

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 3<sup>rd</sup> December, 2015

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker  
(Hon. Kajwang') in the Chair]*

### PRAYERS

### QUORUM

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order, Hon. Members. It seems that we do not have the sufficient quorum to begin the business of the House this morning. So, I order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Members, the Bell has rung for 10 minutes. Just so that you know that we are going by the Standing Orders, if you look at Standing Order No.34, it states that if no quorum is present at the expiration of 10 minutes, the Speaker may direct that the Bell be rung for a further five minutes. I, therefore, exercise my discretion and direct that the Bell be rung for a further five minutes. I hope the Whips are doing their job. This is not the Speaker's job, it is the Whip's job.

*(The Quorum Bell was rung)*

Order, Members! I am reliably informed by the Clerk-at-the-Table that we now have the requisite quorum to transact business. We shall now begin.

### PAPERS LAID

**Hon. Gaichuhie:** Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table today Thursday, 3<sup>rd</sup> December, 2015:-

The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of the World Trade Organization (WTO) Agreement on Trade Facilitation.

**Hon. Chepkong'a:** On a point of order, Hon. Temporary Deputy Speaker. I am rising as the Chairman of the Departmental Committee on Justice and Legal Affairs. I am seeking your indulgence because we have a Paper to lay but, unfortunately, it has not been adopted by the Committee. We are meeting at 11.00 a.m. to discuss the vetting and approval of the Ethics and Anti-Corruption Commission (EACC) Commissioners. As you

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know, this is a very important Commission and it has been without commissioners for some time. It needs to be sorted out today. The Report is being worked on and that is why I seek your indulgence that we table the Report and move the Motion at 12.00 p.m.

**The Temporary Deputy Speaker** (Hon. Kajwang'): We are here for you. It is our intention that we process and move the corruption issues as fast as we can. I hope that the Committee is doing all it can so that we can deal with that matter today. However, remember that your Report must be approved by the Speaker for it to be tabled. So, do what is necessary. We are here for you. When you are ready, we will handle you properly.

The Chairperson of the Departmental Committee on Environment and Natural Resources, you know that your Paper has not received the Speaker's approval. I am sure you are aware of that.

**Hon. (Ms.) Abdalla:** Yes, Hon. Temporary Deputy Speaker. I am waiting for the Sessional Paper.

**The Temporary Deputy Speaker** (Hon. Kajwang'): You may proceed now, Hon. Gaichuhie.

## NOTICE OF MOTION

### WORLD TRADE ORGANIZATION AGREEMENT ON TRADE FACILITATION

**Hon. Gaichuhie:** Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on its consideration of the World Trade Organization (WTO) Agreement on Trade Facilitation, laid on the Table on Thursday, 3<sup>rd</sup> December, 2015 and, pursuant to Section (b) of the Treaty Making and Ratification Act, 2012, approves the ratification of the WTO Agreement on Trade Facilitation.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Before we take a vote, let me recognise students from Kenyatta University, Young Leadership Centre, undertaking the Young African Leadership Initiative Programme, who are seated in the Speaker's Gallery. Please, rise so that Hon. Members can acknowledge and appreciate you.

Hon. Members, please give them a round of applause. These are the leaders of tomorrow. They have come to Parliament to watch. But since the elections are around the corner, they may vie, win and occupy our seats.

You may sit down.

## MOTIONS

### ADOPTION OF SESSIONAL PAPER ON NATIONAL EDUCATION FOR SUSTAINABLE DEVELOPMENT POLICY

THAT, this House adopts Sessional Paper No.11 of 2014 on the National Education for Sustainable Development Policy, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December, 2014.

*(Hon. (Ms.) Abdalla on 2.12.2015)*

*(Resumption of Debate interrupted on 2.12.2015 (Morning Sitting))*

**The Temporary Deputy Speaker** (Hon. Kajwang'): We debated the Sessional Paper No.11 of 2014 exhaustively. We are now considering it for adoption.

*(Question put and agreed to)*

ADOPTION OF SESSIONAL PAPER ON NATIONAL  
ENVIRONMENT POLICY

THAT, this House adopts Sessional Paper No.10 of 2014 on the National Environment Policy, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December, 2014.

*(Hon. (Ms.) Abdalla on 2.12.2015)*

*(Resumption of Debate interrupted on 2.12.2015 (Morning Sitting))*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, again we debated this business exhaustively.

*(Question put and agreed to)*

ADOPTION OF SESSIONAL PAPER ON NATIONAL POLICY  
AND ACTION PLAN ON HUMAN RIGHTS

THAT, this House adopts Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights, laid on the Table of the House on Wednesday, 3<sup>rd</sup> June, 2015.

*(Hon. Chepkong'a on 2.12.2015)*

*(Resumption of Debate interrupted on 2.12.2015 (Morning Sitting))*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Who is the Chairperson of the Departmental Committee on Justice and Legal Affairs? I now call upon the Mover to reply.

**Hon. Chepkong'a:** Thank you, Hon. Temporary Deputy Chairman. I would like to take this opportunity to thank all those Members who contributed to this Sessional

Paper No.3 of 2014 on the National Policy and Action Plan on Human Rights. Indeed, the debate was very vibrant.

We take note of the fact that the human rights situation in this country has improved after the adoption and promulgation of the new Constitution of Kenya, 2010. The Constitution now provides for an array of human rights protection legislations that have been passed in the recent past.

With those few remarks, I beg to move. I thank every Hon. Member who has contributed.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Having been satisfied that we have quorum to transact business, I will, therefore, put the Question.

*(Question put and agreed to)*

ADOPTION OF SESSIONAL PAPER ON NATIONAL  
VALUES AND PRINCIPLES OF GOVERNANCE

THAT, this House adopts Sessional Paper No.8 of 2013 on National Values and Principles of Governance, laid on the Table of the House on Tuesday, 22<sup>nd</sup> April, 2014.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Chairperson of the Departmental Committee on Justice and Legal Affairs, this Motion falls under your docket.

**Hon. Chepkong'a**: Thank you, Hon. Temporary Deputy Speaker. As you are aware, we are preparing to present the Paper on the Adoption of the Report of the vetting of the Ethics and Anti-Corruption Commission (EACC) Commissioners. I seek your indulgence that the Motion appearing as Order No.11 be postponed, as per the provisions of the Standing Orders, to give me some more time.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I am inclined to indulge you. But I do not know whether we should postpone it *sine die*. Some of these sessional papers are coming after we have passed legislation. I note that this one is coming after we passed the Statute Law (Miscellaneous Amendments) Bill. Hon. Members are advised and encouraged not to take too long on it. After all, there is already legislation in place. If we have a good representation from Members of your Committee, we should be able to pass it without taking a lot of time. Will you be available in the afternoon?

**Hon. Chepkong'a**: Yes, I will be available.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I order that business appearing as Order No.11 be taken out of the Order Paper and be reprinted at such time as shall be practical.

*(Motion deferred)*

**Hon. Lati**: On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): What is your point of order?

**Hon. Lati**: Hon. Temporary Deputy Speaker, we have a dress code in this House. I have just seen Hon. Lentoimaga wearing open shoes in this great House of Parliament. I

have never seen anybody else coming to Parliament with open shoes, as though he is in Mombasa.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Is your point of order on whether the Hon. Member is properly dressed?

**Hon. Lati:** Yes.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let me allow him to defend himself.

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, it is true that I am in open shoes. Over the weekend, while busy assisting my constituents; I knocked my foot against a rock. Yesterday, I pleaded with the Speaker to allow me to be in the House while in open shoes. I am ailing. I am actually on drugs.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order, Members! Let no Hon. Member impute improper motives on this matter. We have been dealing with issues of dress code here in this House, including yesterday. There are advisories and rulings that have been made. We want to be consistent. This Member has not only pleaded with Chair about being unwell, but he has shown me the medication that he is taking. They are not drugs but medicines.

I am going to consult whether, under those circumstances, a Member who explains himself very well with those facts may be considered as either properly or not properly dressed in the Assembly. Give me time, Member for Samburu West. I am going to consult the Standing Orders, the law and the relevant precedents.

In a short while, I will come back to you and give you a ruling on it.

**Hon. (Ms.) Abdalla:** Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The mood of the Speaker is to fast-track this legislation.

Hon. Abdalla, you have ably prosecuted two of these sessional papers and many of these policies are generic. The Speaker's view is that once you have laid the foundation of the policy paper and have it seconded, Members should not have difficulties voting on it, notwithstanding the fact that we have not used up the whole hour allocated to it.

**Hon. (Ms.) Abdalla:** Thank you, Hon. Temporary Deputy Speaker. On a light note, I notice that Hon. Lentoimaga is wearing traditional shoes known as "akala". I would like to urge you to consider in your ruling whether mixing formal dressing and traditional clothing is accepted.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Is that a traditional shoe of the Samburu?

**Hon. (Ms.) Abdalla:** I am reliably informed that, that could be the case, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much for that. It is a very serious issue. I will look at it as I make that decision. Thank you.

ADOPTION OF SESSIONAL PAPER ON NATIONAL WETLANDS  
AND CONSERVATION MANAGEMENT POLICY

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No. 12 of 2014 on the National Wetlands and Conservation Management Policy, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December 2014.

Whereas I agree with you that the issues that have been raised on the two previous policies are very similar - in fact, the environment policy includes a wetlands component - I wish to highlight to the House that wetlands are natural areas that are seasonally or permanently flooded and comprise 3 to 4 per cent of our land mass. The coverage fluctuates to about 6 per cent during rainy seasons and is probably higher during this current *El Nino* rains.

This policy is based on the fact that Kenya has ratified the Ramsar Convention on Wetlands of International Importance, which obligates the country to formulate and implement policies that promote the conservation of wetlands. The process of developing this policy started in 1999 and ended in 2008. We have been operating with a draft policy since then. Based on that, I congratulate the Cabinet Secretary (CS) for Environment and Natural Resources because she went into the Ministry and found over 10 draft policies that she has been able to conclude.

The issue of importance is the fact that there is a lot of encroachment into our wetlands and transformation of wetlands for other uses. In fact, for my Committee, the development of urban areas on wetlands happens to be the largest source of contention with the National Environment Management Authority (NEMA).

Whereas this policy is well written and has been long in development, there are a few areas that I would like the House to note. As a Committee, we feel that this policy would be more enriched. We are presenting the Report to the Ministry so that they can amend some of the provisions in the policy.

The most important issue is the fact that there is no clarity on the institution to implement this framework, especially with regard to the challenge of people encroaching on wetlands. For example, people who put up expensive developments on the Kibagare River claim that they have title deeds. This means the Ministry of Land, Housing and Urban Development is involved in taking away wetlands of national or local importance and giving them to developers. When the developers want to develop the areas, they send their plans to NEMA with a title deed. NEMA is not supposed to give approval without the involvement of the Water Resources Management Authority (WARMA). However, the institutional arrangement between NEMA, WARMA and the Ministry of Land, Housing and Urban Development is lacking and it is being highlighted in this policy as a challenge. That is the biggest challenge that wetlands face right now. So, whereas we have a beautiful policy, the question of who is responsible for bringing proposed legislation and implementing those pieces of legislation is left out. The Committee observes that, that is lacking.

The Committee also notes that the policy does not address emerging issues. For example, there is oil exploration in wetlands. Even if you own land close to a river, you do not own the 30 metres between the river and where your land is. If somebody comes to drill close to a river, lake or water marsh that belongs to the national Government, because that is what the Constitution says, what is the national policy relating to how that

process should go on? Much as this policy has been under development for long, it does not take into account the fact that wetlands are being explored for oil, gas and other minerals. Also, this House just dealt with a very sensitive petition regarding sand drenching at the Coast. The policy seems not to have identified the drenching and harvesting of sand in rivers, oceans and other wetlands as a concern. The other concern is that research, creation of awareness and education on wetlands has not been addressed.

In the interest of time, the Committee recommends that this House adopts the Sessional Paper. The Committee also recommends that the Ministry includes the issues we have highlighted as having been left out in the next draft policy. The Ministry has also left out the question of restoration. This is something we deal with on a daily basis. Stakeholders are asking where the money they pay to WARMA for extracting water from the rivers go to. Who funds the rehabilitation of the wetland so that it is able to regenerate itself? Should there be a fund that addresses that or would it be an extra tax to the persons extracting water so that the cost of restoring wetlands is included? The issue of institutional arrangement and the variety of stakeholders that need to be included should be looked at.

Over and above the issues we have highlighted that need to be added, we still feel that this Sessional Paper is good and we urge the House to pass it.

With those remarks, I would like to ask my colleague in the Committee, Hon. Mwiti Irea, to second.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Central Imenti.

**Hon. Irea:** Thank you, Hon. Temporary Deputy Speaker. I wish to second the adoption of this Sessional Paper which has been moved by my able Chairperson. It is important to note that there are many authorities in this country that manage wetlands. The authorities need to harmonise their operations. They also need to include all stakeholders when, for example, they are giving any investor the authority to exploit the wetlands.

Through the visits we have made as a Committee to various places in this country, we found out that one authority would issue a licence allowing the use of a wetland, but another authority would cancel the contract of the investor. Therefore, this Sessional Paper will help the authorities to harmonise their operations so that one authority knows what another authority is doing.

The issue of management of wetlands being a national Government function also contradicts if the county governments are not involved as stakeholders in any wetland that is in the area, given that county governments are responsible for water services function. Therefore, it is important to adopt this Sessional Paper.

I second. Thank you, Hon. Temporary Deputy Speaker.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Yatta.

**Hon. Kilonzo:** Thank you, Hon. Temporary Deputy Speaker. I rise to support and thank the Cabinet Secretary (CS) for Environment, Water and Natural Resource and our

very able Chairperson of the Departmental Committee on Environment and Natural Resources, Hon. (Ms.) Amina.

We have seen so many policies passing through this House and previous Houses, but the biggest challenge is how they are implemented. Maybe, in future, we need a framework either as a country or a department to deal with the implementation of any law or policy that is passed by this House.

Today, wetlands in this country are very much endangered and others are destroyed. I have a feeling that this business of talking about National Environment Management Authority (NEMA) and Water Resource Management Authority (WRMA) is another way of cleverly allowing our wetlands to be destroyed. It is high time we had one agency or authority where we know that in the event of any destruction, the buck stops with this particular agency. That way, we will be in a position to address the destruction that we are currently witnessing across the country.

Thirdly, management of our environment is an issue. For example, after the country started implementing devolution, we have been seeing serious destruction of our rivers, whether major ones or streams. This is causing a lot of environmental problems across the country. This conservation management policy will address some of these challenges.

Thank you and I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Igembe Central.

**Hon. Kubai Iringo:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Motion on the Adoption of Sessional Paper No. 12 of 2014.

First and foremost, I would say that conservation of wetlands is a very important aspect of our environment. It is to conserve our ecosystem. Conservation of most of our wetlands or the riparian areas can enable us get water and balance dry and wet areas because this has become a problem. This is as result of many people who have been demarcating our land - especially land officers - who have been allocating those wetlands to individuals. Of late, it has become very difficult for the Government and other people to conserve those areas because they are owned by individuals.

This Sessional Paper has given us the guidelines as to which areas should be conserved and set aside so that they can be protected and we get water. It seems like every other day, the desert is rolling towards us. Forests have been dilapidated because of the wanton destruction of forests and felling of trees.

However, with this policy, we need to get a road-map as to which areas should be cultivated or conserved, what type of trees should be planted in these wetlands and riparian areas and how far one should cultivate from the river bed to where you should put other trees.

Lately, I have heard that some researchers found out that eucalyptus trees suck a lot of water from the rivers. Most of our rivers are lined up with those trees. We find that even those rivers which used to have a lot of water when we were young have started drying up. Every time, there is hue and cry of water. People have resorted to go under the ground to look for water in the boreholes, which is very expensive and difficult to maintain.



There is also a disconnect between the county governments' role in management of those wetlands and the Ministry of Environment, Water and Natural Resource and especially the departments that are created by the Government in the ministries like WRMA and Tana and Athi River Development Authority (TARDA). They collect money from the water users and water committees, but we do not see their action. We do not see them on the ground putting back that money to conserve those areas so that people can get more water. It appears that money is collected and it is not properly accounted for.

This Sessional Paper should tie that loose end where there is a disconnect among county governments, WRMA, the Ministry of Environment, Water and Natural Resource and NEMA, so that they can work in tandem while conserving water points or water areas.

At our constituencies, we are getting a lot of problems because even some water projects cannot get any water. The problem is that already all the water has been tapped and there has been no conservation and proper maintenance of those water areas. In fact, they are drying up. When you go to the county government, it appears that they are running away from the blame - including WRMA. Therefore, it ends up to the leaders like Members of Parliament. People do not have water, but those who should help them conserve those areas are running away from their responsibilities. They are collecting money from the people and nobody knows where they are taking it.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Westlands.

**Hon. Wetangula:** Thank you, Hon. Temporary Deputy Speaker. I also wish to support this Sessional Paper.

There is problem in this country because we pass and adopt beautiful policies and legislations, but we fail to implement them. Not long ago, I had brought up a question to the CS for Environment, Water and Natural Resource requesting for a statement on a wetland in my constituency along Peponi Road. There was a developer who had been licensed to develop that piece of land. I was surprised when the CS turned up and defended the developer armed with approvals from institutions like NEMA.

However, we had to use our other means to stop the developer. It just shows that there is no seriousness in implementing some of these beautiful legislations because the institutions that we have are failing us. They are busy chasing other small things. They are not conserving the environment. We need to be serious to preserve and conserve the environment.

The late Prof. Wangari Maathai single-handedly fought to preserve Uhuru Park. Even the place that I am talking about, she is the one who had stopped that very developer. Surprisingly, the developer is a church goer.

We have been wondering why any serious Government would license development that would cause wanton destruction of our environment. We must learn to preserve our environment. If we do not, it is very dangerous for us now and for the future generations.

Hon. Temporary Deputy Speaker, as we adopt this Sessional Paper, we must also come up with ways and means of implementing the policies, so that we can seriously deal

with environmental issues. The world is talking about the environment and if we are not an exception, then we must also be serious about looking into environmental issues.

I support the Sessional Paper, but we must face these challenges. The institutions that have failed us must be put on notice that if they do not perform, preserve and conserve our environment, they should not use the taxpayers' money for nothing. They should be put on notice that we shall not allow them to use our money doing nothing.

I support.

**Hon. Koyi:** Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute. I also support this Sessional Paper on the environment. The ecosystem all over the world is affected because of poor management of the environment. In this country, we have not protected and managed our environment properly. People decide what to do and take laws into their hands as if there is no Government. We need to have controls, so that we can preserve our environment for the future of our children. People have just decided to acquire forests which eventually destroy the water towers as the Government just watches. In future, we are going to have a big problem in this country if the Government does not take action against people who are destroying our environment.

Even our wildlife has not been treated properly and the animals are running away to our neighbouring countries like Tanzania and Uganda. This is due to poor management of the environment. I want to thank the able Chair Hon. Amina for bringing up this Sessional Paper. Kenyans should be vigilant and if they see someone encroaching into a forest, river or water tower, they should not hesitate to tell the person that he is doing the wrong thing. The Government should enforce these policies, so that we can preserve the environment.

With this, I support.

**Hon. Wario:** Ahsante sana, Mhe. Naibu Spika wa Muda. Ningependa kusema kongole kwa dada yangu Mhe. Amina na Wizara husika kwa kuleta sera ya kuhifadhi sehemu ya chemichemi.

Wakenya wanakumbuka tulipopigana vita na kampuni ya Mumias Sugar walipotaka kuichukua Tana Delta kwa minajili ya kupanda miwa. Wachache tulisimama na tukasema kuwa chemichemi zinastahili kuhifadhiwa wala sikugeuzwa kuwa shamba la miwa. Iwapo tungekuwa na sera hii siku hizo, basi hatungezozana na kampuni ya Mumias Sugar. Kwa hivyo, nitampongeza Mhe. Amina na Wizara husika kwa kuleta sera hii ili chemichemi nchini zipate hifadhi.

Chemichemi kubwa zaidi katika nchi ya Kenya iko katika Kaunti ya Tana River. Wakati tunapokuja na hizi sera na sheria, ni muhimu kukumbuka mila na desturi ya watu wanaoishi katika sehemu hizo. Hii ni kwasababu iwapo mwananchi atamiliki sehemu hizo, ni rahisi chemichemi kupata hifadhi kuliko kutumia nguvu.

Natumai sera hii imehusisha serikali za ugatuzi pia ziweze kuchangia katika kuhifadhi chemichemi.

Kwa hayo machache, naunga mkono sera hii.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, the view that I have expressed before is that the Chair of the Committee on Environment and Natural Resources has prosecuted about three of these policies that relate to the environment. You have had a lot of time to discuss many of these issues and your submissions are around the issue of environment. As a matter of fact, if you look at the

Order Paper, there is another one which is still coming on environment. So, you do not have to speak all of you in one Motion and yet, there are several other Motions coming. That way, we can push the engine forward. That is just as an advice as you rise to speak on these issues.

**Hon. A.T. Anyanga:** Thank you, Hon. Temporary Deputy Speaker. I need to add my voice to this very important Sessional Paper No.12 of 2014 with regard to the conservation of riparian areas. Just like many of my colleagues have alluded, the integrity and the lives of Kenyans and, indeed, the entire mankind, rely on the availability of clean water for existence and support of life.

As a country, we are not short of policies and laws that preserve the environment. The problem that we have had over time is the fact that most of the Government agencies that have been created to preserve the environment seem to be pre-occupied with administrative issues, other than with the implementation of the laws that they were created to implement. In most rural areas in Kenya, over the last 10 to 20 years, most of the natural springs and rivers have dried up. Therefore, even as we talk about preservation of wetlands, another thing that must also be taken into consideration is how that is related to the catchment areas. Indeed, it is the catchment areas that ultimately provide water and support the wetlands. As much as we are talking about the preservation of the wetlands, we must also ask ourselves what we are doing with the catchment areas, particularly the water towers.

We realise that both in urban and rural settlements, people are moving to settle in lower areas and, as a result, when we have rains like the *El Nino*, there are landslides and mudslides and settlements are washed away. That is because people have settled in areas that are ideally not fit for human settlement, namely, the riparian areas. It is so ironical that during the colonial days, we had very strict laws that were controlling how far one would interfere with the riparian areas.

I remember even in my village, you were not allowed to farm beyond 30 metres from the river. Most of those areas were wet. You would find a lot of fish and all that, something that is not in existence today.

Even as we talk about that, there is another challenge that seems to be common with the preservation of the wetlands. This is the problem of disposal of solid waste. Even in those areas where you find some form of water in the rivers, the water is not fit for human consumption or for any form of consumption. It cannot support aquatic life and human life because of excessive pollution either from solid waste or from other forms of farm inputs like fertilisers that are used upstream.

I hope that this policy is going to address these kinds of challenges. When you look at the kind of development that is taking place, particularly in urban areas, we are extremely, as a country, obsessed with real estate development. Real estate development seems to absolutely not respect the fact that we need to preserve nature. We cannot exist as a society if we do not balance life in the wetlands plus the real estate development. So, I fully support the Sessional Paper and I hope that we are going to implement everything in it to the very letter.

Thank you.

**Hon. Kabando wa Kabando:** On a point of order hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Mukurweini, you are on intervention. Can you speak from the Dispatch Box?

**Hon. Kabando wa Kabando:** I am rising under Standing Order No.95. Seeing the mood of the House, and given that this matter has been covered significantly, is it in order for me to ask that the Mover be requested to reply?

**The Temporary Deputy Speaker** (Hon. Kajwang'): Members, follow your Order Paper and the business that you have been transacting since yesterday. The Chairperson of Departmental Committee on Environment and Natural Resources has been tabling a series of policies that concern the environment. We have had the opportunity to hear submissions to protect our environment. As a matter of fact, the next Motion that we are going to is still on environment. You may want to discuss the wetlands, but you can also discuss them in terms of the Sessional Paper No.13 that is ahead of us. Instead of taking too long on a Motion, you may also take advice as the Member for Mukurweini seems to suggest, that you may step on and then you bring your submissions on the other Motion and say it is the same thing to conserve. Anyhow, it is your decision.

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

Let us have the Mover.

**Hon. (Ms.) Abdalla:** Thank you, Hon. Temporary Deputy Speaker. I wish to thank all the Members who contributed to the wetlands policy and urge those who have not contributed to note that the next one is Integrated Coastal Zone Management (ICZM) Policy, under which you can also deal with the issues of wetlands.

I thank you and beg that this House adopts the Report.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Members, I order that the business appearing as No.12 be printed on the Order Paper of the next sitting as maybe practical for the purpose of taking a vote. It is so ordered.

Next Order.

ADOPTION OF SESSIONAL PAPER ON INTEGRATED  
COASTAL ZONE MANAGEMENT POLICY

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.13 of 2014 on the Integrated Coastal Zone Management (ICZM) Policy, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December, 2014.

ICZM is rooted in the understanding that coastal and marine environment is limited spatially, and is a distinct system that if not managed in a coordinated manner, may affect not only the environment but also the socio-economic interests of the communities living around it.

This policy is meant to guide development planning, conservation of the environment and accommodate the social and economic needs of local communities. It is premised on the failure of largely sectoral-based resource management approaches to

address cross-cutting development issues. The overall objective of the policy is to guide and manage the utilisation of coastal, marine environment and its resources to ensure sustainable livelihoods.

Over the past years, coastal resources and environment were managed through uncoordinated sectoral policies. The sectoral management approach has failed in ensuring sustainable development in our coastal region. The approach used has failed because of weak institutional policies, sectoral sectors, bureaucracy, competing interests and misplaced priorities. To give the House an example of the challenges that Coastal Zone Management is facing, the protected areas in coastal areas are managed by the Kenya Wildlife Service (KWS). The research and stock levels biodiversity is dealt with by the Kenya Marine Research Institute (KMRI). When proponents of projects that are supposed to take place in our coast take their documents to National Environment Management Authority (NEMA), instead of NEMA approaching Kenya Marine Research Institute for issues of biodiversity, the lead agency is the Kenya Maritime Authority because of lack of policy.

The function of that organisation is to deal with maritime commerce. So, if your goal is to deal with maritime commerce, would you stop a project that is going to affect biodiversity? You would be going against your own set objectives. That needs coordination, so that we give the best advice for any activity that involves coastal zones. It is something that we must be able to address. That is the only way we are going to not only ensure that coastal communities benefit from their resources but the national economy also benefits, and that customary and common heritage is protected.

This policy is extremely important, so that we are able to utilise our coastal resources more sustainably. There is a long list of objectives that this policy intends to achieve. So, I will briefly go to the ones that are crucial. This policy calls for the need to have a coordinated approach, that is interdisciplinary and interagency to ensure synergy and smooth operations of any institution and programmes that are happening in our coastal zones. It also calls for the provision of integration, standardisation, and consistency between licensing regimes.

There are fishermen going to the sea. There are those who want to harvest sand and there are those who need to do exploration for oil, gas and the rest. The need for ensuring that the licensing regime is standard is there.

This policy is also calling for the establishment and management of an Ocean Development Fund. Our marine resources are not as rich as those of our neighbouring countries of Somalia and Tanzania. Therefore, we need to invest in strengthening the resources themselves. That can only happen if money is earmarked for such activities.

Hon. Temporary Deputy Speaker, the policy is also calling for approaches to deal with emerging issues and advise on the scope and effectiveness of ocean marine. It is also calling for our country to be steadfast in meeting our international maritime and other natural resources responsibilities and ensuring that we produce a forum for coordinated action.

My Committee reviewed this policy and noted with concern that it has left out one of the biggest challenges that we are facing. The new challenge that we are facing is that there is a lot of exploration going on for minerals, oil and gas off our shores. That has not been included in this Bill. Kenya has a case with Somalia at the International Court of

Justice on the issue of the boundary between the two countries. This is a major challenge, which has not been addressed by this policy.

We have been made to understand that whereas Kenya and Tanzania observe the latitudinal marking of marine boundaries, Somalia wants to use the perpendicular one from the coast. That is a very vital issue. Should we have addressed it in this policy, we would have helped our legal team dealing with this matter. We feel that the exclusion is not good for our country. Therefore, we will be recommending that the next version of this policy addresses this issue.

Hon. Speaker, we also note with concern that this policy does not deal with the question of piracy and the need to secure our maritime territory. We would want our enforcement agencies to have a more coordinated and legislated approach in securing our maritime territory. We would like the Kenya Police, the Kenya Wildlife Service and the Kenya Navy to have a joint force for that purpose. We will, therefore, be urging the Minister, through this Report, to ensure that they not only introduce an ocean management and development fund but also call for the establishment of a Kenya Coastal Guard Service (KCGS), so that the agency can deal with the insecurity questions that we have discussed.

As I mentioned, the Kenya Marine and Fisheries Research Institute (KEMFRI) should be the lead agency on the biodiversity question on the coastal marine resources. We note with concern that the agency needs strengthening, so that the challenges we are currently facing in that area can be addressed.

With those many remarks, I would like to urge this House to adopt Sessional Paper No.13 of 2014 on the Integrated Coastal Zone Management Policy and request Hon. Chachu Ganya to second the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Proceed, Member for North Horr.

**Hon. Ganya:** Hon. Temporary Deputy Speaker, I stand to second the Motion for adoption of Sessional Paper No.13 of 2014.

This country’s coastal area is endowed with multiple resources, which can uplift the local coastal economy as well as the national economy. These include tourism, agriculture, shipping, fisheries, forestry and precious minerals such as titanium. The county governments and the national Government as well as the local communities must sustainably manage the use of these vast coastal resources. The interconnectedness of coastal ecosystems in resource management is appreciated highly by this sessional paper. There are various policy objectives that are clearly stated in this sessional paper.

The objectives of this policy paper include promotion of integrated planning and co-ordination of coastal development across the various sectors, promotion of sustainable economic development to secure the livelihoods of the coastal communities, conservation of the social and marine resources and the environment for sustainable development of the coastal area, management of commercial risks associated with changes in the shoreline and the climate, development of capacity through research and education as well as enhancement of stakeholder awareness for facilitation of sustainable resource management, and establishment of an effective legal framework for implementation of this policy paper.

Hon. Temporary Deputy Speaker, if all these policy objectives are fully attained through the effort of the various sectors, we will do away with the problems that we have faced in the past. We have been dealing with these problems on the basis of sectors instead of adopting an interconnected ecosystem management approach.

In conclusion, this policy paper seeks to promote sustainable development in the coastal zone in line with the principles of the Constitution of Kenya, 2010 and the objectives of Vision 2030. I strongly urge our Government to implement this sessional paper to ensure sustainable benefits for the local communities in the coast region, as well as for the national economy. I hope that this sessional paper will not gather dust in shelves like many other policy papers that were previously adopted by this House. I hope that it will be effectively implemented in order for us to realise the gains that are clearly stated herein.

With those remarks, I beg to second.

*(Question proposed)*

### COMMUNICATION FROM THE CHAIR

#### DRESSING CODE FOR MEMBERS WHILE IN CHAMBER

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Members, this morning, the Member for Samburu West raised the issue as to whether the Member for Samburu North was properly dressed. I said that I would take a moment of reflection to be able to make a ruling. I have since reflected on the applicable law, the precedent of this House and the facts of the matter. I am now able to pronounce myself.

The issue that was canvassed by the Member for Samburu West was that the Member for Samburu North was dressed in open sandals. The issue was whether a member in open sandals is properly dressed while in the Chamber.

The Member for Samburu North, in his defence stated on HANSARD that he is unwell. Following the doctor’s prescription which is on the fact that he has an injury, he is unable to wear normal shoes that cover his entire feet. The facts of the matter are such that he can be excused under the circumstances. I have reflected on the law. Rules concerning dress are found in the Speaker’s Rules. Rule 5 says that Members are required not to enter the Chamber, lounge or dining room without being properly dressed. There is an asterisk there which explains that one must be in coat, collar, tie, long trousers, socks and shoes, service uniform or decent national dress for men and an equivalent standard for women with hats optional. It is instructive to note that it talks about shoes and not sandals. You know that these rules spring from the National Assembly Powers and Privileges Act, Cap. 6; the Speaker may from time to time, as he deems expedient, issue directions in the form of a code of conduct regulating the conduct of the Members of the Assembly within the precincts of the Assembly other than in the Chamber. Therefore, that Rule 5 springs from this power that the Speaker has.

It is instructive to note that, therefore, it is the Speaker who may – the word used is “may” - from time to time make the rules that govern the conduct of Members. There is

a discretion placed on the Speaker to look at the particular dress of a Member and decide whether the Member is properly dressed or not.

This issue has been covered before in various Parliaments. I have in mind, for example, a decision by Speaker Hon. ole Kaparo as he then was. He was discussing the issue of whether Hon. Shikuku, at that time the MP for Butere, was properly dressed. He discussed the question: What is the meaning of properly dressed? I have noted that in his summary he did not express himself on the question of shoes. At that time the question was whether Hon. Shikuku, who was dressed in a Kaunda Suit, was properly dressed.

However, coming closer is the ruling by Hon. Marende when he was discussing whether the Member for Kisumu Town West, Hon. Olago, was properly dressed. Hon. Olago came into the Chamber in court regalia that is used by lawyers. The question was whether that court room regalia constituted a code of dress that was acceptable in the Chamber. On Page 5 of that ruling, the Speaker at that time expressed himself in the following way:

“Closer home in Uganda, the rule provides that all Members shall dress in a decent and dignified manner, a pair of trousers with a jacket, shirt, tie, *kanzu* or a jacket or safari suit for male Members.” He went ahead to say that the rules also provide that any Member intending to dress otherwise does so without the permission of the Speaker. He went on to say, “This is to provide for situations when circumstances such as medical requirements or one’s faith may dictate his or her manner of dressing.”

I find a lot of relevance in the decision by Hon. Marende that medical requirements or faith of a Member may dictate his or her manner of dressing. It is for this reason that the Speaker has allowed Members to dress in various clothes, including caps which express a Member’s faith and also medical circumstances. You know that the Speaker has allowed the Member for Kamkunji to be in the Chamber because of his medical requirements.

I, therefore, rule that the Member for Samburu North, in so far as he was dressed in sandals because of medical circumstances was properly dressed in the Chamber. If, of course, he was dressed in open sandals without any lawful excuse, I would have ruled him improperly dressed immediately.

*(Hon. Members walked into the Chamber)*

Hon. Members, I am waiting for you to settle down. Member for Samburu North, you may proceed.

*(Resumption of debate)*

**Hon. Lentoimaga:** Thank you, Hon. Temporary Deputy Speaker for ruling in my favour. I think the Member for Samburu West had ulterior motives. He is actually my cousin, but he is just being naughty. All the same, I thank you for that.

Hon. Temporary Deputy Speaker, I want to support the Sessional Paper that Hon. (Ms.) Abdalla has prosecuted very well. I really wanted to talk on the other sessional paper, but now that you said that all these sessional papers from the Ministry of Environment are related, I want to support.



Coastal areas and the upcountry parts of this country suffer the same kind of environmental degradation because of mismanagement. The previous sessional paper was about wetlands. If we do not take care of areas that are important, especially with regard to attracting rainfall, this country will be in serious problem in future. In Samburu North, those areas are important for our livelihood. Mountains, rivers, and lakes in our place have been degraded. People have encroached on these areas. They harvest sand from the rocks and so on. They do this even though policies are there. Our biggest problem is the enforcement of the sessional papers after we pass them here. There is serious degradation because of displacement. In my constituency, there are wetlands, for example Ekirisia Mountain, Nyiro Mountain, Ndooto Hills and Matthew Ranges, which have been invaded by people for more than 20 years now because of raids. They go there as they look for safety. It is primarily because the areas are forested and are on higher ground. However, because of lack of implementation of policies or laws, nothing has been done to assist these Kenyans to have an alternative settlement in order to protect these areas.

We are getting a lot of destruction for example landslides, floods and drought because of mismanagement of these important areas, including wildlife protection. Wildlife is killed every day because it comes and invades areas that used to be their homes. This is because of congestion and intrusion by human beings.

I support and urge the Executive that after a Sessional Paper or Bill goes through this House, they should implement it to the letter.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Member for Samburu West, I do not know how you coincidentally pressed your buttons.

**Hon. Lati:** The Member for Samburu North said we are cousins. At times we work in harmony because we are related by blood.

Having an integrated plan to manage our coastal areas is a very welcome move. We are blessed by God with one of the most beautiful coastlines in the world. We know that coastlines play an integral role in both human survival and development. Without the wetlands of the oceans of the world, there would be no life on earth. We have to protect them as God-given assets.

We need an integrated plan on our Kenyan coast to ensure the survival of our people, ecosystems and development of our country, particularly when we consider some things that are very visible in our coastal areas today. For those of us who have had to drive from Mombasa Airport towards the beautiful coastal town of Mombasa, there is a pathetic smell that you have to endure as you drive into the town. There is a lot of garbage and an extremely horrible scene as you drive to town. Maybe there are gaps somewhere. Maybe there is someone who is supposed to attend to this mess but is sleeping on the job. Having an integrated plan will help us to cover those areas, so as to make sure embarrassing things in our country like those, which are also harmful to our coastal areas and ecosystems, are taken care of. I hope this integrated policy will bring in communities, Government agencies both at the national Government and the county level, NGOs that are concerned with coastal areas and investors, particularly now that we have some offshore drilling that might go round the Kenyan coast. It is very important to have a structured plan for all the people to work.

Hon. Temporary Deputy Speaker, persistent droughts and floods are clear indicators that we need to do something about our environment. We need to change our

ways and conserve our environment. In the United States of America (USA), since they got their independence, there is only one armed force that is under the governors and that is the Coast Guards. It is an equivalent of an army but is under the governors to ensure that the US coastlines and ecosystems are protected. We need such a unit in this country. Those counties bordering the coast should have armed coast guards to take care of our security and make sure that our ecosystems are protected.

Earlier on, I wanted to speak on the wetlands of Kenya, because they have a direct correlation with the coastal areas of Kenya. Waters that remove vapours from the coast are the ones getting into our lakes. We have one of the most varied and beautiful wetlands in this country, but they are being polluted at an alarming rate. If you consider the Yala Swamp next to Lake Victoria, the second biggest lake in the world, we have just leased 7,000 hectares of land for people to farm. We now have pollution, erosion, pesticides and fertilisers being dumped into the ecosystem. Soon we are going to lose one of the most vital pieces of land around Lake Victoria region.

If you look at Rift Valley, we have some of the most iconic lakes in the world, but because of population and degradation, lakes like Naivasha, which are considered wetlands, are now drying up. Nairobi is also a wetland and that is why the Maasai called it Nairobi; it had rivers. All the wetlands in Nairobi have been converted to malls and everything. If you go to Masai Mara, the Maasai conserved this country for so many years, but we have destroyed all the ecosystems. There is a reason why nearly all wildlife conservation is within Maasai land; I appreciate the fact that we give them a chance to bring our conservation and wetlands back and to take care of our coastline.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang<sup>3</sup>): Member for Narok West.

**Hon. ole Ntutu:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to rise and support this Sessional Paper.

I want to thank the Ministry of Environment, Water and Natural Resource for coming up with this Sessional Paper. As a country, we have been yearning to have a plan on how we can manage our environment holistically. That is what the Cabinet Secretary (CS) and the Principal Secretary (PS) in the Ministry of Environment, Water and Natural Resource have been trying to do. I want to particularly thank the PS, Mr. Lesiyampe. He has done a very good job. I wish him luck in his new appointment as the PS for Agriculture, Livestock and Cooperatives

When you look at our coastal region, its importance cannot be overemphasised. Our tourism industry has been enhanced because of the Indian Ocean. The country has been earning a lot of foreign exchange because of the tourists visiting Indian Ocean. Therefore, there is need for us to actually manage our Indian Ocean and the coastal areas. When you look at the Indian Ocean or the zone we are talking about, a lot of people living around the coastal area along Mombasa, Kilifi, Malindi, Magarini up to Tana River depend on fishing, which is done in the Indian Ocean. Therefore, there is a need for us to manage that zone. A lot of activities happening in the Indian Ocean must be coordinated for proper management.

I am happy that this Sessional Paper is coming up with a licensing idea. What has been happening is that everybody has been going there to do whatever they want without any proper licensing. Other countries are coming all the way to fish in our deep seas. This

has affected the fishing industry and, therefore, the need for our country to actually come up with a management zone, where we will manage our environment.

Global warming as you have heard causes oceans to expand and displace people. If we do not manage our Indian Ocean, this global warming will affect our people.

I am also happy to hear that there will be an Ocean Development Fund, and we will invest our resources. What has been happening in our country is that we like to harvest without a fund that can help manage our environment. That has been happening to a lot of our natural resources. When you look at the wildlife, national parks and national reserves, the Government has not been keen to set up a management fund. I am happy that the other day we got a lot of money from the Ministry of Environment, Water and Natural Resource to pay people who have been killed by wildlife in our parks. My constituency, Narok West, got about Kshs500 million to compensate families of people who have been killed by wildlife.

The only way we can manage those natural resources is by ploughing back more funds to help those communities. Those communities have been managing these resources for a long time without any help from the Government.

With those very few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Lamu County, will you approach the Dispatch Box?

**Hon. (Ms.) Shakila Mohamed:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support the Motion.

This Motion is very timely for the Coast region. As you are aware, there are so many upcoming projects which are harmful to human beings and animals. Lamu for instance, is a heritage site, which depends on fishing and tourism.

First, I want to congratulate the Chair of this Committee for bringing this Motion. It is my hope that the Government will implement this Motion and not do things contrary to what the law says.

In Lamu, we depend on fishing and tourism. We have a lot of animals which are not found in any other forest. When we initiate these harmful, dangerous and poisonous projects such as the coal project, which is yet to come to Lamu, they spoil the environment, including our seas. We urge the Government to walk the talk.

The President talked about environmental conservation of the forest at the ongoing climate summit in Paris. The Government should stop these harmful and poisonous projects, which are contrary to what it stands for. The coal project, which will soon be initiated in Lamu, will kill people. It will produce poisonous ashes which cause cancer. Its smoke will produce acid rain, which will spoil the environment that is land and the sea.

When the world is going green, why is Kenya initiating the coal project in Lamu? We will oppose this project. We want the Government to bring us environment-friendly green projects, using wind or tidal power, which is free. You do not need any money to implement it.

It is upon the Government to ensure that it implements Motions passed in this House to avoid harming human beings, animals and our marine life.

With those few remarks, I support this Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Matuga.

**Hon. Mwanyoha:** Asante sana, Naibu Spika wa Muda.

Ningependa kuchukua nafasi hii kumshukuru Mwenyekiti wa Kamati ya Mazingara na Rasilimali kwa kuleta Hoja hii.

Ikiwa Serikali itafuata Hoja hii inavyotakikana, itakuwa ya maana sana.

Watu wa Pwani, kwa mfano Mombasa na Kwale, wamekuwa wakisumbuka na kuteseka sana kwa sababu ya hali ya kutoweza kumudu shughuli zao. Serikali ilikuwa inawaachilia watu kuingililia Mwambao wa Pwani bure tu na kuvuruga mambo.

Nina imani kwamba, kutokana na Hoja hii, mambo yatakuwa sawasawa. Naiomba Serikali ifuatilie mambo haya baada ya hapa.

Kama vile Mheshimiwa alivyozungumza, miradi mingine kama ule wa kuchimba makaa ya mawe kule Lamu ni miradi ambayo ni haki kabisa izuiliwe mapema. Tatizo ni kwamba shughuli za Katiba ziko wazi, watu wanapitisha sheria, lakini mambo yanafanywa kimabavu na kunatokea mambo ambayo hayastahili.

Kwa mfano, kule Mwambao wa Pwani katika Kaunti ya Kwale kuna uvuvi ambao unapaswa ufanyike vizuri. Lakini utaona kwamba kwa sababu hakuna ushirikiano, uelewano na umoja kati ya Serikali ya kitaifa, serikali ya kaunti na wananchi, miradi inayofanywa pale si miradi mizuri, na inafanywa kwa kutumia nguvu.

Juzi, halmashauri ya Bandari ya Mombasa, walichimba mchanga kule na kuvuruga kila kitu kwa sababu hakuna usimamizi bora. Ikawa wananchi wanakosa kufanya shughuli zao za uvuvi kwa muda mrefu na samaki wkapotea kwa sababu ya uchimbaji wa mchanga ambao haukuwa sawa.

Naunga mkono kikamilifu Hoja hii. Lakini, naomba Serikali ifuatilie na ifanye vile ambavyo Bunge hili la Kenya, ambalo ni tukufu na linakubalika, litakuwa limepitisha.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Nominated Member, Zuleikha Juma.

**Hon. (Ms.) Juma:** Asante sana, Naibu Spika wa Muda kwa kunipatia nafasi hii ya kuchangia Hoja hii.

Mwanzo, nataka kulalamika kidogo. Karatasi za kueleza Hoja hii hazikuwa zinapatikana katika Chumba No.8 hapa Bungeni. Kwa hivyo, tumelazimishwa kutafuta njia nyingine kujua Hoja hii inaomba nini.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member, you are young and digital. We always upload these things on the website. Have you checked the website?

**Hon. (Ms.) Juma:** Mheshimiwa Naibu Spika wa Muda, sijaona hizi karatasi kwenye mtandao. Kama utaniruhusu, mara nyingi hakuna makaratasi yenye kufasiri hizi ripoti katika lugha ya Kiswahili.

Wengi wa wananchi kule tutokako hawajui Kiingereza. Ningeomba Bunge ifahamu kuwa Kiswahili ni lugha ya taifa na iwe ikitufasiria taarifa zote zinazokuja Bungeni.

Kama Wabunge wengine, ningependa kuiunga mkono Hoja hii kuhusu kuendeleza maswala ya Pwani. Ningependa kuongeza kuwa ni muhimu vyombo tofauti vya Serikali vikija pamoja kuleta miradi, vihusishe wananchi katika mambo wanayotaka kufanya na wawe wakiwashauri. Wananchi mara nyingi huamka tu asubuhi na kuona

mabadiliko. Hawakuhusishwa katika mabadiliko hayo, wala hawajui kitu gani kinaendelea.

Naunga mkono Hoja hii kwa sababu maisha ya watu wa Pwani yataendelezwa kwa kufanya miradi tofauti tofauti ya kuleta maendeleo katika sehemu hiyo. Ni aibu kuwa nchi ya Kenya inashindwa na nchi ndogo kama vile Mauritius, ambayo imeendelea sana katika maswala ya uvuvi, ilhali ni nchi ndogo sana na yenye watu wachache sana; ni lazima tujiendeleze.

Pia, nimegundua kuwa mara nyingi Serikali haiwaajiri watu wa Pwani wala haihusishi watu wa Pwani katika miradi ya Pwani. Nilienda mkutano kule Mauritius, na kati ya Wakenya 11 tuliosafiri, mimi pekee ndiye nilikuwa nimetoka Pwani. Sikutoka katika Wizara. Ulikuwa ni mkutano wa Wizara.

Yaonekana kuwa kwa sababu watu wa Pwani hawahusishwi sana katika maswala, ndio sababu tangu tupate Uhuru, maswala ya uvuvi yamekuwa nyuma sana. Hii ndio maana tunapitwa na nchi nyingine kama Norway, nchi ndogo sana, lakini katika ulimwengu mzima ndio ya pili katika kuuza samaki. Ya kwanza ni nchi ya Uchina.

Hapa Kenya, tunaweza kupunguza umaskini ikiwa tutazingatia mambo yaliyotajwa katika hii Ripoti. Isiwe tu ni ripoti ambayo itakaa na kupata vumbi, lakini iwe Ripoti ambayo mambo yake yatafuatiliwa.

Jambo lingine ni kwamba katika bajeti za masuala ya uvuvi na kadhalika, pesa nyingi sana huwa zinaenda kwa utafiti. Mwaka baada ya mwaka, Bajeti ikitengenezwa, hata tukijaribu kushindana, pesa nyingi sana zinaelekezwa kwenye utafiti. Saa hii tunataka pesa zielekezwe katika masuala ya maendeleo, kwa sababu baada ya miaka hiyo yote hatujaona faida ya huo utafiti.

Kitu kingine ni, kama alivyozungumza Mhe. Mwanayoha, uchimbaji wa mchanga umefukuza samaki, na wavuvi hawana njia nyingine ya kupata pesa. Umaskini umezidi sasa. Mashirika ya kusimamia ufuo wa bahari pia yameachwa peke yao. Hawashugulikiwi na Serikali. Pesa haziko ilhali wanafanya kazi nzuri.

Kumalizia, nashukuru sana Mwenyekiti na wanachama wa Kamati hii kwa kuleta Hoja hii.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Kajiado.

**Hon. (Ms.) Seneta:** Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to also contribute to this Motion. I thank the Chairperson of the Departmental Committee on Environment and Natural Resources and the Ministry for bringing this Sessional Paper to the Floor of this House. I urge the Ministry to make sure that they follow up on the implementation and enforcement of this policy paper, so that it does not gather dust on shelves.

Wetlands and coastal zones contribute significantly to the socio-economic development of Kenya, and the health of our people, livestock and wildlife. Therefore, it is very important for us to look into ways of conserving wetlands. When I was growing up, we used to fetch clean water from seasonal and permanent rivers. However, today most of the population of this country depends on boreholes, because we no longer have rivers which flow naturally as a result of interference by human activities. People live on wetlands. We no longer enforce the legislation that requires people to live some metres away from the rivers to allow proper flow of water into the rivers.

Today there are floods in many parts of this country. There are floods in Narok, Kajiado, Kwale and many other counties. These floods are mainly caused by our failure to conserve the natural environment, and this leads to climate change. There are people building estates close to rivers. What you hear the following day is people demanding *El Nino* emergency money, because they want the Government to put measures to control this. Some of these things are brought by us not following, or trying to conserve our natural resources.

So, I urge the Ministry to implement this policy. The Ministry should ensure that physical planning is duly followed by the county governments and the people when they are building. This is so that we leave the water course to follow in its own channel and conserve our wetlands. By doing this we will also conserve our forested areas, so that we can have the beauty of Kenya, which we have been given as a gift by God for our people to enjoy. I support this Sessional Paper. I urge the Ministry to make sure that they implement its proposals.

I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Siaya.

**Hon. (Ms.) Ombaka:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I also stand to support this Motion. We are all aware that the coast is one of the biggest income earners for this country in terms of tourism. The country gets a lot of money through tourism and the coast region is very significant in this respect. The very fact that tourism declined as a result of insecurity means that we still need to work very hard in terms of improving the coastal region and the environmental part of it.

When the environment is destroyed along coastal areas, it means we will lose much more. Therefore, it is very important to pay special attention to coast environmental conservation, and also protect the maritime life and the Swahili culture that is very wonderful. Some of us who go to the coast occasionally admire the coastal and maritime life. The beaches are beautiful. Without protection we will lose a lot economically.

I do not want to highlight so much about the coast, because there are other areas that we have not protected. This is the area of Lake Victoria which is also part of the maritime life and there is also good culture there. When we are protecting sections along the Indian Ocean, we must think about areas like Lake Victoria. Lake Victoria is one of the largest fresh water lakes in the world. As you look at it, the local communities utilise the area very well, but protection of that water mass is important. Lake Victoria is growing in terms of so many people utilising it.

The fishing industry is also important because it brings a lot of income to the people of the region. The only problem is that environmental protection is needed. There are many markets growing along the beaches. There are many stalls. There are many *boda bodas* coming up along the lake. Women are washing clothes and dishes or domestic items along the lake and animals also utilise the lake. When you look at the whole thing, utilisation is going on but without caring about the protection of the water mass. So, just as we would wish to protect the coastal region, the Indian Ocean, all the maritime life, the Swahili culture and the beautiful things that we see there, so should we be able to do the same for the areas along Lake Victoria.

I support this Sessional Paper because environmental protection is key. Everybody in the whole world is moving towards protecting their own environment.

Without protection, human beings and animals will perish. It is important that we highlight that.

Lastly, environmental education is missing in all these. We want to protect very many wetlands and plant trees. This is important for human sustainability. However, without environmental education, we cannot go far. For example, many people are not aware that it is important to plant trees. They do not know that it is important to protect the water mass they have around. They destroy it without realising the implications. Therefore, we must also put in place education on environment. People must be sensitised the way Prof. Wangari Maathai was doing. She did that but I do not know what we have learnt in protecting our own land.

I know that protection of the coastal land, region and any other place like Lake Victoria will earn us more money, and will make us healthier.

I thank you for giving me the opportunity to contribute.

I support this Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Kitutu Chache North.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this important Motion.

I support this Motion upfront. I thank the Committee concerned as well as the Ministry of Environment, Water and Natural Resource for coming up with this kind of proposal. Indian Ocean is being wasted instead of being utilised to generate employment and income for our people. We have some of the best beaches in the world, yet we do not earn from them as much as those other countries which have them.

If you compare our beaches in Malindi, Mombasa and Lamu to the beaches in Malaysia, the latter are not beaches. They are only rocks, yet Malaysia receives 26 million visitors in a year, which is much higher than the population of 23 million people in Malaysia. The amount of money they make is enough to fund the Kenyan Budget.

If you go to Mauritius, it does not have beaches. Theirs are cliffs. However, they make a lot of money from their fishing industry and tourism. People go there to see those cliffs. They see fishing being done and they go back. Mauritius makes more money than Kenya. It receives in excess of 1.5 million visitors per year, yet Kenya cannot receive that number of people and we have such long---

*(Hon. Member walked into the Chamber without bowing at the Bar)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Just a minute, Member for Kitutu Chache North. There is a Member walking into the Chamber. Is he a Member of the National Assembly? Would you advise him to go to the Bar and do what must be done?

**Hon. Angwenyi:** Okay, Hon. Temporary Deputy Speaker. Teach them some of the rules.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I will.

**Hon. Angwenyi:** Hon. Temporary Deputy Speaker, I was just saying that Mauritius makes money and has created much more employment than Kenya, yet it does not have as good beaches as we do in Kenya.

We have neglected our beaches. We have allowed them to be insecure and dirty. Those who want to visit them cannot enjoy as much as they used to do. We must safeguard and protect our ocean zone. The coastal zone should be protected. Funds should be allocated to maintain and improve the coastal zone. This must be extended to other areas.

I hope the Committee and the Ministry will come up with a similar proposal for areas such as Lake Victoria. It used to be the second largest fresh water lake in the world. Today, it is the most polluted lake in the world. So, we must take care of it and return it to where it used to be. We must look after our other lakes in the Rift Valley like Lake Turkana, Lake Nakuru and Lake Baringo, which is very scenic. We can earn money out of those facilities that God has given us. We will also get employment for our youths, who are a ticking time bomb in this country unless we address their issues.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. This debate began at 10.55 a.m. My digital clock says that it is 11.55 a.m. This means that we have covered one hour. You made a resolution of the House to limit these Motions to one hour. I, therefore, call upon the Mover to reply.

Where is the Chairperson of the Departmental Committee on Environment and Natural Resources? She is absent from the Chamber.

The Mover being absent, we move on. I, therefore, order that the business appearing as No. 13 on the Order Paper, be printed on the Order Paper next sitting, or as soon as it shall be practical, for the purposes of taking a vote.

Thank you very much.

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for the Committee read)*

### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Hon. Kajwang') took the Chair]*

### THE GOVERNMENT PROCEEDINGS (AMENDMENT) BILL

**The Temporary Deputy Chairman** (Hon. Kajwang'): This is the Committee of the whole House convened to consider the Government Proceedings (Amendment) Bill, Senate Bill No. 10 of 2014.

Let us begin.

*(Clause 2 agreed to)*



*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon.Kajwang'): Mover, I can see you on the intervention button.

**Hon. Gaichuhie:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Government Proceedings (Amendment) Bill, Senate Bill No. 10 of 2014, and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. Kajwang') in the Chair]*

## REPORT AND THIRD READING

### THE GOVERNMENT PROCEEDINGS (AMENDMENT) BILL

**Hon. Chepkong'a:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Government Proceedings (Amendment) Bill, Senate Bill No.10 of 2014 and approved the same without amendment.

**Hon. Gaichuhie:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said report.

I request Hon. Amina Abdalla to second.

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, I second.

**The Temporary Deputy Speaker** (Hon. Kajwang'): That is what senior people do when they are about to catch their breath.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Gaichuhie:** Hon. Temporary Deputy Speaker, I beg to move that the Government Proceedings (Amendment) Bill, Senate Bill No.10 of 2014 be now read the Third Time.

I also ask Hon. Amina to second.

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, my brother from Eastlands knows that we are village mates, so I second anything he asks me to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Members, I order that the business appearing as Order No.14 be listed in the next Order of business as soon as may be practicable for purposes of taking a vote.  
Let us move on to the next Order!

## BILL

*Second Reading*

### THE FOREST CONSERVATION AND MANAGEMENT BILL

**The Temporary Deputy Speaker** (Hon. Kajwang’): The Majority Whip, you may proceed.

**Hon. Katoo:** Hon. Temporary Deputy Speaker, I beg to move that the Forest Conservation and Management Bill, National Assembly Bill No.49 of 2015 be now read a Second Time.

This Bill is of great importance as it is meant to give effect to one of the most sensitive provisions of the Constitution, namely, the management of natural resources that is key to our survival as a nation. The Bill intends to give effect to Article 69 of the Constitution with regard to forest resources and to repeal the Forest Act, 2005. It makes provisions for the conservation and management of forest resources. The Bill is not complicated and it is divided into 11 Parts, has three Schedules and it runs up to 76 clauses.

Let me just try to give some brief on the outline of the Bill. Part I deals with preliminary matters and makes provision for the application of the Act, the guiding principles of the Act and the natural forest guidelines. These principles reinforce the general principles enshrined under Article 60 of our Constitution that indicates the seriousness with which we take the management of our forest resources.

Part II of the Bill is the administrative aspect of the Act. It establishes the Kenya Forest Service, describes its functions and provides for a broad way of managing the Service. This Forest Service will be a successor to the existing Kenya Forest Service in every aspect while respecting the principle of devolution as enshrined in our Constitution because forest issues, in some ways, are devolved.

The same Part II also provides for the appointment of the Director-General of the Service and the staff. The staff include uniformed and discipline forces of the Service. In the same part, we have the establishment of the Kenya Forestry College. It also provides for the appointment of honorary foresters.

Finally, the Bill also establishes forest conservation areas under Part II. I am happy this morning because the House debated Sessional Papers on wetlands and forests are some of them in terms of conservation of the environment. It has also come up with management committees to protect forest areas. It also provides for research and development in forestry.

It is important to note that forestry or generally vegetation requires a lot of research. The Bill establishes the framework for doing research. This is an ongoing thing.

The proposed Kenya Forestry College will be a valuable addition in the Government effort to properly manage our forest resources. There is going to be a well-equipped institution of learning, specifically on forestry issues. It will also have to undertake a lot of research. Currently, we have some institutions which do a lot of forestry research, but this is integrated with other courses like wildlife and conservation management. Some of our students go to our neighbouring country like Tanzania for these courses.

In Moi University and at the University of Nairobi, we have departments that deal with forestry as a unit which is integrated with other big courses. The Kenya Forestry College is going to be a standalone institution majoring specifically on forestry research and forestry issues.

Part III of the Bill deals with financial provisions. It provides for the finances and sources of funds for the Service, the annual estimate accounts, audit of the finances of the Service and the Forest Conservation and Management Trust Fund. It is important for Members to be keen on this Forest Conservation and Management Trust Fund in order to know the functions that have been proposed. They can also come up with additional functions through amendments to improve this key Trust Fund for forestry issues. These functions are familiar with our oversight role as enshrined under the Constitution. Therefore, it is important that we take very key interest on it.

Part IV of the Bill makes provision for the conservation and management of forests. Earlier on, I talked about the establishment of some committees especially at the local level. Forestry is a locally based natural resource and it is important to involve the local people in the conservation and management of these forests.

That is the time they will enjoy ownership and have passion for conservation. We always talk about the internationally accepted standard of 10 per cent forest cover whether the land is public, community or private, but we cannot achieve that requirement if we do not involve the locals in the conservation and management of forests. In this case, we are proposing a bottom-up approach.

You have heard locals talking about the *Shamba* system. I come from a constituency that neighbours Tanzania. The United Republic of Tanzania is very keen on forestry conservation. They cut one tree and plant two. That has not been the case in our country. If you go to our border with Tanzania, you can easily see where the boundary is without the official beacons because you will see the forest. Ours is just bare vegetation. If you reach the boundary, you will start seeing the forest around Mt. Kilimanjaro. That is because of the involvement of the locals and carrying out civic education for them to have the passion for conservation and management of forests.

Part IV of the Bill classifies forests in accordance with the principles of Articles 62, 63 and 64. That is public, community and private forests. If you look at the Bill that this House started debating yesterday - possibly it will be in the Order Paper of this afternoon again - you will find that classification of natural resources and forests is one of them. That Bill outlines very clearly when it comes to ratifications of these classifications that there are three categories of forests as defined in the Constitution: Forests in public land, community land and private land. This Bill has borrowed that classification and made it very clear on how management of all these forests are going to be done. This part

also provides for the creation and management of public, community and private forests and provides the variation of the boundaries or the revocation of the status of public forests as well as the declaration or reversal of provincial forests. The Constitution gives the State the leeway to vary a public land into a private land or vice-versa although with a laid-down procedure. So, even this Bill is outlining the procedure on how that variation from one category to the other should be done.

There is also a provision for the exchange of forest areas for public forests where you may have a public land and you want it for purposes of---I will give an example of my good neighbour Hon. Jessica Mbalu. We border each other along the Chyulu Hills. At one point, it was community land but conversion was done to make it a forestry area for purposes of conserving wetlands like the Mzima Springs that is providing the whole county of Mombasa with clean drinking water. Without conserving the Chyulu Hills Forest, that water source would dry up. So, this provides for the conversion of community land into a forest for the benefit of the nation. The procedure for that is laid down.

So, there is exchange of forest areas for forest land, establishment of arboretums and recreational parks within the forests, donation and bequest of forests and the declaration of nature. This is a reserve of the Cabinet Secretary (CS). I believe the relevant House Committee should look into it especially when it touches on conversion of community land into forestry areas. It is very good that we do not just leave that to the discretion of the CS. The people's representatives must look into it for the interest of the people they represent. This is the heart of this Bill. That is why I was asking Hon. Members to look into it very seriously. It is both at the national and county levels.

Part IV of the Bill also provides for the protection of tree species and the joint management of forests by the service and either community or the private owners of the forests. It is important to note that there are some tree species that are very important maybe for medicinal value. Those who have done botany will tell us very clearly the kind of tree species that are very important and why they deserve to be protected. Even in terms of animals, for instance wildlife, we always hear of endangered species. Some of the Big Five are being declared as endangered species. Even tree species that are very critical and important to this nation should be declared endangered species. This Bill explains ways of protecting those tree species especially indigenous and plantation forests.

The Bill provides for occasioning of public forests and the requirement that such an agreement shall be ratified by Parliament. This is what I was saying. The Bill allows for the ratification of such agreements by Parliament. That is what I was talking about conversion of community land into forest land. Agreements where the Government enters into an agreement with a public, private or a community utility, ratification by Parliament is necessary. In this case, we are talking of Parliament because forests are both at the national and the county level. It is a Bill that will go to both Houses. That is why the Bill refers to Parliament and not just the National Assembly.

The Bill also provides for the forest management agreement with the Kenya Forest Service (KFS) especially on the requirement of obtaining the KFS consent to conduct quarrying operations in public forests. This country is moving towards real estate development in very big magnitude. That calls for demand of stones and bricks. You

have seen many quarries coming up here and there. At times they are emerging in forest or protected areas. The Bill provides very well that there is need to get consent from the KFS. You need its consent when you want to conduct quarrying operations in public forests. This is for the preparation and implementation of forest management plans because there will be management plans for forests in this country. That will entail the five water towers like the Mau Forest and others.

If any human activity, including quarrying or encroachment of forest is going to interfere with the forest management plans, there will be need for whoever wants to do so to get the necessary services. Mitigation measures are taken in advance.

Hon. Temporary Deputy Speaker, I am proud to inform the House that Part V of the Bill provides for community participation in the management and conservation of forests. This is what I was talking about. We should now see the need for adopting the bottom-up approach in arriving at such decisions, instead of using the up-bottom approach. Forest associations will be established and the Bill enumerates the rights and obligations of those associations. This will provide for forest user rights, termination or variation of management agreements between the forest associations and the government at both the county and national levels for protection of their customary rights.

The reason why I am talking about community participation, other than the need to involve the communities, as required by our Constitution in the management of resources that affect their lives, is that it is important that communities are involved for purposes of protection of customary rights. Forests are very important to local communities. To some extent, forests are the source of our livelihoods as communities. We even have communities that reside within forests. The grazing areas for pastoral communities are forests. We even have forests that some communities have set aside for purposes of conducting traditional prayers. Such customary rights need to be protected. That is why we talked about the involvement or participation of communities in forest management.

Part VI of the Bill provides for incentives for promotion of forest conservation and management. These include tax and fiscal incentives. There are incentives which will be considered in collaboration with the Cabinet Secretary for the National Treasury. There is the national tree planting week in Kenya. For instance, we talk about planting a million trees every year. Communities will be given high quality seedlings for planting even around their homes. Setting aside a day for such activities could serve as an incentive. It is also a way of creating awareness on the need to try and achieve the 10 per cent forest cover on our land.

Part VII of the Bill provides for regulation of trade in forest products through authorisation by the forestry authorities. Forests are very important. As I said, they are a source of our livelihoods in some instances. They can also be a source of business. The timber business is a thriving sector in this country. The sector has to be regulated. If it is not regulated, it will cause deforestation. In this regard, the Bill makes provision for the chain of custody requirement, grading and valuation of timber and procedures for export and import of timber. Of course, Customs have always been very keen in this respect.

It is, therefore, important that the Forest Conservation and Management Bill, 2015 is looked into very keenly because it is very extensive in its coverage. If Hon. Members take a keen interest in it, they will realise that there is a lot they need to add to the Bill to

improve it. The part on trade prohibits trade in restricted forest produce, which include endangered species of trees or forest products. In order to protect endangered forest species, trading on such produce is restricted.

There is need for enforcement and compliance to these restrictions. This is explained under Part VIII of the Bill. As I said earlier on, some employees of the Kenya Forest Service are uniformed while others are not.

The uniformed employees are meant for enforcement of the provisions of the Act. The forest sector needs enforcement agents. The enforcement officers must be given teeth within the provision of the law, so that we can achieve what is envisaged by the Act.

I started by talking about the Director-General of the Kenya Forest Service. He will have powers of gazetted officers under the Act. We have previously talked about gazetted officers. Gazetted officers serving in the Kenya Revenue Authority (KRA) or the National Police Service or the Forest Service have powers of police officers in exercise of their daily duties. In a nutshell, that is what this Bill talks about.

There are some miscellaneous issues to do with maintenance of the registers, a place for international instruments, covenant and agreement, and cooperation among county governments since this is a shared responsibility. The Environmental Management and Coordination Act of 1999 shall apply on any other matter relative to conservation and protection of the environment.

In conclusion, this is a Bill concerning counties and, therefore, it will have to be referred to the Senate once we pass it. The Bill will occasion expenditure of public funds once enacted into law. The funds will be provided through our annual Budgets.

With those few remarks, I beg to move and request Hon. Johnson Sakaja to second the Bill.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you for a well-reasoned Bill.

Hon. Johnson Sakaja, you may second the Bill.

**Hon. Sakaja:** Thank you very much, Hon. Temporary Deputy Speaker. I rise to second the Forest Conservation and Management Bill, 2015.

I start by noting how timely this Bill is. It has come at a time when the entire world is converged around matters of climate change in Paris. The Secretary-General of the United Nations has said that this might be the last generation that can actually make an impact in preventing the adverse effects of climate change.

Forests, in themselves have a number of roles and huge impact when it comes to climate change. Firstly, they currently contribute to about one-sixth of global carbon emissions when cleared, over-used or degraded. They react very sensitively to a changing climate when managed sustainably. They produce wood fuels that act as good alternative to fossil fuels. Finally, forests have the capacity to absorb about one-tenth of the global carbon emissions projected for this first half of the century.

Forests are very important. Even as the global climate change agenda goes on, conservation and management of forests has been a key part.

In 1997, under the Kyoto Protocol, the world took the first step to combat climate change, especially global warming and reduction of global emissions by 5.2 per cent. The place of forest conservation was very important. The same happened in 2001 in the

Marrakesh Accord in Morocco. That is why even if you look at the activities of the Food and Agriculture Organization (FAO) of the UN on forest conservation and management, you will find that they play a key part.

I would first of all like to acknowledge the good work that the KFS has been doing when it comes to conservation of forests. I would like to note that this Bill takes it a notch higher by making sure that there is better co-operation and co-ordination between the KFS, the national Government and the county governments.

The work of conserving and taking care of our forests is taking of a legacy and heritage. It is not for us necessarily, but it is for generations to come. This must be a shared responsibility and that is why this Bill is really progressive in the manner in which it shares out this responsibility and in the manner in which it gives that responsibility even to individuals who are forest managers. It also provides how we can transition some public forests into private management so that the county governments and individuals play a stronger role.

We know that many people have been looking at the benefit of forests, but have not put in commensurate investment to the management of the forests. I hope that the county governments will play their part in investing in our forests. This is because investing in our forests is investing in the future of this country and the sustainability of our environment, as much as Kenya only contributes, probably, 1 per cent to the global emissions as has been discussed in climate change global summits. Kenya has been noted as one of the strongest countries internationally when it comes to environmental conservation especially through our focus on using geothermal energy and non-fossil fuels.

Hon. Temporary Deputy Speaker, this Bill provides for the classification of forest, of course, for better management. It also provides for the creation and management of public and community forests where communities can come together to manage forests. The creation of private forests is also provided for. This is so that one can be recognized for the role he or she plays as a private forest owner. I am glad that Article 43 talks about procedures through which concessions can be given where the KFS is satisfied that the utilization of a public forest can be done through the granting of a concession. The KFS is able to grant the concession subject to the Constitution's Chapter V on land and resource management.

It is good that the Service is not given a blank cheque to grant concessions, but there are also guidelines that have been spelt out through which the concessions can be given. First of all, there must be an independent Environment Impact Assessment (EIA) that is done. The Service must be satisfied that the granting of that concession will have a positive impact based on that EIA. Of course, there must be public consultations.

It is good that this Bill, in the Second Schedule, spells out how this public consultation can be done. The grantee of the concession must be able to comply with the guidelines and the management plans. It is not a carte blanche that once you have been granted concession then you will manage the forest the way you want; it is not that you will just start your logging business. The grantee must also prepare EIA reports as required under any other written law or under this law.

The person who receives a grant from the Service must protect the concession area from destruction and encroachment by any person. This responsibility has been

placed on them and it might require the person to put up the required boundaries, conduct patrols and work with the public enforcement as well as the KFS rangers to make sure that the concession area remains protected. It means that they will also play a part with respect to human-wildlife conflict in the management of that concession area.

The forest is part of the environment and we must be able to enjoy the environment. He must make sure that the forest area under his management is maintained for the conservation of biodiversity, cultural and even recreational use. It is important that we encourage the recreational use of these forests.

In addition, we need to inculcate these principles very early from the time children are in primary and secondary schools. The culture of planting trees needs to be emphasized and encouraged. When the Pope was here recently, we saw him plant a tree. He said that he was told that in African culture when you plant a tree it has a huge meaning and it signifies continuity beyond generations. You may never enjoy the shade of the tree you plant today, but somebody down the line in the next generation will enjoy that shade. Today, we enjoy shade from trees that were planted by people who never enjoyed the same.

Part IV makes provision for the exchange of forest areas, for example, establishment of arboreta. Many of us have enjoyed the Nairobi Arboretum; we would like to see many of them across the country. It also provides for protection of special species that may be endangered.

In Kakamega, where my grandfather comes from, the Kakamega Forest is the best example of a mix of flora and fauna that the entire world comes to see. We have the highest species of birds and butterflies in the world.

I can see my time is over and yet I really wanted to say a lot about this Bill. So that we can hear Hon. (Ms.) Abdalla who has really interacted with this Bill, I wish to second it. I would also like to persuade Members to support this Bill.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Amina Abdalla, I am reminded to give you the first opportunity to debate this Bill, but before you do it, do you know if we have the Committee Report before the Members?

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, the Committee Report is ready and we had hoped to table it this morning, but the bureaucracy in the Secretariat is such that they have to wait for the Chairperson of Committees to sign it. That is what has been pending. However, the Report is ready for tabling.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I asked that because this Bill is technical and it concerns communities and constituencies. It will benefit Members if they interacted with the Report. I can see most Members will have an opportunity, at a later date when they have read the Report to debate it freely. However, I would like to ask you to lay a foundation of the debate. You may now proceed.

**Hon. (Ms.) Abdalla:** Thank you, Hon. Temporary Deputy Speaker. I beg to support the Forest Conservation and Management Bill, 2015. I would like to acknowledge the importance of pre-publication scrutiny of Bills. My Committee had the privilege of doing a pre-publication scrutiny of this Bill. We were able to give a lot of



input and the new Bill does not have the many issues that we had when we looked at the first draft. I am happy that has borne some fruit.

This Bill is replacing the Forest Act of 2005. It is intended to incorporate the provisions of the Constitution that affect this sector. This Bill has erroneously mentioned only one article of the Constitution which is 69 as being the basis of the review. The review is going to be affected by not just Article 69 because it is going to include a new dimension that was mentioned by Hon. Sakaja that allows the private sector to be given concession on public land. That is Article 71 of the Constitution. It is also going to be affected by definition of the different land tenure systems that have been mentioned in the Constitution. We will urge the House to amend the title to include the entire Constitution and not narrow it to the effects of Article 69 of the Constitution.

Hon. Temporary Deputy Speaker, our Committee listened to the public. We got input from private tree growers association who are people who have plantations of different types of trees on their farms for commercial purposes and for electric poles. We also listened to indigenous community representatives, the KFS and to professional foresters.

The input that we have received and we are struggling to incorporate in this is the fact that despite the change of names from “Kenya Forest Guards” to the “Kenya Forest Service”, the interpretation of Service has not been there. The KFS and the Government continue to do inhumane evictions of forest dwellers. We are looking at possibilities of more humane ways of evicting persons in the forests.

I mentioned that this Bill needs to incorporate different land tenure systems in which forests are located. We will urge the House to remove the mention of national and county forest because whether a forest is national or county, it is a public forest. So, there should be no need to mention in this Bill about a county forest or a national forest. Whether the forest is on community land or on a county alienated area, it is still public. We will urge the House to remove the words “national” and “county” and replace them with “public forest”. This is a very important component because you will see that in the interactions at the Senate, they talk a lot about taking over the management of national forests in their counties.

Hon. Temporary Deputy Speaker, we think that is ill advised. Although forests are both a county and national Government function, once they are gazetted, they become public land and should be managed and not necessarily taken over by the counties. I am a firm believer of the notion that if you want to derive benefits from a resource, you should also invest your resources in developing and managing that resource. I am concerned that this view that we want to take over forests from national Government because they are our resources does not take into account the fact that as a county you need to contribute resources to manage those forests. It is in that light that I am very happy that Clause 43 allows for concession. I think Government should not be in the business of doing business. The Government should be in the business of developing a conducive environment for others to do business.

I wish to support very much the inclusion of concessions so that persons with skills and want to make the most out of these forest resources can be given concessions so that we get more out of our forests than we are getting right now. It is known that when concessions are given, the resources and output of different forests are higher. Our

colleagues in the region have taken this step and it is my view that, as a House, we should all welcome the issues as stated under Clause 43.

The establishment of the Kenya Forest Service Board (KFSB), the Kenya Forest Research Institute (KEFRI), the Kenya Forest College in Londiani and a trust fund on forests has been done in the normal way. People want to set up their own enclaves where they do not want interference from others. They end up having institutions that are intended to serve the same goal, but doing different things that are not helping each other.

My Committee travelled to China to study the potential of exploiting bamboo in this country. We discovered that the KEFRI has top of the range equipment and information that shows that we, as a country, have a very high potential of exploiting bamboo which can give us billions of shillings in revenue. That information is not percolating down to KFSB's actions and into the Executive action. In fact, as a country, we have 150,000 acres of bamboo that are not being cut because of a silent presidential directive in the 1990s which stated that we should not exploit bamboo.

The Bamboo trees are rotting because of lack of synergy between the KEFRI and the Executive in implementing a comprehensive bamboo utilisation programme. It is our proposal to have a representative or a member, namely the Director of the KEFRI, included as a board member to the KFSB and vice versa. We want to strengthen the institutions that are going to deal with forests so that we have synergy in this sector.

A major item that has been left out, and I spoke about this when we were dealing with the environment policy is the fact that our Constitution and Vision 2030 state that Kenya must have 10 per cent forest cover. That 10 per cent forest cover is not included as a strategy in the Kenya Forest Conservation and Management Bill. We will include the need for a five-year strategy of how the Government of the day intends to increase forest cover to 10 per cent.

An extremely contentious matter, which I spoke about in the classes of transactions that require parliamentary ratification, is the change of forest boundaries and sizes of forests. I was not able to convince my Committee to amend this matter. However, some Members, especially those from Tana River County, will be addressing some of the historical injustices that have been meted on them because of the irregular establishment of forests. The process that was outlined in the 2005 Act requires that you do public participation to establish a forest.

The Government of the day considered the meeting of the county council as being sufficient public consultation. They established 43 per cent of Tana River County and areas inhabited by the pastoralist communities as a forest reserve. It is next to impossible to degazette those forests yet some of them include established towns.

This House has received and considered two petitions from Tana River County and yet the Bill requires that the decision to change the boundaries of Wayu and Bura forests must emanate from the KFS and the Executive. It is a game of musical chairs. I am fearful that if we do not do something, any civil servant can decide to go to the county assembly and ask it to establish a forest reserve in your area and it is next to impossible for you to change that. So, I will urge the House to amend the procedure set in this Bill. It is good that it will help in areas where politicians urged the Government and ended up degazetting forests for private use, but in arid and semi-arid lands (ASALs) it has now

become a habit to establish forest reserves so that you deny people from that region an opportunity to fully exploit their areas.

As we speak, Madogo, Wayu and Bura towns are all forest reserves established in 2013. Those towns have been in existence since the early 1970s. We need to be very careful so that politically correct civil servants do not establish forests in that manner in future. We should not allow this Bill to allow them to do the same.

I am very happy with the proposed establishment of a forest fund whose intention is to have monies set aside to promote conservation of forests, establish tree nurseries, promote community management of forests and provide vocational training for members of the public on the use of forest resources. This fund will, with the approval of the National Treasury, get some money that will be levied against import of products that can easily be produced in this country. We are importing a lot of furniture and yet, as I said before, Kenya has 150,000 acres of bamboo lying idle. Most of the furniture we import is made from bamboo.

We also appreciate the fact that private tree growers are going to benefit from their idle land. If you want to plant eucalyptus trees, for example, you will need to invest for eight years without receiving much in return. With this new Bill, we can ask the National Treasury to exempt land owners who have put their land under trees from paying taxes and land rates until they start selling their products. Those are the areas that have been addressed in this Bill.

We will propose many amendments relating to land tenure. We will also seek to improve the relationship between county governments and the national Government. Clause 20 of the Bill presents something that the House needs to think about. When a function is assigned to both the national Government and county governments, how does the county implementing national policy report back to the national Government or the Cabinet Secretary responsible for that resource? The proposal in this Bill is that the member of the County Executive Committee (CEC) responsible for forest matters should report to the CS. We will urge this House to reject that clause because it establishes an informal set-up of communication.

Hon. Temporary Deputy Speaker, a member of the County Executive Committee should not communicate formal implementation issues directly to a Cabinet Secretary. It should be with the approval of their respective county governments, so that we create some formality in terms of how the counties interact with the national Government.

I want to say this on a light note. Many discussions about royalty sharing in mining and oil have been seen to be giving advantage to arid and semi-arid areas. I had hoped that there would be public input to the effect that incentives, resources or royalties from forests should be given to local communities.

However, the component in this Bill is just saying that the Forest Association should be involved and they should have a percentage of the royalty given to communities and yet it is not strong enough. Since I do not own a forest and I do not come from a forest area, it is the responsibility of those of you who come from the Mau and the Cheranganyis of this world to give us ideas on how benefit sharing should be included in this Bill. As of now, it is only stating it broadly and not going to the volatile details that you will witness when we will deal with petroleum and minerals.

All in all, this Bill is good. We interacted with the first version before it was published. We are very happy that we have cordial relations with the Ministry to a point that many of the concerns have already been included and the ones that have been left out, we had an agreement to deal with the same.

This Bill is timely and needs our support. There is also the issue of having county and national Government forests. We need to appreciate that the Constitution has clear land tenure classification that we must take into account. We welcome all the new provisions in this Bill. We look forward to your support. We urge you to support all our amendments that will make this Bill better.

With those many remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, you should give applause when fellow Members take their work seriously. The Speaker's Office undoubtedly is impressed by the depth of your research and ability to express yourself very clearly to those technical issues.

### COMMUNICATION FROM THE CHAIR

#### DEMONSTRATION OF FIXED TABLETS IN THE CHAMBER

Hon. Members, you know that we have been discussing the procurement of fixed tablets for Members of Parliament before. We must go digital. On the 218<sup>th</sup> Meeting held on 18<sup>th</sup> November, 2015, the Parliamentary Service Commission (PSC) considered a tender for the procurement of fixed tablets for Members of Parliament and resolved that a demonstration on the two options be fixed in the Chamber and Members be invited to give their opinion. So, all the Members have, therefore, been invited to participate in this exercise and give their opinion accordingly.

The demonstration will be done today, Thursday, 3<sup>rd</sup> December, 2015 at 1.00p.m. in the National Assembly Chamber, where we are. So, you are all invited to participate in this. Therefore, there will be a demonstration on the options on the fixed tablets that Members will use in the Chamber.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.