of it. West Pokot and its neighboring areas have a lot of mineral resources. However, the people living there are suffering a lot. Those people are just dying people because of hunger and so on. There is no education or healthcare there. It is ironical that those people are living in places where there are mineral resources.

I want to thank the Committee for coming up with this Bill. This is what is going to rescue our people. I think this is a God-given opportunity. If you go to Ortum and other areas which are in my constituency, you will find that land has been taken. All you find are plots. People have title deeds and yet, they do not even know the area. They pay

what they want to pay and then they own the area and yet, the place has its people living there. They pretend that they own the land when the land really belongs to somebody else.

One of the hon. Members visited Ortum and he found that the people benefiting--- The Turkanas who occupy that area are not benefiting from occupying that area but, rather, it is people coming from the urban areas who are benefiting. They are the ones in charge of transport. They are the ones mining at the moment. The people there are not getting anything. In fact, they have been evicted to other places.

We will have to come up with amendments so that we rectify some of those things. I have gone through the Bill and I have found that some of the clauses are not so much helpful. They talk of the Cabinet Secretary position and so on, but those are the people who have been oppressing people there! What is the difference with the Cabinet Secretary (CS) who is now there? He has been there in charge of tourism and yet, some areas have not benefited anything out of it unless we make a law that those guys can now follow to the letter.

Hon. Temporary Deputy Speaker, otherwise, I just want to support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the hon. Member for Kasipul, hon. Magwanga.

Hon. Magwanga: Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this very important Bill. I want to take this opportunity to thank the Committee for coming up with this Bill. This Bill is coming up at the right moment and it will really help this country. However, as much as this Bill is coming up, it is also very important for us to realise that very many Bills have been passed in this House and others are gathering dust wherever they are. So, more importantly, we must internalize those Bills and make them part of us and this will address our issues.

Most of the third world countries were colonised because of those natural resources. This is because the *wazungus* came for those minerals. They colonised us. They scooped the minerals. They went to their countries and if you go to those countries, you will appreciate that they have really developed themselves at the expense of the third world countries like Kenya and our neighbouring countries. You will even realise that we are dying in poverty while others are enjoying our resources.

Hon. Temporary Deputy Speaker, I want to say that this Bill is trying to address some issues which are likely to bring some equality in sharing of the resources. I want to say that in every community where minerals are found, there is always a conflict and I hope the Bill will try to address this so that we have equal sharing by the National Government, county governments and the community that has taken care of those natural resources for so long. If this is actually done, I am assuring you that our livelihoods will definitely improve.

Hon. Temporary Deputy Speaker, I also want to say something which I have seen in this Bill. It is trying to address mineral resources but why not petroleum and gases? Why were they omitted? Do we have some people having some schemes to avoid this for them to benefit or it is for the benefit of this country? I would have actually wished that petroleum and gas are also included among the mineral resources because I know that a lot of petroleum deposits have been found in Turkana. Some have actually been sighted

in Nyakach and in Rangwe. So, this would have actually been included as one of the Kenyan mineral deposits.

Hon. Temporary Deputy Speaker, as a result of illegal mining, we have lost a number of lives and you will agree with me. This has happened in my constituency because we have gold and iron ore deposits and the people try to mine them illegally which, to some extent, is dangerous to their lives. I would actually wish that this Bill will actually address all those and we will live in harmony together with the prospecting companies, mining companies and the communities get their right share.

Hon. Temporary Deputy Speaker, thank you very much for giving me time. I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the hon. Noor Ali.

Hon. Abdinoor: Thank you, hon. Temporary Deputy Speaker for giving me this chance. I rise to support this Bill. This is the best Bill that this country can get in terms of the Mining Act and it seeks to repeal the Mining Act Cap.306 which was there initially, and which never provided some provisions previously. When it comes to administration, the Bill in Clauses 16 and 17 provides the CS to declare some minerals as strategic minerals. In Cap.17 it establishes two directorates – the Directorate for Mines and also the Directorate for Geological Survey.

Hon. Temporary Deputy Speaker, the most important thing about this Bill is the resource-sharing between the county governments, the community and the National Government. It provides a formula that the National Government will go with 70 per cent, the County Government will go with 20 per cent and the communities which are living around the mining areas will have 10 per cent.

Hon. Temporary Deputy Speaker, the Bill also provides the community social responsibility. It has changed and called it a community development plan. Any company without a community development plan will not be issued with a licence in this country and that puts in the interest of the communities which are living around the mining areas.

Hon. Temporary Deputy Speaker, in Clauses 58 to 70, the Bill provides on how licence applications are being done, the renewal of those licences and the obligations and rights. When it comes to compensation and service rights and disputes in provisions 127 and 129, the Bill provides adequately what we need to do about that. Also dealing with minerals, in Clauses 132, 124 and 138, it is taking care of that.

Hon. Temporary Deputy Speaker, lastly, on environmental safety, the Bill has provided adequate care about the environment.

With those few remarks, I support. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Gichigi.

Hon. Gichigi: Thank you, hon. Temporary Deputy Speaker. I also rise to support this particular Bill but---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gichigi, for your information, you will have two minutes now and then you will start at the beginning when the debate resumes on Tuesday.

Hon. Gichigi: Thank you, hon. Temporary Deputy Speaker. I wish to start by saying that I support this Bill despite the fact that there are very many areas that it requires amendments. The reforms in the mining legal regime are long overdue as others have indicated. We can choose at this particular juncture in the stage in our country to

take the route where what God has given us as our wealth and what we are currently discovering to be either a curse or a blessing. We can decide to go the Congo route or we can go the South African route.

Hon. Temporary Deputy Speaker, I pray and I am hoping that the law that we will come up with after we refine the Bill that has been brought by the Ministry assists this country to create a lot of wealth for itself.

Hon. Temporary Deputy Speaker, the one amendment that I will be moving if the Committee has not done it, is the necessity of saving a bit of the money that we get or the State gets as royalties or taxes from the mining sector. Once we exploit those minerals, posterity will not get anything. We are exploiting them and that is the end of the matter. They are not resources that we can recycle or renew. It is important that we create what a country like Norway has, which is a reserve for posterity and a certain percentage of ---

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Gichigi. Your time is over. You will have your eight minutes. It is now 6.30 p.m. and, therefore, time to adjourn the House to Tuesday, July 22nd, 2014 at 2.30 p.m.

The House rose at 6.30 p.m.