

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 2<sup>nd</sup> August 2018

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** I direct that the bell be rung for quorum.

*(The Quorum Bell was rung)*

Very well. Stop ringing the bell. We can commence now.

### COMMUNICATION FROM THE CHAIR

#### CANCELLATION OF BUNGE SPORTS CLUB RETREAT

**Hon. Speaker:** Hon. Members, I had intended to make this a formal communication. This is just to inform the general membership that I have cancelled the intended retreat by Bunge Sports Club to Kisumu this weekend at which the Club had purported that I would be making some opening remarks - I do not know about what. I am told, to discuss your work plan for sports yet we have a Departmental Committee on Sports, Tourism and Culture. My instructions are that for those who are interested in sports, a meeting should be called at which everybody participates from all manner of disciplines so that, at least, there is something that is formalised. You cannot sit a few Senators and Members of the National Assembly and then say that you are a caucus going for a retreat to discuss a work plan and you expect the Speakers of both Houses to come and address you. How? It does not speak much about you who came up with the plan to retreat starting tonight all the way to Sunday and it is not a Committee of the House. We have a Committee dedicated to matters sports and culture.

Now, this Bunge Sports Club must also appreciate that they must refer to the Departmental Committee on Sports, Tourism and Culture, chaired by Hon. (Dr.) Victor Munyaka.

*(Applause)*

I will not approve some of those things that you are coming up with. You cannot just come here and start saying that you are retreating to discuss a work plan. Is this a work plan of playing football or doing tug of war? When you say you want to engage in the tug of war, who do you

want to do it with? Please, if you want to discuss those kinds of things, do not involve the Speakers! You can pull tugs with anybody even on the streets.

Let us also appreciate that we have a Committee in our Standing Orders dedicated to matters sports, culture and tourism. That Committee should take precedence over the Bunge Sports Club because it should be the premier Committee of the House to give us any road map about sports not just in Parliament, but also in the country. Those of you who had been notified - I saw a list of about 44 Members of both Houses wanting to retreat - I have directed that it be cancelled. Do not go bothering and harassing the organisers or the Clerks in both the Senate and in this House. They are under strict instructions that there will be no such retreat. Any other such arrangements must also consider the activities of this House's Committee, which is in our Standing Orders on matters sports, culture and tourism.

So, for those of you who had wanted to go to the lakeside city to discuss some work plan, please, relax. Go and do your constituency work or other Committee work that you may be involved in and not a work plan. We are not going to deal with some of those things, Hon. Members.

Let us proceed.

## PETITIONS

### MASSIVE POWER DISCONNECTIONS BY KPLC IN SHIRAKALU VILLAGE

**Hon. Speaker:** Hon. Members, my office is in receipt of a petition by Mr. Vincent Mathukhu Okoti of ID No. 29272203 and of P.O Box 2466 – 50100 from Kakamega County.

The petitioner contends that on Thursday, 22<sup>nd</sup> February 2018, the Kenya Power and Lighting Company (KPLC) officials accompanied by armed Administration Police officers, raided Shirakalu village causing massive disconnections and cutting down electricity poles on claims that the connections were illegal and non-systemised.

The petitioner further contends that the team did not give room for any negotiations as the raid was done without prior official notification or communication to the residents. This occasioned alleged unlawful arrest of innocent residents.

Therefore, the petitioner prays that the National Assembly:

- (a) establishes the reasons for the massive disconnections;
- (b) causes KPLC to compensate all people whose meter boxes were confiscated;
- (c) causes KPLC to undertake reconnections to the affected people; and
- (d) makes other direction that it may deem fit in the circumstance of this petition.

Pursuant to the provisions of Standing Order No.227, this petition, therefore, stands committed to the Departmental Committee on Energy for consideration. In considering the petition, the Committee is encouraged to engage the petitioner and report its findings in accordance with Standing Order 227(2) and may invite as many of the affected residents as they may deem fit.

Leader of the Majority Party, do you want to comment on this?

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. This is a frivolous petition. The citizens of this country enjoy their rights under the Constitution. Our Standing Orders allow them to present petitions to the House. The House cannot use the resources allocated to it to discuss and approve an illegality. In the Energy Bill, which we passed in this House and is before the Senate, penalties are imposed on those who are involved in illegal connections. The whole of that village was enjoying an illegality. They were enjoying consumption of electricity and that is why KPLC had to use the police to deal with that illegality.

The Committee, in its report, must tell all Kenyans that under the Jubilee Administration, power is affordable and cheap. They do not need illegal connections. They can easily afford electricity under the Last Mile Connectivity Programme. The Departmental Committee on Energy should tell those great Kenyans from that village, when they appear before them, that it is not like before. Electricity is now affordable and accessible. Each and every citizen of our country can get electricity at a cheap price.

**Hon. Speaker:** Hon. Members, the Member for Ikolomani appears like he may know something about this.

Let us have Hon. Shinali. I have given you the microphone.

**Hon. Bernard Shinali** (Ikolomani, JP): Thank you, Hon. Speaker. Shivagala village is in Ikolomani Constituency which I represent. I was at home during the weekend in a nearby village. I want to confirm that I am not aware of such action.

**Hon. Speaker:** Hon. Members, there is no need of us commenting and seeking further information. Let the Committee look at it and table a report.

Let us have Hon. Fred Ouda. You have a fairly long petition but, please, be brief.

AMENDMENT OF THE CONSTITUTION AND ELECTIONS LAWS  
IN RESPECT OF THE PRESIDENCY AND GOVERNORSHIP

**Hon. Fred Ouda** (Kisumu Central, ODM): Thank you, Hon. Speaker. Just give me seven minutes. You could also add me two more minutes. This is the day that the Lord has made for me to rejoice and be glad in it. The year 2018 is the year of the Lord. This is regarding amendments of the Constitution and the elections law in respect of the presidency and the governorship.

I, the undersigned, on behalf of the residents of Kisumu Central Republic of Kenya, and cognisant of the important role that the National Assembly performs under Article 95 of the Constitution, draws the attention of this House to the following:

THAT, pursuant to Article 1 of the Constitution of Kenya, all sovereign authority is vested in the people of Kenya who have delegated the exercise of sovereign legislative authority to Parliament;

THAT, Article 95 (2) of the Constitution provides that the role of Parliament, among other roles, is to deliberate on issues of concern to the people and enact legislation in accordance with the Constitution;

THAT, Article 129(1) and (2) of the Constitution provides that executive authority is derived from the people of Kenya and shall be exercised in accordance with the Constitution and further provides that the executive authority shall be exercised in a manner compatible with the principle of service to the people of Kenya and for their well-being and benefit;

THAT, Article 136 (1) of the Constitution provides that the President shall be elected by registered voters in a national election, conducted in accordance with the Constitution and any Act of Parliament regulating presidential elections;

THAT, Article 142 (1) of the Constitution provides that the President shall hold office for a term beginning on the date on which the President was sworn in and ending when the person next elected President in accordance with Article 136 (2) (a) is sworn in and that a person shall not hold office as President for more than two terms;

THAT, Article 148 (6) of the Constitution further clarifies that the term of office of the Deputy President shall run from the date of swearing in of the Deputy President, and shall end

(a) when the person next elected President at an election under Article 136

(2) (a) is sworn in; and

(b) on the Deputy President assuming the office of the President or

(c) on resignation, death or removal from office of the Deputy President;

Further Article 148 of the Constitution clarifies that a person shall not hold office as deputy president for more than two terms;

THAT, Article 138 of the Constitution of Kenya, 2010 provides that a presidential election shall be cancelled and a new election held if:

(a) no person has been nominated as a candidate before the expiry period set for the delivery of nominations;

(b) a candidate for election as President or Deputy President dies on or before the scheduled election date;

THAT, Article 180(5) of the Constitution recognises the person nominated by the governor to be his or her deputy as a candidate in the election for the post of deputy governor;

THAT, Article 180(6) of the Constitution then mandates the Independent Electoral and Boundaries Commission (IEBC) to declare the nominee, of the candidate elected as the governor, to have been elected as deputy governor. To this effect, it directs that the Commission shall not conduct a separate election for the deputy governor;

THAT, Section 18 of the Elections Act asserts that a county governor candidate or a political party shall not at any time change the person nominated as deputy governor candidate after the nomination of that person has been received by the IEBC. Further, in the event of death or resignation of the deputy governor nominee, the political party may substitute its candidate before the date of presentation of nomination papers to the IEBC;

THAT Section 15(1) of the Elections Act provides that a presidential candidate or a political party shall not at any time change the person nominated as the Deputy President candidate after the nomination of that person has been received by the Commission, provided that in the event of death, resignation or incapacity of the nominated candidate or violation of the electoral code of conduct by the nominated candidate, the political party may substitute its candidate before the date of presentation of nomination papers to the commission.

In the view of the above provisions we therefore submit that:

- (i) The people of the Republic of Kenya enjoy inalienable right to determine the form of governance they impose within the limits of the Constitution. I hope we are together. I hope we are heading somewhere;  
(Applause)
- (ii) The election of the President and Deputy President are so intricately intertwined in the scheme of the elective mandate that both the President and Deputy President must be considered to derive their authority directly from the electorate and as such they are only eligible to hold the office of the presidency for a maximum of two five-year terms.
- (iii) The office and tenure of the President and the Deputy President is one and the same (being the Presidency) under the Constitution of Kenya and the Electoral laws of Kenya.
- (iv) The Elections Act, 2011 gives flesh to the constitutional provisions.
- (v) The presidency is one inseparable unit consisting of the President and the Deputy President.
- (vi) Once an individual has vied for and occupied, for his or her full term, (being two terms), the position of President of the Republic of Kenya, the individual is barred by the Constitution from vying or occupying the position of the President of the Republic of Kenya or the position of Deputy President of the Republic of Kenya for any further term.
- (vii) Once an individual has vied for and occupied, for his or her full term, (being two terms), the position of Deputy President of the Republic of Kenya, the individual is barred by the Constitution from vying or occupying the position of President of the Republic of Kenya or the position of Deputy President of the Republic of Kenya for any further term.
- (viii) The election of the President and his or her Deputy is one ticket. When electing the President, the voters likewise elect the President's Deputy. The nomination of the Deputy President is prior to and not after election. Although it is not a direct election, it remains an elective post since the name of the Deputy President must be in the ballot paper. A purposive interpretation of the Constitution will therefore lead to no other conclusion than that the Deputy President's position is elective and thus any person that serves in such an office for his or her complete two five-year terms, is no longer eligible to vie for or hold the office of the presidency.
- (ix) The election, tenure, and office of the Governor and his or her deputy is inseparable as they are both elected in the same election.
- (x) The election of the Governor and Deputy Governor are so intricately intertwined in the scheme of the elective mandate that

both the Governor and Deputy Governor must be considered to derive their authority directly from the electorate and, as such, they are only eligible to hold the office of the governorship for a maximum of two five-year terms.

- (xi) The governorship is one inseparable unit consisting of the Governor and the Deputy Governor.
- (xii) The office and tenure of the Governor and the Deputy Governor is one and the same (being the governorship) under the Constitution of Kenya and the Electoral Laws of Kenya.
- (xiii) Once an individual has vied for and occupied for his or her full term (being two terms) the position of Governor of a county in the Republic of Kenya, the individual is barred by the Constitution from vying or occupying the position of Governor of a county in the Republic of Kenya or the position of Deputy Governor of a county in the Republic of Kenya for any further term.
- (xiv) Once an individual has vied for and occupied, for his or her full term (being two terms) the position of Deputy Governor of a county in the Republic of Kenya, the individual is barred by the Constitution from vying or occupying the position of Governor of a county in the Republic of Kenya or the position of Deputy Governor of a county in the Republic of Kenya for any further term.
- (xv) The Elections Act recognises the Deputy President and the Deputy Governor as candidates in elections.
- (xvi) To the best of our knowledge, the matters raised in this petition are not pending in court of law or any other legal institution.
- (xvii) We have made the best efforts to have this issue addressed by the relevant authorities without any dependable outcome.

Therefore, your humble petitioners pray that National Assembly, through the Departmental Committee on Justice and Legal Affairs:

- (a) considers this petition in view of the weighty matters canvassed and the seriousness of the issues presented herein;
- (b) makes the necessary amendments to Articles 137 and 142 of the Constitution and other relevant provisions relating to the eligibility to vie for the positions of President, Deputy President, Governor and Deputy Governor to aver to the fact that the said positions are inseparable, are one and the same, and as such, persons who hold such offices are only eligible to hold the offices for a maximum of two- five year terms; and
- (c) makes the necessary amendments to the Elections Act to make it conform to the Constitutional provisions relating to the eligibility to vie for the positions of President, Deputy President, Governor and Deputy Governor to aver to the fact that the said positions are inseparable, are one and the same, and as such, persons who hold such offices are only eligible to hold the offices for a maximum of two five-year terms; and

(d) makes any other order or direction that it may deem fit in the circumstances of the plight of the Petitioners.

And your Petitioners will forever pray.

Thank you, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** The petition is styled as being on behalf of the residents of Kisumu Central in the Republic of Kenya. Of course, it is supposed to go to the Departmental Committee on Justice and Legal Affairs who will obviously be guided by the traditions, past practices and customs that obtain not just in Kenya alone but also in other jurisdictions.

I am sure Hon. Otiende Amollo might also wish to expound on the maxim of *expressio unius est exclusio alterius*; to state one thing is to the total exclusion of all others. But, Hon. Ouda being a Member of the House is entitled to make the petition on behalf of his people whom he represents. It is for the House, not for the Speaker who has no vote, to make the determination.

Hon. Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): First, I want to go on record that today is a great day. Hon. Ouda was speaking for close to seven minutes. I am sure the people of Kisumu Central Constituency have seen whom they have elected. We have to follow what is in the Independent Electoral and Boundaries Commission's *Gazette* Notice. Hon. Ouda represents Kisumu Central.

But, I really want to ask you whether this petition is constitutional in the first place. It contradicts Article 137(1) on the qualification of a presidential candidate. What Hon. Ouda is doing in layman's language is trying to say that Deputy President - there is one Deputy President - cannot vie for President in 2022. That is a wild dream. It is a very wild dream.

*(An Hon. Member spoke off record)*

**Hon. Aden Duale** (Garissa Township, JP): A Member is saying the Petition must be rejected with some cost.

*(Laughter)*

No, there should be no cost. Hon. Ouda will not pay cost. If at all there will be cost, I am ready to help him fundraise and pay the cost.

As you refer to the Committee, the first thing they should look at is whether it is constitutional. It is the same to a petition which was here, before this House, sometimes back on the age limit of a presidential candidate. The Committee went round and wasted public resources when it was unconstitutional. It did not comply with Article 137(1). Members can do better. They can bring a constitutional amendment. We are not saying you must love William Ruto. He will ultimately be on the ballot paper. The Constitution protects that in Article 137(1). So, those out there trying not to think because they are so mesmerised and confused, they do not know how to stop William Ruto, they want to try to bring petitions. They should not use this House. This House has better things to do.

*(Laughter)*

The energy should be used elsewhere. Some people wanted to bar the Rt. Hon. Raila Odinga through bringing a petition on age limit.

Now we have another petition for William Ruto. That tells you the only two people who should be on the ballot in 2022 are William Ruto and Raila Odinga. These are the serious guys. The rest should stay out.

Hon. Speaker, I oppose.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, in these comments, you will be limited to only two minutes so that we can get as many comments as possible. But my advice to Hon. Ouda would be that, yes he says he has brought this petition on behalf of the people he represents, but I am sure the people of Kisumu Central would even have been better served if he had proposed the amendments that he wants the committee to go and consider. Because he is a Member of this House, he is perfectly within his right to propose amendments to any provisions in the Constitution. Several of you have proposed amendments to several other Articles of the Constitution. To couch it in the language brought by the constituents of Kisumu Central, when indeed they elected you to come and represent them, to propose these amendments to go through the route of a petition is obviously going to take some time.

You are at liberty, because you may have felt a bit tired to make the necessary proposals, you would have perfectly gone ahead and made the proposals without any problem, because it is your right. We will not gag you from proposing amendments. Perhaps, it is also an opportunity to get the seven minutes airtime that you got. It is a good way. It is within your right to bring the petition but a neater way would be for you to propose the amendments directly, without even involving the committee. Maybe you want to get the input of the committee members. Even if you proposed the constitutional amendments, they would still have gone to the committee, which would have taken views from other stakeholders and Kenyans. Nevertheless, you are still within your rights. So do not feel intimidated. You are within your rights.

Hon. John Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I hope you will add me one more minute. First, to me the petition is constitutional because it is asking if necessary amendments can be made to Articles 137 and 142 of the Constitution. So you cannot say it is unconstitutional. But it raises fundamental issues of procedure. Really, what should constitute a petition to this House? Hon. Speaker, as you rightly put it, Members are representatives of the people. Instead of bringing a petition of this nature, one would have expected Hon. Ouda to use his mandate and responsibility in the House to bring a constitutional amendment that he is praying for, so that the people of Kenya can have opportunity to debate it. Now, as you put it, this is wasting the committee's time to go and look at this petition and then initiate another process which, again, will require public participation to amend the Constitution. I think the time of the committee and of Parliament could have been used differently.

I just want to say, looking at this petition, Kenya is not an island. We are not isolated. This presidential system is borrowed elsewhere. How does it happen in America? I want to speak as the chairman of Orange Democratic Movement (ODM). I heard Hon. Duale, the Leader of the



Majority Party, talk about people who are scared of William Ruto and Raila Odinga and saying they are the two people who should be on the ballot. I want to say that ODM is not scared of anyone. We have not sent Hon. Ouda; he is acting on his own and representing his people. The people who will be on the ballot will be decided by political parties in 2022. It is not the time to talk about....

Thank you, Hon. Speaker, for that generosity. I am saying that political parties will be allocated time by the IEBC to nominate candidates, including presidential candidates. So Hon. Duale can speak only for Jubilee. He cannot speak for my party. The ODM is a party that has a management, leaders—the party leader is Raila Odinga, deputised by Joho and Oparanya and the chairman is John Mbadi. We have the capacity and ability to nominate our presidential candidate, including even supporting anyone we want. And we belong to NASA Coalition.

*(Applause)*

So I want to urge Duale to restrict and confine himself to his narrow Jubilee house and not to expand. I know there was a handshake, but it did not reach the level of dictating who is going to run where. It is our business. Do your business in Jubilee. Let us do ours in NASA and ODM. We will give you a very strong candidate who probably will lead this country.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** You made the point that Hon. Ouda is at liberty to present the petition. The only disadvantage that he may suffer, having chosen this route, is that the committee might look at the petition and decide that it does not merit their consideration and write to him directly. They do not have to present any report. They can just write to him and tell him, “we have examined your petition and found it unworthy of consideration”. They can communicate to you directly so that you can take the communication to the people of Kisumu Central.

I will allow a few more comments because of the issues of constitutionalism. I did refer to Hon. Otiende Amollo. I would want to give him an opportunity to make his comments. Before you do so, allow me to recognise the presence, in the Speaker’s Gallery, of pupils and students from: Gitururu Secondary School, Naivasha Constituency, Nakuru County; Erusui Girls’ Primary School, Hamisi Constituency, Vihiga County; and Nerkwo Primary School, Eldama Ravine Constituency, Baringo County.

They are all welcome to observe proceedings of the National Assembly this afternoon.

Hon. Otiende Amollo.

**Hon. Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. Hon. Ouda is my friend and I have no doubt he represents the people of Kisumu Central, but on this I must disagree with him. This is one of the petitions that I doubt we should commit to the committee.

While there is a right to bring any petition, this is a petition that invites interpretation of the Constitution on a matter that is not before this House. To that extent, the petition is unconstitutional. It is not only unconstitutional, because that is a preserve, in its original jurisdiction, of the High Court under Article 165, the petition goes beyond the question of presidency and deputy presidency. My friend Ouda has roped in all the governors and their deputies and seeks an interpretation that all the deputy governors are also dis-entitled to run for whatever reason. I urge that this petition be killed right here, right now.

**Hon. Speaker:** Hon. Members, the petition says “makes necessary amendments if it dims fit to do so in the circumstances”. Nominee 001.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. From the words of Hon. Otiende Amollo, allow me to murder this petition immediately because it is not only malicious but it is brought with an intention of blocking one Kenyan from ascending to the presidency. Hon. Ouda, of course I know you have not been very active in this House and that you have now gotten airtime.

For sure, this particular petition requires a constitutional amendment. That means that we need to call for a referendum. That is why Hon. Kamket is watching closely, because I know these are people paid to malign this House. We cannot allow this House to be used by individuals with ill motive.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Hon. Members, remember, you make the Standing Orders. Those of you who were in the 11<sup>th</sup> Parliament will remember that just before the House went to recess *sine die*, we sat here for several hours, making amendments to the Standing Orders and you were at liberty to make a decision one way or the other.

There is a serious point which has been raised by various speakers, but more specifically by Hon. Otiende Amollo. If this House at this point decides that this petition should not be referred to the committee, it is within the prerogative of the House to do so. Like I pointed out, if indeed Hon. Ouda felt he wanted to propose amendments to the Constitution, even after receiving pressure from his constituents, he could go ahead and do so. He does not appear to be under pressure right now; you can see he is relaxed. I like the way he is relaxed. Maybe, when he goes back to the village he will be under a lot of pressure.

Please, Hon. Ouda, like I said earlier on, you are still within your right to do the proposals so that they go to the people. This House can still reject this petition now by saying, in terms of what Hon. Otiende Amollo has said, it may be a waste of time. You are calling for the interpretation of the various constitutional provisions, inter alia, Articles 137 and 142. Also, more specifically, you have given various provisions relating to what constitutes the presidency and all those things. Those are matters that would be best left in the domain of the Judiciary. If you feel that a person who runs as a Deputy President or Deputy Governor belongs to the presidency and the governorship, as you have particularised in this petition, and that therefore, if they run for two terms, that dis-entitles them from seeking the presidency and/or governorship in subsequent elections, on account merely that they were, in your own words, in the presidency or in the governorship, that is a matter that is weighty.

I think in the wisdom of the framers of the Constitution, one of whom is seated just behind you, it is a matter that needs the interpretation of the High Court, in terms of Article 165. I have my own views of whether that is where it should be located but, as you know, I have no vote. It is only that sometimes I wear some seeing aids. I am not even supposed to see. Nevertheless, Members are desirous of commenting on this petition, including the Member for Kiminini. You will have two minutes each, so that we dispose of the matter. As you make your comments—remember, you can only make comments—can you also address me on the issues raised by Hon. Otiende Amollo, inter alia?

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. The petition that the Member has just put before the House, based on Article 119 of the Constitution, is admissible. I want to read Article 119(1). It says: “Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

**Hon. Speaker:** The issue raised by Hon. Otiende Amollo is where it ties you. Within its authority – to interpret what presidency and governorship mean, in the manner couched by Hon. Ouda.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): I wish you gave me time to finish.

**Hon. Speaker:** It is good that you read the Constitution.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): That is true, Hon. Speaker. When you look at this Constitution, based on Article 119, everybody has the right to bring a petition. When you go further, it talks of amending legislation. The Member's petition has two sections. There is a section to amend and there is a section for interpretation. So, in this case, he has the right. He represents the people of Kisumu Central. If at all the petition is there, he has a right to bring it to the Floor of the House, based on Article 119. I listened carefully to that petition. It has the element of amending and the element of interpretation. When it comes to interpretation, that is the jurisdiction of the courts. We are here to amend and to legislate. But for purposes of interpretation, that is the jurisdiction of the courts.

So, my humble submission is that the committee in charge should be given an opportunity to look into it. We know it is dead on arrival as far as the issue of interpretation is concerned.

Remember, within our rules, constitutional matters can be raised at any stage. I hope we remember that, so that we do not tie ourselves.

Member for Kiharu.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you very much, Hon. Speaker. I want to agree with the colleagues who have spoken before me. Ever since I came to this House, I have never seen a matter so frivolous and shallow as the one brought by the Member for Kisumu Central. I am sure the Departmental Committee on Justice and Legal Affairs has many more businesses to handle. For example, I have several matters pending before the committee. Adding it more work that makes no sense will be robbing them the many hours that they need to execute serious business.

Also, on a light note, it would interest Members and the visitors in the galleries how my brother came to this House, to even warrant him bringing such a shallow petition. The Member, even if I am not trying to impute improper motives, was an MCA in Siaya.

**Hon. Speaker:** That is not the point. I will treat with disfavour any Member who refers to another one in a demeaning manner. You all came here from wherever. The people who elected you are the ones who should...

**Hon. Ndindi Nyoro** (Kiharu, JP): I stand guided, Hon. Speaker. As has been well put, it is not the work of this House to interpret the Constitution. Therefore, I seek your indulgence to advise the Member to go to the Judiciary so that we can get a proper interpretation. We will not allow this House to be used by people who are in the payroll of other presidential candidates to try and eliminate serious candidates in this race.

**Hon. Speaker:** Member for Kisumu West.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Speaker. It pains me that we have spent the last 30 minutes debating a non-issue. I say that with all respect to my friend, Hon. Ouda, who represents part of the constituency I used to represent in the 10<sup>th</sup> Parliament. I have the privilege of sitting in the Departmental Committee on Justice and Legal Affairs. I want to assure the House and the Speaker that we have such volume of work that we have no time to waste. I know any member of the public can present a petition to the House, but I also know that you have the right to reject a petition in your office. Looking at you and your

body language, clearly you are not satisfied that this petition merits the threshold. Why did you bring it to us?

Hon. Speaker, it raises serious issues that we cannot debate on the Floor here. It can only be debated elsewhere. With all due respect advise my friend to take it to the Judiciary and in the meantime the Departmental Committee on Justice and Legal Affairs should go on with their serious work.

**Hon. Speaker:** Hon. Members, in order for us not to spend a lot of time, in any event the period reserved for comments on petitions is only 30 minutes notwithstanding the number of petitions. So, I will put the Question for the House to determine.

*(Question, that the Petition be rejected, put and agreed to)*

The net effect is that the petition falls on its face and it therefore belongs to the dustbin.

*(Laughter)*

Next Order.

### PAPERS LAID

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor General and Financial Statements in respect of the following institutions for the year that ended 30<sup>th</sup> June 2017 and the certificate therein;

- (a) Taita Taveta University; and
- (b) Pwani University.

The Reports of the Auditor General and Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2017 and the certificate therein;

- (a) Lunga Lunga Constituency;
- (b) Kilifi South Constituency;
- (c) Nyali Constituency;
- (d) Voi Constituency;
- (e) Lamu East Constituency;
- (f) Likoni Constituency;
- (g) Garsen Constituency;
- (h) Kisauni Constituency;
- (i) Jomvu Constituency;
- (j) Malindi Constituency; and
- (k) Taveta Constituency.

Hon. Speaker, it is very important for Members whose constituencies I have mentioned to have a look at the audited reports by the Auditor General.

**Hon. Speaker:** Also the Committee on Special Funds whose Chairperson is the Hon. Kathuri Murungi, there have been several reports on account by the Auditor-General which have been laid here touching on various constituencies. Members of that Committee, I want to put you on notice that we are waiting eagerly to see your reports.

The Hon. Leader of the Majority Party and the Members of Tharaka and Kiharu... Members of Special Funds Committee, we want to see reports. Several constituencies have had their reports tabled here and we are yet to see what the Committee on Special Funds and Special Accounts is doing. We do not want a situation which people will be recalled from their retirement to come and answer on things that happened in 2011/2012 in their constituencies which they may not remember. So, we want the Special Funds Committee to operationalise whatever they are doing and bring reports on these constituencies.

The Chairperson, Committee on Delegated Legislation.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports on the Committee on Delegated Legislation on its consideration of the following regulations:

- (a) The Traffic (Driving Schools, Driving Instructors and Driving Licences) Rules, 2018; and
- (b) The Energy (Solar Water Heating) Regulations, 2012.

Thank you.

**Hon. Speaker:** Chairperson, Departmental Committee on Sports, Culture and Tourism. We want to hear what it is that is happening in that Committee.

**Hon. (Dr.) Victor Munyaka** (Machakos Town, JP): Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Sports Culture and Tourism on:

- (a) The Commonwealth Games in Gold Coast, Queensland and State, Australia on 2<sup>nd</sup> to 15<sup>th</sup> April, 2018; and
- (b) The International Tourism Borse held in Berlin, Germany on 7<sup>th</sup> to 11<sup>th</sup> March 2018.

Thank you, Hon. Speaker

**Hon. Speaker:** Very well. I am still waiting for the report from Russia. Who is responsible? I hope it is not the Committee. Is it Bunge Sports Club? Yes Hon. Munyaka.

**Hon. (Dr.) Victor Munyaka** (Machakos Town, JP): Thank you, Hon. Speaker. I want to confirm that the Committee is finalising the report on the World Cup 2018 in Moscow. It will be tabled in the next two weeks and we will be requesting the Hon. Speaker to give the opportunity for that Report to be debated because it is of a lot of importance.

**Hon. Speaker:** When you are ready, please bring the report. There is nothing to discuss. Next Order.

## NOTICE OF MOTION

### ADOPTION OF REPORT ON ANNULMENT OF REGULATIONS

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation, laid on the Table of the House on Thursday 2<sup>nd</sup> August 2018 and pursuant to the provisions of Section 15 (1) of the Statutory Instruments Act and Standing Order No. 210(4)(b) annuls in its entirety the following regulations: The

Traffic (Driving Schools, Driving Instructors and Driving Licences) Rules, 2018 and the Energy (Solar Water Heating) Regulations, 2012.

Thank you, Hon. Speaker

**Hon. Speaker:** Very well.

Next Order.

## STATEMENTS

### BUSINESS FOR THE WEEK COMMENCING 14<sup>TH</sup> TO 16<sup>TH</sup> AUGUST 2018

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, pursuant to the provisions of Standing Order No. 44(2)(a), I rise to give a Statement on behalf of the House Business Committee.

The Committee met this week at the rise of the House on Tuesday to give priority for business that will be considered today and Tuesday next week.

On Tuesday, the following Bills are scheduled for debate in the Second Reading:

- i. The Statute Law (Miscellaneous Amendments) Bill, 2018;
- ii. The Sacco Societies (Amendment) Bill, 2018;
- iii. The Warehouse Receipt System Bill, 2018; and
- iv. The Health Laws (Amendment) Bill, 2018.

Hon. Speaker, a number of Bills are also due for the Committee of the whole House after the conclusion of the Second Reading. Therefore, we urge all committees with amendments and individual Members to expedite the process of the amendment and submit their foresaid amendments to the Office of the Clerk.

Hon. Speaker, on nominees submitted by the Executive requiring the approval of the House, there are nominees for the National Gender and Equality Commission. I urge the Departmental Committee on Labour and Social Welfare to expedite its consideration of the nominees for appointment as chairpersons and members to the National Gender and Equality Commission and table their report soonest for consideration by the House early next week since the deadline for approving these nominees is on Wednesday 8<sup>th</sup> August 2018.

Similarly, next week, the House will also consider Motions for approval of the two Principal Secretaries and ambassadors. We are sure the respective committees will also table their reports either on Tuesday or Wednesday morning in good time since the deadline for the approval also falls on Wednesday next week. So, we only have Tuesday afternoon and Wednesday morning and afternoon sessions.

Hon. Speaker, the HBC will also be scheduling several Senate Bills for Second Reading next week. These are: Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017) and the County Government (Amendment) Bill (Senate Bill No. 11 of 2017).

On the Questions that will be before committees, the following Cabinet Secretaries are scheduled to appear before committees on Tuesday 7<sup>th</sup> August 2018. The first one is the CS for Water and Irrigation before the Departmental Committee on Environmental and Natural Resources to answer a Question from Hon. Christopher Nakuleu, MP in the mini chamber County Hall at 10.00 a.m. The second CS is that for Education, Science and Technology to appear before the Departmental Committee on Education, Research and Technology to answer Questions from Hon. Rashid Kassim, MP; Hon. Gathoni Wamuchomba, MP; Hon. Kimani Kuria, MP; and Hon. Godfrey Osotsi, MP. This will happen in the main Chamber, Parliament

buildings at 10.00 a.m. The third CS is that for Industrialisation and Trade to appear before the Departmental Committee on Trade, Industry and Co-operatives to answer Questions from Hon. Geoffrey Odanga, MP at the mini chamber, County Hall at 11.00 a.m.

Hon. Speaker, allow me also to inform the House that following the tabling of the Report of the Procedure and House Rules Committee on amendments to the Standing Order relating to Questions which were tabled just before the short recess, the chairpersons of all committees and the Procedure and House Rules Committee and, indeed, the HBC members will retreat for two days at the end of next week, that is, Friday and Saturday to consider modalities for actualising those proposed amendments. This new procedure, if adopted by the House, will change the architecture of how Questions before committees are answered by giving Members the opportunity to ask Questions on the Floor of the House.

Finally, the HBC will reconvene on Tuesday 7<sup>th</sup> August 2018 at the rise of the House to consider business for the coming week. I now wish to lay this statement on the Table of the House. Thank you, Hon. Speaker.

*(Hon. Aden Duale laid the Document on the Table)*

**Hon. Speaker:** Before I move to the next Order, allow me to...

*(Hon. Fred Ouda consulted loudly)*

Hon. Ouda, this is the National Assembly and not the County Assembly of Kisumu or Siaya. Hon. Ouda, just relax. Here, business is transacted differently. Relax. I am sure the pressure must have come down by now.

Hon. Members, allow me again to recognise the presence of students and pupils from the following institutions: St. Marys Kabarnet, Baringo Central Constituency, Baringo County; Mikima Primary School, Subukia Constituency, Nakuru County; Dry's Farm Primary School, Ainabkoi Constituency, Uasin Gishu County; I.H.M. Nerkwwo Academy, Marakwet West, Elgeyo Marakwet County; Kathari Primary School, Runyenjes Constituency, Embu County; Tabarosh Primary School, Chepalungu Constituency, Bomet County and Gundua Primary School, Buuri Constituency, Meru County.

They are all welcome to observe proceeding of the National Assembly this afternoon. Hon. Junet, you appear to have some intervention.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, I wanted to draw your attention to the statement by the Leader of the Majority Party. In his statement, he talked about the Bills from the Senate. I wanted to bring to your attention that there are Bills that have been sent to the Senate by this House, some of which have constitutional timelines. We even sat as a House and extended the time, during the last Parliament, for one more year. Those Bills have not been discussed in the Senate yet they are constitutional Bills that have timelines.

I want to bring to the attention of the House the fact that once the Bills arrive at the Senate, the constitutional timelines are no longer there. The timelines were only binding when the Bills were in the National Assembly. That is a very important matter because when Bills come from the Senate, they are tabled here in a very speedy manner, but when they go to the Senate, they take ages before they are discussed. In fact, they continue discussing petitions every afternoon sitting. It is a matter that we need to address as a House, that is, whether those constitutional timelines still exist or those Bills no longer have constitutional timelines.

**Hon. Speaker:** I think for the time being, the Clerk is instructed or directed to communicate this concern to the Senate, that those Bills which were passed by this House some months ago, and some in the last Parliament, but have not been processed, should receive most urgent attention. Of course, we can only deal with that which is before this House. The Leader of the Majority Party has indicated a number of Bills emanating from the Senate which will be in the Order Paper for debate by this House. I think the best we can do is, let us do that which is within our roles under Article 95 of the Constitution. However, the Clerk has been directed to seek some information regarding the position of those Bills. If need be, if that House may have decided that they no longer need to pass them then the people of Kenya can be informed that, that is the decision of that House and not this House.

Hon. Junet, you are right. I do recall when they were here, the issue of them being passed within the requisite constitutional timelines was impressed upon us but those who kept impressing, including the various civil society groups that keep saying that this one has been summoned or this one has not happened... Unfortunately, when it is convenient, people refer to the National Assembly as Parliament. When it is not convenient, they are no longer Members of Parliament. So, it is only fair that the Constitution talks about the Bills to be passed by Parliament and the ones which were to be passed by National Assembly because they affect the operations which are there within the Fourth Schedule of the Constitution and, therefore, require the concurrence of both Houses. I believe some information will be forthcoming from the administration of the other side. We leave it at that. I am sure it is a matter we can discuss in the HBC.

Next Order!

## MOTIONS

### APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the recommendations of the Departmental Committee on Administration and National Security in their Report on the vetting of the nominee for approval as Chairperson of the Public Service Commission, laid on the Table of the House on Wednesday, 1<sup>st</sup> August 2018, and pursuant to the provisions of Article 233(2) of the Constitution and paragraph 4 of the First Schedule to the Public Service Commission Act (No.10 of 2017), this House approves the appointment of Mr. Stephen K. Kirogo as the Chairperson of the Public Service Commission.

This Report contains the Committee's proceedings during vetting, following the nomination of Mr. Stephen Kirogo for the position of the Chairperson of the Public Service Commission (PSC) by His Excellency the President. The notification was communicated to the House by the Speaker on Thursday, 5<sup>th</sup> July 2018, pursuant to Standing Order No. 42 (2) of the National Assembly. The Speaker further informed the House that His Excellency the President sought the approval of the National Assembly on the said nomination before appointment.

The nominee appeared before the Committee for vetting on Monday, 30<sup>th</sup> July 2018. The Committee examined his suitability based on the criteria set out by the Public Appointments



(Parliamentary Approval) Act, 2011. The Committee vetted the nominee to the position of Chairperson of the PSC on Monday, 30<sup>th</sup> July 2018. It was guided by the Constitution, Public Appointments (Parliamentary Approval) Act No. 33 of 2011, Public Service Commission Act 2017, Standing Orders among other documents. The Committee examined the nominee using the guideline which is provided in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

The Committee also followed the following criteria to vet the nominee: academic qualification, employment record and work experience, professional experience, integrity, potential conflict of interest and suitability for the position. It considered the curriculum vitae of the nominee. It also had an oral submission during the vetting exercise at the sitting which was held on Monday, 30<sup>th</sup> July 2018 and made the following observations:

That the nominee is currently the Principal Administrative Assistant Secretary to the Cabinet in the Presidency and Cabinet Affairs Office;

He served as the Secretary of the State Corporations Advisory Committee, Deputy Secretary in the Cabinet Office, personal assistant of the head of the public service, a secretary in various ministries and as an administrative officer in the field;

He has the requisite qualifications and experience in the public service which qualifies him for the appointment as the Chairperson of the PSC;

He exhibited impressive knowledge and skills on the issues of public service.

Having considered the suitability, capacity, qualifications and integrity of the nominee, pursuant to Article 250(2)(b) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Committee recommends that the National Assembly approves the nomination of Mr. Stephen K. Kirogo for appointment to serve as the Chairperson of the PSC.

Hon. Speaker, I request Hon. Kolosh Mohamed to second the Motion. Thank you.

*(Hon. Onyango Oyoo and Hon. Ndindi Nyoro consulted loudly)*

**Hon. Speaker:** Hon. Mohamed. Hon. Oyoo, when you speak to the Member for Kiharu from where you are, you are teaching him bad manners. We are not too sure whether he has learnt the good ones. You cannot call him from where you are. We are just about to hear the contribution of the Secunder.

*(Laughter)*

**Hon. Ahmed Kolosh** (Wajir West, ODM): Thank you, Hon. Speaker. We had a lengthy discussion with Mr. Stephen. The media quoted some parts about age which we asked but they were not necessary. It is true that when we vetted Mr. Stephen, we found a Kenyan who has enormous experience. He worked in many places in the country. I was impressed when he mentioned the four corners of my constituency because he worked in Wajir as a District Commissioner.

He is a Kenyan citizen. We asked him about the things he wants to tackle in the public service. Some of the things that impressed us were issues of discipline and the fact that public servants hang their coats on their chairs to show that they are present. Two, issues of integrity were of serious concern to him. He informed us that corruption must be dealt with. Discipline

issues must also be worked on. We are happy about him. We found out that this is an individual who is ready to steer the public service to great heights and improve service delivery.

Therefore, I second the Motion.

**Hon. Speaker:** Hon. Members, be in the Chamber for a short while.

*(Question proposed)*

The Leader of the Majority Party.

**Hon. Junet Nuh** (Suna East, ODM): Put the Question.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. Hon. Junet is saying that we put the Question. I am sure he heard what you said. He should spend some few minutes in the Chamber. We do not want to guillotine reports.

I want to support the Report of the Departmental Committee on Administration and National Security on the approval of Mr. Stephen Kirogo. He is a person who has worked in the public service. He worked under the administration of President Kibaki. He worked diligently as the deputy of the head of the public service, Mr. Joseph Kinyua. He played a very big role in the management of the Cabinet memos and documents. He was in charge of the public service in the Executive, on behalf of the Head of the Public Service and Secretary to the Cabinet. I am sure he has complied with the Public Appointments (Parliamentary Approval) Act in terms of integrity.

I see my good friend, Hon. Kuria, who was trying to gag me the other day. I can never be gagged. I represent the people of Garissa Township Constituency. With the mandate they gave me, I can only speak for them. He was trying to gag me on another report. It is only the President, the Deputy President and the former Prime Minister, Hon. Raila Odinga, under the handshake, who can have little powers to gag me. Anybody else who does not fall in that bracket cannot gag me.

The Public Service is a whole chapter in our Constitution. It is Chapter 15 of the Constitution, beginning with Article 232 all the way to Article 236. I am sure that Mr. Stephen Kirogo will handle matters that are under the chapter in terms of values and principles of public service. He must make sure that the men and women who work in the public service, be they at the national Government or county government levels, adhere to the provisions of Article 232 (1), on values and principles of the public service. They must portray standards of professional ethics. They must always be accountable for the administrative work they do. They must involve the public in the policy-making process in terms of human resource of our country.

As regards the Public Service Commission, under Article 233 of the Constitution, there is a specific function given to them. Article 234 of the Constitution provides that the Public Service Commission must at all times hear and make determination on Kenyans who in one way or another have had their rights violated at the work place. They must investigate, monitor and above all, evaluate the administrative structure of Government – the personnel practices of the Public Service. They must also ensure that the Public Service is efficient and effective. I am sure that Mr. Stephen Kirigo is going to join other men and women who were approved by this House: His Vice Chair, Amb. Nkuraiyia; the former Clerk of the National Assembly, Patrick Gichohi and other Kenyans who are now working at the Public Service Commission. I am sure that he will add value and make sure that our public service is up to standard.

The Public Service Commission must deal with the recruitment and staffing at the county level. At the county level, a fresh graduate who has no experience is given Job Group P or R – the same level as a county commissioner. How do you allow a county commissioner to be at the

same scale with a fresh graduate working in a county government? There are huge numbers of ghost workers in the payrolls of county governments. Let me speak for my county. You may find people who live and work in the Diaspora in the payroll of Garissa County. All that they need is a bank transaction card which he can give to his relative with a personal identification number and they will withdraw the money every month. We have ghost workers in county governments. In fact, the new governors who took over after the last general elections are unable to deal with the matter because the previous governors had employed many people. Some of the appointments are not based on any scheme of service. Many people are given jobs in counties not based on the skills and experience they have. They are recruited based on their clan, tribe and the voting dynamics of the last elections.

So, the Public Service Commission is the overseer of human resource, under Article 235 of the Constitution. The public service boards in the counties report to them. They must go and do a rationalisation and audit of the staff and must allow and enforce that county governments must employ people based on need, expertise and availability of vacancies in the establishment. One year to elections, governors dish out letters of employment. I was campaigning against the current governor of Garissa County and every night when I convinced voters not to vote for him, the following morning, he would give appointment letters to the people I had been talking to the previous night. So, they would all go back to him. We must find a way of reining in county governments. We are not saying that they should not employ. They should employ but they must do so in accordance with the procedure spelt out in the Public Service Commission Act.

Finally, in this country, we must stop the culture of people working on contract after they retire. People retire and are given contracts to continue working. Mr. Stephen Kirigo will help us to minimise the extension of contracts to the so-called “advisors”. Every Cabinet Secretary, Principal Secretary, and CEO of parastatal has 10 advisors. Each governor has 10 advisers. I know of a governor who has an advisor on women affairs, on Mau Forest, on desertification and on climate change. He may also have an advisor on home affairs. Which home are you advising? The only home of a governor is his house and the only person to advise him when he is at home is his wife and children. This is where resources are going to. We must minimise waste. As we do so, we must minimise wastage in terms of the people we employ so that we become efficient.

Hon. Florence Mutua, Mishi Mboko and the Member for Gem are doing un-parliamentary things at the back. They are laughing, hugging and clapping. Hon. Speaker, you made a serious communication which they should read. It should be the Bible and the Quran. Hon. Florence and Hon. Mishi are my good friends, but the irritant in their place is the Member for Gem, Elisha. He better stop what he is doing. The people of Gem will bring back Jakoyo, if you play around.

With those many remarks, I beg to support.

**Hon. Speaker:** Member for Muhoroni.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you very much, Hon. Speaker for giving me this opportunity. Initially, I had intended to oppose this proposal given that there is age limit and we have youth who are struggling to get jobs. We need to open up spaces for them.

There is also the need for regional balancing. But in the spirit of handshake, I will support this and hope that the proposed officer, Mr. Kirogo, will use his expertise and experience to ensure that he comes up with a framework of opening up jobs and giving more consideration to the young graduates who are becoming hopeless by the day after graduating. After their parents have toiled so much to get money to educate them, they have no jobs. Each time that we have small openings, larger considerations are given to influential families. We hope that Mr. Kirogo,

given his extensive experience and expertise, once he reports to the new office, he will create order such that we can go back to the old system where District Officers were absorbed directly from our universities upon graduation. Recruitment should be based on their qualifications and competence and that it will not involve influence peddling causing us to walk to the Office of the President to lobby him or certain officers get people who have worked so hard who now merit appointments to be appointed.

I congratulate Mr. Kirogo and urge Parliament to give this old qualified man the job. Thank you.

**Hon. Speaker:** Member for Tharaka.

**Hon. George Kitonga** (Tharaka, DP): Thank you, Hon. Speaker. I rise to support the Report on the approval of the nominee to the Chair of PSC.

I also had reservations when I read the Report especially on the age of the candidate but after the explanation that has been given and the wide experience that has been quoted as a plus for him, I support his appointment with a rider that when the Chairman gets into the Public Service Commission, he will for once give a very serious thought to the problem of unemployment. We have jobless youth spread all over Kenya in all constituencies.

We have graduates fresh from the universities out there who do not have jobs who are crying to us as Members of Parliament for help. It is important that the PSC be revitalised so that it renders service that is credible and of benefit to the people of the Republic of Kenya. Mr. Stephen Kirogo with his experience of many years, is likely to bring this to fruition. He is likely to ensure that the PSC is modified, modernised and works in the manner that is beneficial to us.

It is also important to note that many Kenyans do not regard the public service as the first port of call when there are problems because they say it is riddled with corruption, inefficiency and some do-not-care attitude which is not appealing to the people of Kenya. It is therefore important that he looks into the Public Service Commission Act and if there are amendments that are necessary to be brought to this House, he should recommend them so that we are able to put in place proper legislation for purposes of ensuring that the people of Kenya are properly served.

I have gone through the Report and I support that we approve the appointment of this person to this seat. Thank you.

**Hon. Speaker:** Member for Wajir East, Amin Kassim.

**Hon. Rashid Kassim** (Wajir East, WDM-K ): Thank you, Hon. Speaker, for giving me an opportunity to give a recommendation on Stephen Kirogo for the position of the Chairman of the PSC. I have known Stephen Kirogo for many years when he was in the public service. He started as a cadet District Officer. He has served in my county of Wajir. He particularly served in Wajir East Constituency as a DO. I have seen him rise through the public service for many years until he rose to the rank of the head of the State Corporations Advisory Committee. He was able to provide advisory service. I was a Managing Director (MD) in one of the parastatals and he was able to provide advisory services for the 265 parastatals within the country. He is a man who is extremely balanced. He was able to provide decisions and advisory services to all the parastatal chiefs in the country. Within that period, I am able to say and attest here in this august House that all public service institutions like the parastatals were manned by men of incredible ability. After he left SCAC, he became a Principal Secretary in the Office of the President. We have lost the glory of all public institutions and parastatals. Today, you cannot name the adviser of the parastatals but when Kirogo was there, we were able to point it out to Kenyans. He was reliable.

Finally, when he came to the Office of the President to provide services to the Head of Public Service, his performance was exemplary. I stand here to attest the performance of Stephen Kirogo.

Thank you.

**Hon. Speaker:** Member for Samburu North.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** There is a point of order by Hon. Pukose. What is your point of order?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, I do not want to disparage my colleague but listening to the credentials of one, Stephen Kirogo, others call him Karogo, I find that the House is in agreement with the Committee Report. Under Standing Order 95, I ask that the Mover be now called upon to reply. I think we are all in agreement with this.

**Hon. Speaker:** I will put it to the Members but let us hear the Member for Samburu North whom I had recognised.

**Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Speaker. I rise to support. I support because I have read the Committee's Report. Stephen Kirogo has experience that is required. Despite people saying that his age is advanced, age can also provide a wealth of experience. Having worked in northern Kenya and even Lamu, Nakuru and West Pokot, some of us who come from those regions yearn to get people who are in the Civil Service who know Kenya.

Most of the time when you go to offices, you find some senior Kenyans who are holding high positions but do not know where West Pokot, Turkana or Wajir are. I am impressed that this candidate has worked in very harsh places. Wajir is not a place that civil servants can work in because I have also worked in North Eastern. Especially in 1980s, it was like you had been thrown to a jail. So, this must be a brave and patriotic Kenyan who has gone through all those hardships and is able to make it to that level where he is at the moment.

Having said that, once this nominee is confirmed, I would like to call upon him to restore justice in the Civil Service. We want equity, social justice and inclusiveness in terms of employment. We want non-discrimination because in certain institutions, we find that there is no regional balance. Some people are losing out, especially when Members say 'young graduates'. We want you to address those issues with other stakeholders and leaders. When recruitment is done, we should see clear regional balancing, honesty and integrity.

On the issue of counties, the sentiments that were raised by the Leader of the Majority Party are not about Garissa only, rather, this is happening all over the country. People are employed on clan and tribal basis and on grounds of nepotism. The Public Service Commission (PSC) should intervene. It is a policy maker. It can assist in directing the county public service boards to ensure that people who live there, even the minorities, benefit. There are marginalised communities within the counties. People who did not vote for a governor are normally ignored or left out when it comes to recruitment.

With those few remarks, I rise to support the confirmation and approval by this House of one Stephen Kirogo. Thank you.

**Hon. Speaker:** Before I put the Question, let me hear the Member for Nambale.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Speaker. I have several concerns on the nominee.

One, I have read through the Report and I have not seen any responses that give me comfort. For example, we have the issue of inclusivity. The Civil Service should represent the face of Kenya. What specific ideas did he have to implement given his long experience and the

senior position he is expected to occupy? I thought the committee should have delved into that. If he promised to hire more young graduates, I would be surprised to hear where he is going to get the budget to finance that. How is he going to create space to finance an increased absorption of this target group that we want absorbed? We are in the era of an excessive wage bill. That is what we have been told over the last five years. What are his specific ideas in respect of refining the Civil Service so that he can create room for those young graduates? Otherwise, it is just rhetoric. We know from the word go that nothing like that will happen.

Two, on his age, I agree with my colleague *Mhe. Lentoimaga* that age represents wealth of experience and that is okay. But then, in respect of the retirement requirement within the Civil Service, does that mean that he has now been thrown out? It seems 60 years is no longer the retirement age. Is it a voluntary matter? I may have lost track of that. Is this a special consideration that is being done? That means we expect an Executive Order or some decision to come from the President exempting him from this retirement requirement because he is already 60 years.

We have heard comments about him doing something in the counties on excess employment, which is done along clan lines and tribal lines. It is the same at the national level. We are not seeing any aggressive leadership at the national level that will make it clear even to the counties that there is an example to be followed. It is a vice that remains, whether it is at the county or the national level. The employment of the old county council workers is not a decision of the counties. It is a national decision that was made during the transitional period. They were not to fire them. We need clarity at the national level. During vetting like this, these types of policy questions should be clarified sufficiently for the candidate to go back and work on them. I think this is sort of a soft velvet gloved hand that wants to pass the candidate. It seems not to have asked the hard questions.

I am constrained to say that on the basis of this, I do not think the vetting went far enough. I hear from people who know him and who seem to be willing to vouch for him. If I were to say 'yes' on this, it would purely be on the basis of faith. Vetting must go beyond faith. It must go as far as possible in terms of verification, probing and inquiries. Given what has been done, I am not able to support this. I have nothing against Mr. Kirogo, but I do not think the vetting Report gives me sufficient comfort to see him as somebody who is going to hold that position. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, before we go further, let me put the Question to the issue raised by Hon. Pukose under Standing Order No.95.

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

Mover.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Speaker.

I sincerely thank the Members for finally approving the appointment of Mr. Stephen Kirogo. The office of the chairperson of the PSC has been vacant for some time. We believe that once he gets into office, he will fill the shoes of Madam Kobia, who is no longer there. We expect him to bring efficiency and effectiveness in the service. We expect him to nurture selflessness, commitment to the public good, patriotism, confidentiality and political impartiality in the service. Those attributes are very important in public service. After vetting him, we know he has the capacity to hold that office.

I beg to reply.

*(Hon. Daniel Maanzo walked the aisle)*

**Hon. Speaker:** Member for Makueni, I can see you are trying to find some seat. You were recently in the news making some very interesting suggestions.

*(Laughter)*

If we can just finish this business, you can come and share with the House some of those interesting proposals you have been sharing out in the villages.

*(Question put and agreed to)*

Member for Makueni, I think you can now make your way. Obviously, I am sure many Members may not have seen your very progressive proposals to many women of Kenya. You can share that with us. I can see you are heading towards Mishi Mboko and Hon. Florence Mutua. I am sure you want to share with them your latest proposals.

Hon. Members, before we move to the next Order, the business appearing as Order No.10 is the Report on the inquiry into alleged importation of illegal and contaminated sugar in the country. It was tabled in the House some minutes to 5.00 p.m. yesterday and, therefore, it did not pass through the House Business Committee (HBC). I have requests from a few Members of that committee, who have suggested amendments and which I have approved. It would be necessary to put them in the Report. For that reason, I have taken out this business from the Order Paper so that the HBC gets seized of it and prioritises it next week.

Therefore, Motion No.10 is taken out of the Order Paper.

Let us move to the Next order.

*(Motion deferred)*

REPORT ON INQUIRY INTO FOREST RESOURCES MANAGEMENT  
AND LOGGING ACTIVITIES IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resources Management and Logging Activities in Kenya, laid on the Table of the House on Thursday, 3<sup>rd</sup> May 2018.

*(Hon. Kareke Mbiuki on 31.7.2018)*

*(Resumption of Debate interrupted on 1.8.2018)*

**Hon. Speaker:** Hon. Members, when debate on this Motion started yesterday, I had approved a proposed amendment which was being debated, but the House cannot spend all its

time debating a proposed amendment. The amendment was to the effect that the Report be adopted subject to deletion of Recommendation No.22 on Page 49 of the Report. Since several of you were here, you know the proposed amendment. Does anybody wish to comment on that proposed amendment that I gave? For the purposes of refreshing the memories of those who may not have heard the proposed amendment, I will give two minutes for Members to comment on the proposed amendment after which, I will put the Question so that debate can continue on the Report, either as amended or without the amendment. Hon. Rozaah Buyu, Member for Kisumu County.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Speaker for giving me this opportunity. First and foremost, I would like to declare that, indeed, I am a Member of that committee whose Report is being discussed. I would like to say that the committee is fully aware of its mandate. Regardless of what evidence the committee gets, it has no powers to carry further investigative actions. So, in line with its mandate, having listened to the evidence before it, having heard the oral evidence before it and read the written evidence before it, the committee has recommended and with your permission, I beg to read the recommendation.

“The Committee has recommended that the Ethics and Anti-Corruption Commission (EACC) should investigate the immediate former Kenya Forest Service (KFS) Board Chairperson for possible...” I stress the word ‘possible’ because we do not know whether the person in question has committed any crime or has any wrongdoing and that is why we are saying for possible conflict of interest and abuse of office contrary to Section 101 of the Penal Code and Public Officer Ethics Act 2003. The word ‘I’ should also be stressed to show that nobody has taken any position. ‘If found culpable, he should be barred from holding any public office’. I think this is a very good recommendation. It does not accuse anybody or assume that anybody is guilty.

**Hon. Speaker:** Hon. Rozaah Buyu, I said two minutes. What is your position with regard to the proposed amendment?

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM) Hon. Speaker, I, therefore, oppose that amendment. Thank you.

*(Hon. Maoka Maore walked on the gangways with his hands in the pocket)*

**Hon. Speaker:** Hon. Member for Igembe, be in the House. When you pocket and start walking around, you have assumed you are in Igembe North and I know you like being there. There are some other crops that grow around there. Hon. Members, I wanted the House to get to understand the point that is being made. The proposed amendment and what the committee has recommended as explained by a Member of the committee, Hon. (Ms.) Rozaah Buyu.

*(Question, that the words to be inserted be inserted, put and negated)*

*(Debate on the original Motion resumed)*

This, therefore, means that the debate on the Motion proceeds without any amendment. We, therefore, go back to the original Motion.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. You have really helped us. This amendment was very emotive yesterday. It had to force someone to call for



quorum. I am happy that person is not here this afternoon. Maybe the business of that person ended yesterday and he was not re-hired for the job today.

*[Hon. Speaker (Justin Muturi) left the Chair]*

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

Hon. Speaker, I really want to thank the Chair and the Members of the Committee. This Report is in two parts. One, there is a taskforce Report by the Government and the Report of the Committee.

Hon. Temporary Deputy Speaker, we need to amend the Standing Orders so that when there is change of guard on the Chair of the Speaker, there must be some rituals or ceremonies.

All of us agree that as a country, regardless of where we come from, we must conserve our forests. Trees are very important even in ordinary life. We must love trees. This Committee has brought in very important recommendations. However, I see a contradiction in how the Government runs. The taskforce report recommended that the former directors of KFS should not be reappointed. That is not the committee. It is what the taskforce is saying. We must be very honest as leaders. There is something called conflict of interest. The biggest logger in our country is known. The biggest logger, if you do not know, is Mr. Rai of Timsales and the owner of Pan Paper. If you are the biggest logger, then you cannot sit as the regulator of KFS. It is like you own a television station and/or FM station and then you sit in the Communications Authority of Kenya. There must be conflict of interest. I cannot be the person who runs the biggest business of logging in our country and then I am a director at KFS.

Secondly, I want to speak to this matter of the Mau. The Mau must be conserved. Everybody must leave the Mau. Those who live inside the cutline must leave. The Government must stop chasing poor Kenyans, those who have one chicken and those who have two goats. We want the Government to deal with the big fish; people who have over 20 acres, those who have tea factories. I am talking about the Kaptagat Tea Factory, which occupies 4,000 acres of land. I was telling Hon. Moses Kuria that I do not know whether he is in and that the only people who can intimidate me apart from my wife and children, is the President, the Deputy President and Hon. Raila Odinga. The rest of you cannot. So, I will say it as it is. Before you evict that old, poor lady who has one chicken and two goats, why can you not evict the big fish in the Mau Forest? Their names are known. Some of them are Senators. Some of them are former Members of Parliament. Some of them are former commissioners of land. Some of them are former presidents. Why can you not evict those ones and then come to the poor?

I will speak for the peasants because I am a peasant. The first time I came to Nairobi, I was on top of a lorry. I could not even afford bus fare, if there was a bus. I came to Nairobi aboard a lorry carrying cattle. I never used *Google*. I know Nairobi like the back of my hand without *Google*. So when I look at the Mau, it is ridiculous. We are evicting thousands of poor people who have no clothes. This country must go the right way. That is why I think we must now deal with the issue properly. I saw Hon. Raila Odinga was trying to evade the TJRC Report. We must deal with the report now. The 14-member committee which has been formed should

come to Parliament and pick the TJRC report. Senator Yusuf Haji and Adams Oloo, you do not even need another scheme of work. Come and pick the TJRC report and implement it.

The County Commissioner of Narok, the CS for Environment and the police, stop chasing poor Kenyans within the forest while people are making millions. I am ready to substantiate. You cannot have a tea factory in the Mau Forest and you tell me you are more interested with a chicken seller. No, this is ridiculous. This committee must visit the Mau. I do not know why the Chair, Hon. Kareke Mbiuki, is not going to the Mau. You must go there and tell us the truth. Where is the cutline? He needs to go there.

Hon. Temporary Deputy Speaker, you need to give direction that the committee goes to the Mau this week so that they are shown the cutline. How many of them have title deeds? I come from the desert and so, I know what it means to miss rain. We must conserve forests. People must live. But you cannot tell me you leave the rich of the rich and the powerful of the powerful to do business in Mau and then evict the poor.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Onyonka, what is your point of order?

**Hon. Aden Duale** (Garissa Township, JP): Maybe he is representing the rich of the rich.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us hear him.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I am a little bit confused. This is the Leader of the Majority Party of the Government in office, the Jubilee Government. The orders which were given for people to be moved out of the Mau Forest, according to the information that we have, were given by the President of the Jubilee Government. The person who is working in the Mau as the County Commissioner is a Jubilee Government appointee. So, is the Leader of the Majority Party contradicting his Head of State or is he taking us through the usual issues?

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party, do the clarification.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, this is the problem of being a Member of a small party.

*(Laughter)*

I am the leader of Government business. The eviction of people from the Mau is a Government programme. The County Commissioner is a Government officer. All that I am saying is that so far, we are only chasing the chicken seller and the poor. I am telling the Government to go for those who are doing tea business and factories.

You know if you come from a privileged position, like the sons of former ministers and commissioners of police - this is a son of a former minister - so the moment we talk about big people, they get constipation.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, protect me.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Onyonka.

**Hon. Aden Duale** (Garissa Township, JP): I never mentioned anybody.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Onyonka, we cannot have two microphones running. The Leader of the Majority Party was still clarifying your point of order. So, the Leader of the Majority Party, proceed with your clarification. You cannot have a point of order on top of another one.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, thank you. Hon. Charles Kilonzo is a good neighbour of mine. I have not mentioned anybody. I have only said that those of us in this House who come from privileged positions, when we talk about the privileged class, do not get constipated. We will say it. There are former Members of Parliament, former State House Comptroller, current Senators, former police commissioners, who as we speak today are at the Mau. As the leader of Government business, I am giving instructions that those big fish that I have mentioned must also be evicted with their tea leaves. I must speak for the poor. Hon. Musimba knows when we speak for the poor, the poor will listen. This House is a mix of poor and privileged people.

The Chair, I want to ask you to go to the Mau and do not go to where the peasants live. Go to Kaptagat. Have a session there. You can even fly to Kabarak. Go to Embobut. Go to the former Members of Parliament and ask them who gave them the title deeds for their tea estates. Can we see them on television being evicted the way the other people are being evicted? All of us in Government and in Parliament must support.

There is this culture - let me go on record - because in this House I wear two caps which you cannot decide where the line is drawn. I am the Member for Garissa Township, so I have to speak for the people of Garissa Township. When we go to Order No.10, Hon. Kutuny is here, the Bill on land index is mine. So, I should not be threatened that 'you are the Leader of the Majority and so you should be gagged'. That is why I left the ODM in 2009. They wanted to gag me. I became an opposition and formed URP and got 75 Members of Parliament. Later, we formed Jubilee in which we have 180 Members of Parliament here.

**Hon. Simba Arati** (Dagoretti North, ODM): That is not relevant.

**Hon. Aden Duale** (Garissa Township, JP): It is relevant. I am giving you my history. You do not have a history. Hon. Arati, if you have no history to share, please shut up. I have history to share.

I support the Report of the committee. Hon. Wandayi, the Chair of the Public Accounts Committee, will bring serious reports on accounts. Let us not throw our chairs under the bus. Let us stand with them. If we feel the Chair has overstepped, we can still consult. So, I support.

Hon. Kareke Mbiuki, please, go to the Mau and make sure that you visit the bourgeoisie and not the peasants. Let the media be very clear. Let them report the peasants who have invaded the Mau Forest and on the same line, report on the bourgeoisie.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Very well, Hon. Leader of the Majority Party. The only thing I am not sure about is your being a peasant. I am not sure whether you were giving your history as a former peasant or you are saying you are still a peasant because I doubt that.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, my late father was a herder, and he had never gone to school. However, he had camels. I also have about 500 Camels. While you grow maize, coffee and tea, I keep camels. So, I want to also apologise. Hon. Charles, my neighbour, is very good. Despite having come from a privileged background, he is a peasant. I have been with Hon. Onyonka in the last three Parliaments. He is also a peasant.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I think that makes them happy. Hon. Kareke Mbiuki is here. I am happy that you are listening keenly. Like I said last time, the committee is highly commended for taking a proactive stance on this particular issue. It is a matter of great public interest and on the suggestion by the Leader of the Majority Party on the visit to the Mau Forest. I think you will have your opportunity at the end of this debate to give us your views on that because it is in line with your Report.

Member for Ugunja.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you very much. I fully support this Report. I commend the Departmental Committee on Environment and Natural Resources, and specifically the Chair. In the last Parliament, I served with Hon. Mbiuki in the Departmental Committee on Agriculture, Livestock and Cooperatives, where he was our Vice-Chair. When I learnt that he was elected the Chairperson of the Departmental Committee on Environment and Natural Resources, I had no doubt in my mind that he was going to deliver. He has proved me right. What this committee has done in the last couple of months is something worth praising. I encourage them to continue in the same manner so that this House can be seen for what it is.

It is very unfortunate that in the sector of forestry, which is very critical, as most Kenyans continue to suffer, there are a few individuals who continue to benefit wrongfully from the proceeds and resources of this sector. This committee is going to do us a great good if they can go further and look at the issues that the Leader of the Majority Party has ably raised.

I do not know how to hide issues. I like saying as it is. On the matter of the Mau, I am 100 per cent with the Leader of the Majority Party. Some of us who come from western Kenya have an opportunity to fly once in a while over the Mau. What we are talking about is not theory or some fiction. It is a real tragedy that if no serious intervention is made within the shortest time possible, we will lose the Mau Forest, and the consequences are too grave to contemplate.

Therefore, this House must take the lead in the efforts to protect the Mau Forest against individuals who have thrived in impunity over the years. Any encroachment into the Mau Forest regardless of who does it, is a tragedy in itself. It does not matter whether you are the poorest of the poor or the richest. So long as you are encroaching into the Mau, you will have to be evicted. This is because, if we approach the Mau issues selectively, we will not solve the issue. The Mau invasion did not start yesterday. It is also true that this House is seized of reports which have been developed and published by various task forces from as early as the year 2000. Those reports continue to gather dust either in the shelves of Parliament Buildings or of the Executive offices.

I ask Hon. Mbiuki and his team to not just continue belabouring the obvious and trying to reinvent the wheel. Just go to those reports and bring them the attention of the Committee on Implementation and have the recommendations contained in those reports implemented. As you do so, be oblivious to any other consideration. This is because there comes a time when serious actions have to be taken to save a generation.

Just like the other water towers, the issue of the Mau is an issue that should exercise the imagination of the entire nation. Recently, after the Mbiuki-led Committee raised the issue of Kibarani in Mombasa, I am happy that the President acted very swiftly. For the very first time, the President was acting on the moves of a committee of the House without waiting for the Report to come to this House. That is to show you that these committees are working. I am also being told that it was because of the handshake with Governor Joho. So be it, as long as the action that has been recommended by the President, based on the advice of a committee of this

House, is an action that is going to save taxpayers from losing their resources, it should be commended.

When you see people fighting to control an institution or an agency such as the KFS, you must be alarmed. The fight, the struggle and the scramble cannot be for nothing. There must be some benefits that accrue from being in these positions, most of which are fraudulent.

Finally, I would like to talk about the ban on logging. A decree was issued a few months ago by the Cabinet Secretary for Environment and Forestry, banning logging in community forests. From where I sit or stand, I am not sure how far that ban has gone. I am not aware whether it has since been lifted or not. What I am aware of is that logging is continuing in community forests. The loggers are not common persons. They are well connected individuals. The people who do the logging business are not ordinary Kenyans. They have a way of circumventing the laws and regulations or decrees. So, the Kareke Mbiuki-led Committee should help us to nail down these guys. Give us some names of the people dealing in these illegal logging. As they continue to log, these forests will be wiped out before our own eyes.

You must remember that the Mau Forest, as a water tower, is not just about a community or ethnic group. It is about Kenya, the region, Africa and the world. The rivers that flow from the Mau Forest feed Lake Victoria, which serves humanity from the source of the Nile in Jinja down up to Egypt.

In fact, it goes up to the Mediterranean Sea. So, it is not an easy or small matter that requires people to go and start playing cheap politics. The moment you start going to the Mau and raising tension between communities that live around there, you are doing disservice even to those who we are purporting to protect. As I said earlier on, anybody who is encroaching on the Mau is an enemy of the people of Kenya regardless of his stature in life or ethnic origin.

Finally, I commend the President. We have seen in the last couple of months that where there is political will, everything is possible. The kind of moves and actions we have seen in the last couple of months where those we could not imagine before that they could be arrested are being arrested and charged in court is laudable. It is happening because of a demonstrated political will from the top most office. That will is what we shall count on if we are to address the issue of the Mau. The moment you start looking at the politics, then you are done. Without really belabouring the point, I wish to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, before we proceed, let us take time to welcome pupils from different parts of the country who are here to witness our proceedings this afternoon. We have St. Theresa's Nyangusu from Bobasi Constituency in Kisii County. Welcome. We have St. Francis Primary School from Imenti South Constituency of Meru County and St. Peters Marakwet from Marakwet West Constituency in Elgeyo Marakwet County. We have Kapkelelwa Primary School from Baringo Central Constituency, Baringo County, Bekibon Primary School from Baringo South Constituency, Baringo County and AIC Baraton from Chesumei Constituency in Nandi County. *Karibuni.*

The Leader of the Minority Party, I cannot trace you from my screen, but I can see you trying to pass a message. I do not know if you are trying to catch my eye or you have a different message.

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, I had asked the Serjeant-At-Arms office to look at my machine because even if I put the card, it is not working from yesterday. Something needs to be done. But it works in another one.

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion on this Report on water resources and logging. First, I thank the committee for

doing the work that they did in terms of looking at this serious matter of national importance. We all know the importance of forests in this country and logging has been the enemy of our forest cover. Kenya is one of the countries with the lowest forest cover in the world. We have all along been talking about increasing our forest cover. This cannot work unless we crack on these illegal loggers and conserve our water resources.

I know there are scientists in this House and they will tell you the connection between forests, rain, water and our livelihoods. Countries that are concerned about their lives take it so seriously to protect their environment, but in Kenya, we are so careless. We politicise every event even when it is for the benefit of the country. I have looked at this Report, but quickly. I did not really spend much time on it but one thing that worries me is that the Report, in my view, is not wide enough. It is kind of personalised to an individual. I would expect the committee to look at this matter with a more open mind rather than focussing on an individual. Having said that, the issue of conserving forests is not negotiable. My colleagues have spoken about this and I want to repeat and be on record that there is a time that the issue of the Mau Forest, which is the biggest forest cover in this country, must be dealt with. There are people who made us apologetic about discussing Mau, that if you discuss Mau, then you are seen to be an enemy of some ethnic group or a group of people. Far from it, the Mau Forest is a national resource. It is an important forest cover for this country where we all have interest and no one should claim more interest than others. The destruction of the Mau Forest has led to so many deaths. I have heard people complain that some people are exposed to inhumane conditions. As one person who stands and fights for human rights, it would not be right for me to support anyone who exposes the life of another to inhuman treatment and suffering.

So, I ask the Government to look into that matter. But even as we consider that, think about the lives which are lost because of the destruction of the Mau Forest. It is because of the Mau Forest that we are seeing a lot of flooding around the Narok area. Even the Solai Dam that has just been investigated by the Senate, we are not bold enough to say that those are consequences of the destruction of the Mau Forest. What has changed the environment? Why is it that now flooding can cause such kind of destruction around Nakuru where we lose 48 people in an evening? It is because of our careless nature as human beings. I happen to come from a constituency where there is a forest called Gwasi Forest. The personnel who were employed to take care of that forest are very lazy. They are not going inside the forest. In fact, when I was in primary school, I could see the forest officers residing within the forest. Nowadays, all the forest guards live several kilometres away from the forest. I do not know how they take control of our forest when they live 10 kilometres away from the forest.

I realise that because of our human behaviour, we ended up losing that forest cover and what these forest officers do is to go outside the forest and start arresting people and taking bribes.

**Hon. Simba Arati** (Dagoretti North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Arati, what is out of order?

### QUORUM

**Hon. Simba Arati** (Dagoretti North, ODM): Thank you, Hon. Temporary Deputy Speaker. Given that we are discussing a very important item in this House that is of great

importance to Kenyans, there is no quorum. How can we discuss the few of us? Why can you not call Members to come back here and we contribute on this agenda of national importance so that we can make significant development in the country? I wanted to answer Hon. Duale though he is out. Therefore, we have no quorum. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Very well. Order, Hon. Members! I order that the Quorum Bell be rung for 10 minutes and then we will resume business.

*(The Quorum Bell was rung)*

I saw a Member walking out of the Chamber. Hon. Members, please, remember that under the Standing Orders, you have to be confined within the House, until we complete the process of calling for quorum.

*(Hon. Member walked out of the Chamber)*

Hon. Members, remember that you are not supposed to walk out of the Chamber. The Member who is walking out of the Chamber should come back. Order Members! I order the Quorum Bell to be rung for an additional five minutes.

*(The Quorum Bell was rung)*

Order Members, you should not leave the Chamber unless you are a Whip. I believe the Leader of the Minority Party has gone to whip Members.

*(Hon. Richard Onyonka walked out of the Chamber)*

Hon. Richard Onyonka, you are not the Whip. The Leader of the Minority Party has already gone out to do the whipping. So, kindly, stay within.

Order Members. We can now resume business. Let us not waste any more time. We had the Leader of the Minority Party on his feet. He can continue with his contribution.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I also want to thank the Members for coming back to give us quorum. It is unfortunate that my Member, Hon. Simba Arati, raised the quorum. This kind of indiscipline will be taken up very seriously very soon.

I had said in my earlier remarks that the issue of forests is very critical for our survival as a nation. It is not just us, environment is global. It is important for us to appreciate that. I want to add that much destruction that goes on in our forests has led to several deaths. Look at the problems we face around the Narok area, it is courtesy of the destruction of the Mau Forest. Even the Mai Mahiu-Narok Road that keeps getting damaged during the rainy season and we spend billions of shillings repairing is because of our failure to conserve the Mau Forest. The issue of the Mau Forest has been politicised over the years. It is an issue we would have fixed several years ago. In fact, about 10 years ago, we would have fixed the issue of the Mau, but because of politics, we are still talking about it. I am happy that this time, we have been presented with an opportunity where the country is united on the issue of conservation of the

Mau Forest. This is an opportunity this country should not let go. The President, the Deputy President and the entire nation including my party leader, who has always been consistent on conserving Mau Forest, are all united. We are all united, namely, the Jubilee Party and NASA. I plead with those politicians who think that by politicising the issue of the Mau, they are adding some *bonga* points to their political future, that it is not the right thing to do. If you feel that there is something that is being done that needs to be corrected, please, raise it in a more organised manner. If it is the issue of human rights, that is a matter we can take up as a country. You should not be seen moving to the Mau Forest shouting and throwing insults at civil servants who have a responsibility to protect the forest.

Recently, I was on a television show with the Leader of the Majority Party in the Senate and he was asking me when I started defending civil servants. I want to tell him that I have always defended civil servants. Civil servants discharge their responsibilities to all of us, not only people in the Government or people in the Opposition. Every Kenyan requires the services of civil servants. When I see attacks on an individual as if he is the one who has initiated this process, it is unfair. This is a Government project. You cannot realise food security, which is one of the Big Four Agenda of the Government, without protecting water resources and forests and by extension, without protecting the Mau Forest. When you stand to defend your community, you should know that your community has a right to enjoy, but that right should not be enjoyed at the expense of the rights of other communities. The Maasai who die in Narok are not lesser human beings. Their lives are equally important.

**Hon. (Ms.) Liza Chelule** (Nakuru CWR, JP): On a point of order, Hon. Temporary Deputy Speaker.

**Hon. John Mbadi** (Suba South, ODM): What is the point of order? About the lives of the Maasai? There is nothing out of order about that.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Leader of the Minority Party. Let us give Hon. Liza a chance to prosecute her point of order.

**Hon. (Ms.) Liza Chelule** (Nakuru CWR, JP): Thank you, Hon. Temporary Deputy Speaker. May I know if we are discussing the Mau Forest issue or the Report of the Departmental Committee on Environment and Natural Resources? May I be guided? It seems as if the Leader of the Minority Party is only dwelling on the Mau Forest issue. Are we discussing the Mau Forest evictions or the committee report?

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Liza! Clearly, we are talking about forests and Mau is a forest. Let us not interrupt the Leader of the Minority Party again.

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, when we amend our Standing Orders, we will create a provision for point of ignorance. You cannot say that you are raising a point of order yet what you are raising is basically a point of ignorance.

*(Laughter)*

I wish the Member would know that you cannot talk about logging and destruction of forests and natural resources without talking about the biggest forest that we have in this country, which is the Mau Forest. That is what has captured the national thinking and the national debate. We are supposed to debate issues that are of concern to the people of Kenya. The Mau Forest has captured the national imagination. It has even attracted international coverage. I know why she was raising it. The reason is different, but they have seen you.



Let me conclude because I know some of my colleagues also want to contribute. I was saying that the lives of the Maasai who are dying downstream because of destruction of the Mau Forest are not less important than the lives of my people whom I want to protect. The forest is important to the people who live in Nyanza and Rift Valley regions, as well as those who live in Nairobi. This thing needs to be very clear. You may think that you are very far from the Mau Forest yet the water that we drink every day in Nairobi is courtesy of the Mau Forest. Because this time the whole country is moving together, I am very happy with the civil servant who has been castigated - that bold Kenyan. In fact, this December, I am waiting to see if that person will not be honoured for exemplary service to this nation.

*(Applause)*

Those are people who deserve it. Instead of recognising people who do not merit the medals, let us give this civil servant for standing his ground even against the Majority Leader of the Senate, who went there to threaten him. He may be threatened by the Majority Leader in the Senate, Hon. Kipchumba Murkomen, but he has the support of the Minority Leader in the National Assembly in the name of John Mbadi. That civil servant is a perfect civil servant. We should emulate him. If we do that, this country will change.

There is something that the Leader of the Majority Party said, which I want to agree with. We hear that the land was sold to the people who are being evicted from the Mau. Who is this who sold land to them? These people also need to be punished. They should not go scot-free. They cheated and misled people that there was land to be sold in the Mau Forest. Those people must also be punished however big they are. In this country, there are people who think that they will get away with impunity forever. Because we have a new dawn, there is a new fresh air, we need to take advantage of this fresh air and deal with lords of impunity once and for all. There are people who do not want to see any open space anywhere. They want to grab those spaces. Those are the people who went to Mombasa to take the Kibarani land. They are the same people who grabbed land all over Nairobi. You will find the same names. In fact, they are not more than five Kenyans. They grab land in Nairobi and move to the Coast to grab more land. You find their names in the Mau Forest. These people must be dealt with. Who are they that this country cannot deal with them? Even if it is John Mbadi, I should be held accountable. Let me have as much land as I want, but I should acquire it with my own money. Secondly, it should be land that is available for habitation.

I can see my time is up and I do not want to offend the Standing Orders of this House. I support this Report fully.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Your time is up, Leader of Minority Party. Let us have Hon. Akai, Member from Turkana County.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. I rise to support this Report in its entirety.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Sorry, Hon. Emanikor. Members, if you have already contributed to the Motion, kindly remove your cards from the request slots. You know yourselves. I can see some of you looking at me. Remove cards so that we can give a chance to the Members who have not contributed.

Go on, Hon. Emanikor.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report in its entirety and to congratulate the Departmental

Committee on Environment and Natural Resources. I served in this Committee in the last Parliament and I know the enormous work that lies ahead of them in conserving and managing natural resources.

Before I go to the issues raised in the Report, I want to underscore the importance of woodlands and forests because they offer watershed protection and mitigate against climate change. They provide habitat for countless species; fauna and flora. They fight natural disasters like floods, refill our aquifers, release the oxygen that we breathe and absorb the carbon dioxide that we do not need. It is estimated that a mature leafy tree gives sufficient oxygen to between two and 10 people. That is the extent to which forests are important. To demonstrate that importance, the UN allocated a global day to celebrate and publicise the value of forests and also the plight of woodlands. It is on 21<sup>st</sup> March. It is a very special day because it comes in between 20<sup>th</sup> March which is the Happiness Day and 22<sup>nd</sup> March which is the World Water Day. That is how important our forests are.

Hon. Temporary Deputy Speaker, I want to support the committee's Recommendation No. 24 on page 49 which says that the CS should reconstitute a new KFS board. This is because it is indicated in the Report that the current board's term expired on 31<sup>st</sup> March. Given the recent allegations of corruption in the KFS, that is a reason to reconstitute a new board. It is also so given the fact that the board has already been grilled by the Ethics and Anti-Corruption Commission (EACC) and there is possible further grilling of rogue staff in the KFS who might have stolen millions of shillings in timber deals. Also given the conflict between the management and the board, there are all reasons to reconstitute a new KFS board. The KFS has been incompetent in dealing with logging which has rendered both the board and the management accountable for degradation and depletion of forests.

I also want to specifically support Recommendation No. 22 which urges EACC and other investigative agencies to continue with investigations. This Report does not incriminate anybody. It is a good Report. We want to support it, but I also urge the Committee to look at the Mau issue which has become a pain in the neck for Kenya. If it is removal of the inhabitants of Mau, there should be no sacred cows. Everybody should be evicted.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Very well. I see so many cards of Members I do not see - Hon. Otiende Amollo and Hon. Olago Aluoch. Let us have the Member for Narok North.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to join my colleagues by first commending the committee for doing such a splendid job. It is on the right side of history. I congratulate you for that.

We should first of all know that we are as good as dead without the environment. A country that does not take care of her environment is a country that is corrupt of ideas and the future of her future generations.

What Kenyans should know today is that the Maasai community has been the best in conserving the environment and mostly the pastoralists. That is why you find wildlife in the Mara and all over Laikipia; that is where we have wildlife. That is why we and our forefathers decided that Mau must be there for posterity. That is why you will find that whereas we dominated the land, we never at any one time contemplated getting to the Mau to destroy it.

The Mau is what I will call the cradle of humanity. The Mau Forest is where all the rivers in Kenya emanate. It is the one that is the source of the River Nile that flows to Egypt. It is the one that feeds Lake Natron in Tanzania. The Mau is actually the vein of life of many countries. It

defeats logic for people to go and shout and abuse people on the Mau yet they do not know what happened. If I may just tell the Kenyan people one thing, the Mau Forest has been invaded by illegal “poachers”; by people who are not supposed to be there and should not be there. There are a few crooks who extended group ranches into the Mau. That is well documented.

In 2009, there was a taskforce report that said these people should be moved, the compensation was only Kshs250 million because there were only 400 title deeds. As we are talking, there are thousands of title deeds from River Road. Then, you hear leaders coming from all over trying to ethnicise and insult. Then, I wonder whether we are still a country or we are just a divided country that does not know where it is going.

One thing I would like to specifically say is that there is a big tea plantation which has been put there; 30 kilometres by 24 kilometres. We would like to have the inventory of where the produce went; where the forest produce went because it is worth billions. It is the same grabbers who are known all over the country. They have grabbed land in Trans Mara; they have grabbed land in Laikipia; they have grabbed land in Mau; they have grabbed land everywhere. That is why you find them shouting loudest not knowing that they are destroying other people’s lives.

When I see people going to the Mau and insulting somebody like Mr. Ntembeya who is the County Commissioner of Narok, those kinds of attitudes are so much misplaced. They should actually congratulate this person. Mr. Ntembeya should not bow to any pressure. Let everybody who thinks they own Mau bring their title deeds, let them be verified but when they are outside the forest, not when they are inside. It is 400 titles because I think those are the only people who got into the forest. You cannot tell us that the people all the way from Maasai land, Kericho, Bomet, Western, Rift Valley and even Tanzania and Egypt are of less importance than a few people. You cannot tell us that. You cannot tell us your rights; you cannot break the law and say you have rights. What rights do you have? Do your rights override mine? No! You cannot do that. You cannot be a thief. In fact, those people should be surcharged for destruction of the forests and for farming on that land which they do not have its title for the last 15 years. If anything, they should compensate the people of Kenya, but not ask for compensation. In any case, how do you compensate a trespasser? If we proceed like this, somebody will get into Uhuru Park, the way they did in Ngong Forest, and claim it and then we will do nothing about it because a precedent has already been set. If we do not resolve the Mau issue, I am telling you we will have no country. I said it before, you cannot come and tell us that this is the community or it is your land. Where did you get it from? You cannot come and tell us that. You cannot own land that does not belong to you.

When you hear them coming to castigate Maasai leaders on television and radio, you wonder what they are talking about. You wonder whether they really understand what they are talking about. You even ask yourself whether these are Kenyans or people who do not know what they are doing for this country. They do not even know how much they are destroying this country. I am not talking as a tribalist. What worries me most is when you talk about the Rift Valley, for example, you call Members of Parliament (MPs) to talk about Rift Valley but you find just one community being Rift Valley. That is not the truth. There are many other communities in the Rift Valley.

If people think that they own the Rift Valley until they end up owning our households and bedrooms, they should have another thinking coming their way.

Hon. Temporary Deputy Speaker, I would like to state just one clear fact: the environment must be preserved. Let us not tribalise it. In fact, when you look at Narok, the people who benefit from the Maasai Mara are all Kenyans. The hotels there are employing all

Kenyans. The tourists come to Kenya because of the Maasai Mara. The moment you destroy it, you have destroyed yourselves. The moment you destroy it, your children will not get bursaries for those who are getting them from Narok. You will not get employment or anything. You will just be destroying yourselves.

All I can say is that let us divorce ourselves from this. Let the people come out of the Mau. Let them get out of other forests and let us not ethnicise this thing. If it comes to ethnic arguments, everybody has their tribe. Let us think as Kenyans and think as one. You cannot have the Maasais there because you fight them, you fight the Kikuyus there, you fight the Luos there, and you fight the Kisiis there. Why should you be the enemy of everybody? Why should you be the enemy of everybody, yet we are Kenyans? It is wrong.

What I would like to say is simply this: let us conserve our environment. Let us safeguard our forests. Let us get people out of these sensitive areas. Let us compensate whoever is supposed to be compensated. There is nothing wrong with that. But, let us not create a situation whereby somebody is chased from Mau West, they are given land there, they sell it and become squatters. We have permanent squatters in this country. They run from one county to another. They run from one district to another so that they can be compensated. For how long will we have Kenyans permanently running from place to place? It is time we thought about this thing. The Maasais have no problem with anybody but at the same time we are not anybody's doormat to be stepped on by everybody. Let it be known that we are not anybody's doormat. We can fight for our rights. We do not need anybody to fight for us. I believe Kenyans are now with us. They have realised that we are under siege. Kenyans should realise that. Kenyans must come to our aid if they have to save the Maasai Mara and all the other places. We have never gone to anybody's county to shout. People from other counties have been coming all over. They should keep to their places.

As a Kenyan and a legislator, the Motion of removing people from Mau Forest was passed on 15<sup>th</sup> September 2009 and was adopted by this House and the Cabinet and we cannot reverse it. However much you think you are entitled, you cannot reverse it.

Thank you for the opportunity. That is one of the people who come jumping here, I do not know what right they have to come and jump all over there. He will have his time to speak. I would like to say ....

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Koech, what is out of order?

**Hon. Nelson Koech** (Belgut, JP): Hon. Temporary Deputy Speaker, is the Hon. Member in order to say that the Maasai community is under siege? He has to tell us who has made the Maasai Community to be under siege?

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Temporary Deputy Speaker, I will be very specific. The Kalenjin MPs, Senators and governors were in Narok South and I do not know what their role was. So, we are under siege, that is a fact, but we will fight for ourselves. I want you to know that. You will get out of the Mau Forest whether you like it or not.

Thank you for the opportunity.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. ole Kenta.

*(Hon. (Ms.) Joyce Korir consulted loudly)*

**Hon. Richard ole Kenta** (Narok North, ODM): I do not want to argue with her. I do not want to argue with a councillor. Maybe her perception of things is different. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Kenta, order! We have to stick to relevance.

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Temporary Deputy Speaker, I withdraw that.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order! We have to stick to relevance. Your time is over. Let us stick to relevance and let us also respect the House. We cannot have shouting matches across the aisle. Each one of us will have time to prosecute their viewpoint in a respectful manner and within the context of the Report that is before the House.

Hon. Chepkoech Joyce.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Temporary Deputy Speaker. Firstly, let me take this opportunity to congratulate the Departmental Committee on Environment and Natural Resources for the wonderful report they have presented to the House. This is my first term in this Parliament but I request the relevant committees; Committee on Implementation and relevant ministries that any report that is done by this House should be taken with the seriousness it deserves. A Committee can come up with a wonderful report but at the end of the day, it is dumped. That is why we are raising a lot of issues to the extent of bringing tribal issues to be discussed on the Floor of the House instead of arguing issues with the sense to help the country in protecting forests.

We are not talking about the Mau Forest. We are talking about the forests we have in the country. We are talking about the forests that we have all over and the way out in protecting them against logging, charcoal burning and protecting our water towers. But, some few communities have restricted themselves to the issue pertaining Mau Forest. I do not want to go in that direction because if I do, I will spoil it. I come from the region and I know the history of the region. I was born there. I was not living there by accident. I lived there because of a legal document; a title deed that was given to my parents to own land and be residents of that area. The reason the Departmental Committee on Environment and Natural Resources is having many problems today is because of lack or poor coordination from the Government. We have the Ministry of Lands allocating title deeds; we have the Ministry of Interior and Coordination of National Government the other side talking about challenges pertaining funding. We have the Ministry of Environment and Natural Resources that is trying to protect forests.

The Constitution provides for devolved function of forests but they are talking about the county government having not signed the agreement that is supposed to assist them in transfer of functions from the national Government to the county governments. That is why the county government is putting the committee into a lot of problems. The county government on the other side has continued to issue title deeds. The same Government goes to the same place and puts up schools to the tune of above Kshs100 million and at the same time sends security to go and destroy taxpayers' monies. The same Government sets exams for Class Eight pupils yet they live in a tent because the same Government has removed them from school. Teachers are employed by the same Government and as we speak, they are called evictees.

I am bitter in this House today and I want to remind the House that the other day we brought a Bill to eliminate polythene bags in the country and it was implemented. As I was going home the other day, I found some women being chased from Narok and Bomet towns because they had small polythene bags containing green peas which they were selling by the roadside. Recently, I went to one of the supermarkets and funny enough, I found the tycoons of this country - those who make mattresses - using polythene to cover the mattresses. They also use polythene bags to cover new blankets. The water we use here in the House is sealed with

polythene bags. Where are we heading to as a Government? Let us stop joking with Kenyans. Let us do what is right.

It is true that when you ask an individual Member of the committee handling the sugar matter, they will tell you that sugar has mercury. The same committee can come up with a report saying that it does not have mercury. The people we expect to bring the Report to this House is the same Government which knows it has messed us up and they are waiting.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order Hon. Joyce, the issue of sugar is not before the House yet. So address what is before the House.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): There are a lot of things that are not moving in this Parliament. We need to tell Kenyans what we are doing in this House. Let us not joke with them. Let us do what is real and what we are mandated to do. I want to tell the committee that there was an amendment that was brought yesterday that was talking about a hotel that was built inside the forest. Then they come and tell us that this is the chair but the hotel belongs to the wife. When they are marrying, they say, "We are one body". When did they become two?

*(Applause)*

Let me not dwell so much on this issue. Let me request this: We might not be good in terms of debating, but I am good in terms of standing for what is right. That is the only thing that made me to be elected three times. I do not belong to the government or anybody. I belong to the common *mwananchi* who has sent me here. I want to support the committee. Whenever there is a report for implementation, let the Government assist and do what is right. The Committee on Implementation of this House should tell us whether it has been implemented to the letter. That is our work in this House. That is why we earn in this House. That is why we are sent to this House. Let us do what is right. I support the report. As Members of this House, let us do what is right for Kenyans.

Thank you.

*(Applause)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Onyonka, I think you had spoken to something else and not the substance of this report.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD-K): yes, Hon. Temporary Deputy Speaker. Thank you very much. First, I would like to give my heartfelt congratulations to Hon. Joyce. I think you have spoken well. I can assure you if I were your voter I would vote for you. I am proud of you.

The Mau issue is very sensitive; and not Mau as such but the issue of forest resource management in this country and logging activities are a matter that many leaders in this country need to look at carefully.

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

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

If you read this report you will realise that it is actually a very good report. It is written very well. Like all the reports that are written in this country of ours called Kenya, I hope it will not be shelved somewhere in the office so that nothing is done about it.

Number two, I would like to give my congratulatory message to my former Minister in the Ministry of Agriculture, now the chairman of the committee on environment, Hon. Mbiuki. I know many of my colleagues may not know that Mr. Mbiuki was a Minister in the last Government. I am proud of you, Sir. I think you have done a good job. I am sure you are listening to what Members are talking about. Go to the ground, look at the facts and do not spare anybody. Understand what you are dealing with is a national matter. You know that people are going to fight you. You know the stakes are very high. You know that for the last 15 years you and I have been in this House, the same people who were *nyakuaring* the forests 15 years ago are the same ones *nyakuaring* them now. So you have to be extremely careful, but be brave enough so that the report which is going to be written and brought to this House, also under the courtesy of my chair of the Committee on Implementation where I sit, I promise you we will follow it to the letter. We will make sure that we make Kenyans proud.

When you look at the report, particularly if you go to page 53, there is a summary of key findings. Number one, coordination and collaboration between KFS and other conservation agencies and key stakeholders at the forest station levels and county levels does not exist. The truth is, when you look at what is going on, even NEMA's performance is below par. And we all know. We have seen NEMA giving clean bills of health, not even to the water towers. If you go to our counties and especially our constituencies, you will find that NEMA has approved somebody to build a house in water catchment areas. You wonder why NEMA would do that. It is because of the disease we have in this country which is called corruption.

On page 54, one of the recommendations says conservation and sound management of forests cannot be achieved by one agency alone. We must have a multiagency arrangement, which is going to be supported by a framework that is going to be brought to this House. The chair of the environment committee, you understand that we must have Bills brought to this House, which are going to then protect whatever framework that we are going to bring within the law.

Another issue that is very sad, you realise what the county governments are doing right now totally disregards what the national Government does. As my colleague said, you will find that the county governments are actually issuing title deeds to certain individuals and entities and yet the national Government assumes that those title deeds are null and void. There must be a problem with national Government coordination. This House is the one which can streamline the activities of these institutions and bring laws which are going to make sure that we run our environment and make it safe for us.

If you travel out of this country to Europe or the United States of America, you will find that most of these countries have a deliberate attempt, even when they have achieved what United Nations Environment Programme (UNEP) recommends which is supposed to be 10 per cent forest cover, to move to 22-26 per cent. This is what we need to do in our country. We do not have to go and plant trees in the forest areas. We can plant trees in our schools, towns and health facilities. When somebody is unwell in a hospital and the environment is covered with trees and it is green and the breeze is fresh, it has scientifically been proven that that person will heal very fast, because the air is fresher, there is better oxygen circulation and usually the temperatures are cooler. I would like to make a request that even the recommendations which the committee on environment is going to bring to this House include interventions which are going

to encourage county governments, sub-counties and the national Government to have encouraging interventions which will produce a larger forest cover and make sure that our environment is healthy for our people.

Finally, I would like to raise a very simple issue and I would like to persuade leaders in this House and the leadership of this country, it is true the Mau Forest issue is very sensitive, but it is an issue that borders on our very existence as a country. We must be able to talk with each other and not at each other. We must try and make sure that we reduce the hate and the verbal disagreements which are public to the extent that we may push ourselves as a country to look at every issue in a tribal manner. I think the Mau issue can be handled by the leadership a little bit better. I also believe we must be sensitive to the people who are being removed out of that forest, but we must be firm, fair and reasonable in how we sort out the issue in Mau.

With those few remarks, Hon. Temporary Deputy Speaker, thank you very much.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Murugara Gitonga, Member for Tharaka.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. I take the opportunity to support this report, which I have had the advantage of going through. I do support from the first page to the last page because the observations made herein are purely for the benefit of the country and to ensure that we do have better forest resources management and better control of logging activities in the country.

It is very important that we treat the issue of our forest resources and the issue of land as very important factors in our country because whenever these issues are discussed, emotions rise. The issues are very emotive. We have witnessed MPs who are quite dissatisfied with what is going on in the Mau, despite the fact that it is well known and it is well accepted in the country that the Mau water tower must be protected. It is not just the Mau, but we must protect all the water towers in the Republic because our future depends on what we can conserve.

Therefore, my brief remarks would be that while we support the Government initiative to save the Mau and protect it, I agree that we must do it in a very human manner because those whom we are evicting from the forest are human beings. They are Kenyans and if there is a better way of removing them from these water towers then that is what we would encourage instead of having people crying in camps and expressing great sense of suffering. After the Mau we must move on to Mt. Kenya Forest which is also under siege. The truth is that Mt. Kenya Forest is being cleared and criminals are establishing *bhang* plantations in that forest and this should be brought to an end.

I come from a constituency which heavily relies on water towers to supply water to the people of Tharaka. That water comes from Mt. Kenya Forest and the Nyambene Hills. These are the forests which as we speak today are under siege. The net effect is that a constituency with more than 13 rivers traversing it is suffering water shortage. The only way we can arrest this and ameliorate the problem is by ensuring that our water towers are protected. I move to the points we noted on KFS. I urge this service to wake up from slumber and go back to its core mandate which is to preserve and conserve forests in Kenya.

We have had theatrics coming from that department where people are enriching themselves corruptly; people are milking the forest with a view to disadvantaging Kenyans. We must insist that the KFS goes back to its mandate and performs what it should. I agree with the recommendations that if it needs to employ more rangers to ensure that our forests are conserved, so be it. Also we must urge the Ministry of Environment through the CS Mr. Keriako Tobiko... We are desirous of improving the forest cover of the Republic. We have less than 10 per cent and



the agreeable rate is 20 per cent. We wish to move this to 30 per cent. The more we have the better.

I am determined as the MP for Tharaka, and I call upon the Chairman of the Departmental Committee on Environment and Natural Resources who is my good friend and neighbour, Hon. Kareke Mbiuki, to support me on this: We must plant over a million trees in Tharaka in the coming rainy season. I will be going to the Ministry of Environment so that we are given all the support we deserve because this is one of the most important ministries in the Republic, despite the fact that many people think it is not important. I believe we should give it the importance that pertains to it so that we are able to conserve, improve and make the face of Kenya greener than it is. Congratulations to the Committee, and that is why I support any report that comes to the House touching on matters land, environment and forests. It should be supported. When it is said we must improve our land tenure systems, improve on our forest management and the resources thereto, we must also improve our environment for future sustainability.

I therefore support this Report and urge the House that once it is adopted, let the Committee on Implementation implement this to the letter. Where the resources and the energies of the House will be required, it is my humble plea that we support so that we have a better Kenya for the future of Kenyans tomorrow.

I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Oundo Ojiambo, Member for Funyula

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this matter that has dominated public discourse since 2008. The issue of environment, forests and misuse of natural resources remains a matter that is central to the lives of Kenyans. Reading this report, I am satisfied that the committee on its own volition initiated a process to investigate a matter that threatens the very livelihood of this country.

I go back the memory lane and remember the spirited effort by the late Professor Wangari Maathai to preserve Karura Forest. The many endless battles she went through to preserve the few forests that we have in this country. I salute her and I honour her wherever she is.

It is important that the tone and mood she set prevail up to date. That is why any given opportunity we have, we have to go back and look at what is happening to the forest cover. It is a shame that a country with such an icon can deplete its forest cover to as low as 6.5 per cent yet the minimum internationally recommended is 10 per cent. It is more alarming that a country with less than 20 per cent of land being arable, we have not taken an initiative to literally solve the problem of forest depletion.

I feel sad when I read the Report and note the number of forests or water towers that are affected: The Mau Forest Complex, the Mt. Kenya Forest ecosystem, Embobut Forest block in Cherangany, Mt. Elgon Forest ecosystem and Nyakweri Forest, yet we have a dedicated Government body, an agency with a budget line, staff and all it requires to protect our forest. It is sad reading about the dysfunctional KFS and how vested interests by the board members of KFS have literally compromised the security of this country. Without food, massive cases of desertification, depletion of forest cover; it is for all practical purposes a national security matter. People who are hungry, livestock dying and rivers drying up, flora and fauna being depleted, are

matters of national importance. We cannot afford, as a country and leaders to sit back, fold our hands, hallucinate and let fate take its course. We must recover our country and our forests.

I suggest that the Committee on Implementation should, upon this Report being adopted by this House, take it upon itself to take stern action against those who have been mentioned as having contributed to the massive logging and destruction of our forests. The board members of KFS should face the music. Those who have literally flouted the tenets of corporate governance as exhibited in conflict of interest must take the heat and pay for the destruction and negligence of duty in respect of this matter.

I come from Funyula Constituency, which used to be food- sufficient. There used to be a lot of water throughout the year but, because we have not taken any attention, we have depleted our forests. We are now a food-deficient constituency. We have massive water scarcity in the constituency. We have erosion that is becoming a threat even to the roads simply because we allowed our forests and hills to be cleared of forests to burn charcoal, build houses, do logging for purposes of timber and the rest. As the Member of Parliament for Funyula, I will do all that I can to ensure that, nationally, we preserve our forests. The high electricity tariffs we have in this country and the scandals are because we use diesel-generated electricity because we have depleted our forests. We heard about the Sondu Miriu electricity project. We do not hear much about it simply because the water catchment is not enough to supply hydroelectric power. There are very many cases of depletion of forests. The causes are too many. We cannot afford to sit back and wait. I look back in the years 2007, 2008 and 2010 when the Rt. Honourable Raila Amollo Odinga raised the danger of depleting Mau Forest. He was called names on the Floor of this House. I am sure that quite a number of us still see those clips. People called him all sorts of names not knowing that a time would come for them to realise that those who abused him did not understand how dangerous it was to destroy the Mau Forest. As much as we have to be sympathetic to those being evicted from the Mau Forest, we also have to be realistic that we cannot entertain a few people at the expense of destroying the entire country. I sympathise with them, especially because of the harsh way in which they were evicted but they eventually have to leave the forest so that we salvage lower Nyanza, our tourism industry and the nomadic communities in this country. Otherwise, we are treading on a dangerous situation.

As I conclude, as my colleagues have said, the Mau eviction is not politics. We should not be drawn into the cracks that are in the Jubilee Coalition and the community living in Rift Valley. We need to be sober enough and candid with one another. We should put this country as plot number one and help save Mau Forest.

With those few remarks, I support the Report and I urge my colleagues to adopt it as it is to allow for its implementation.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I am just following the order of Members the way they appear. I am trying to balance the right and left side. We shall have Hon. Paulata Korere, Member for Laikipia North.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Temporary Deputy Speaker. I congratulate the Departmental Committee on Environmental and Natural Resources, led by my very good friend and able Chair.

What has made conservation of forests impossible over the years are just two things, which have become chronic illnesses in this country – impunity and corruption. When I read this Report, I realised that it is high time Kenyans realised that there are some communities which rely on these forests, and which have become very instrumental in conservation of this forest. I would want to urge the Committee Chairmen to go deeper into this and find ways of giving

incentives to the communities that have really conserved this forest so that it can boost their morale of continuing to conserve it. Where I come from, talk of Ewaso Ngiro or Ngare Narok today; by January of every year, the rivers dry completely. Some of us are very unfortunate because we come from a part of Kenya that is very unequal. For so many years since Kenya got Independence, we have never been lucky to have representatives in this august House who would want to identify with small communities like Ndorobo. When Kenya was busy sinking boreholes and building dams for the people, some of us were left to depend entirely on Ewaso Ngiro and Ngare Ngiro, which are under threat from wanton destruction of the forest.

It is not just about Mau Forest. We have so many forests in this country that are extinct because of human activity. A forest is a forest and human life is human life. I am speaking as a leader who is feeling so bad as I see my colleagues exchange bitter words because of the Report we are discussing here. We are talking of evicting people from the forest yet these people were living in that forest. The Government knows that forests must be conserved. When people were encroaching on this forest, there were leaders. There were Members of Parliament in this very august House. There were councillors in the defunct municipalities and county councils. Unless we get to the bottom of this matter; unless we name and shame the enemies of this country; unless we deal with people who con unsuspecting poor women who sell *sukumawiki* to save Kshs100 every month so that they can buy a quarter acre piece of land being sold by tycoons; unless radical measures are taken against the officials of the ministry responsible for land, what we are discussing here will be an effort in futility.

Looking at this Report, I wonder who is fooling who. You see the Chairman of the KFS board interdict some officers and you ask yourself: Before this person comes to the conclusion of interdicting the officers, what was this Board doing? I think interdicting and reinstating the officers is not enough. People should carry their burdens. The buck must stop with someone. When you talk about conservation, you are talking about livelihoods. Members of this august House, when I talk about forest conservation, I must refer to the late Kenyan iron lady, Prof. Wangari Maathai, may God rest her soul in peace. What Wangari Maathai saw long before some of us finished kindergarten is what we are discussing here today. When Hon. Joyce spoke here, I realised that the spirit of Wangari Maathai did not die with her. The spirit lived on. It has successfully entered into some female species of this country. One day, this country will be liberated from corruption when we have leaders who speak from one side of their mouths. This country will be liberated when the honourable women - and I will not be apologetic to say women - take their mantle and lead this country. We are tired of corruption that is perpetuated by the men of this country over the years. We are tired. I am not going to...

*(Loud consultations)*

Protect me, Hon. Temporary Deputy Speaker. As I continue...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Korere, just hold your horses. There is a point of order from the Member for Muhoroni.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you very much, Hon. Temporary Deputy Speaker.

*(Hon. Onyango Oyoo spoke off the microphone)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Muhoroni, you are also out of order. You cannot call your colleague the Member of Parliament from wherever. She is a Member of this House. She is here rightfully. You have raised a point of order. Address her honourably.

*(Hon. David ole Sankok spoke off the microphone)*

You cannot do that, Hon. Sankok. It is not procedural.

Very well. Hon. Member for Muhoroni, proceed to raise your point of order so that we can proceed. Give him the microphone.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Speaker. I am at a loss when it is alleged that women will liberate this country because they are incorruptible. In practice, just the other day, a top Principal Secretary in the Government - a woman for that matter - was taken to court for corruption.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Muhoroni, you are raising a point of argument. That is not a point of order. Let Hon. Korere finish her contribution.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Hon. Temporary Deputy Speaker, I want my colleagues to relax because as you can hear, to pronounce the word “women”, you cannot complete it without the word “men”. When I talk of the women of this country, I mean the real men who can think like women but act like men.

*(Loud consultations)*

As I conclude, going by this Report, I know we have forests in this country. As I said earlier, there are forests that have sorely been conserved by communities. I urge this Committee to look for ways of making sure that these communities are given incentives to continue doing the good job they have been doing.

Recommendation No.15 by the Committee is about the Community Forest Associations (CFAs). They should conduct regular elections. This is very important because in some places, we have seen people with vested interests bringing people from God knows where and imposing them in those CFAs so that they can be used as they wish. People finally get to better understand everything that is homegrown.

When we talk about forest cover, we do not need rocket science to get ways of how to improve the forest cover in this country. A very good example is if we were to start with our learning institutions such that for every school...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Korere, you have run out of time. I will allow you one minute. The Clerks-at-the-Table should kindly warn the Members. It is your duty. You must warn the Members when they have a minute to go.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Hon. Temporary Deputy Speaker, I will finish with that minute by saying, if every child is to be assigned one tree in grade one, that child will take care of that one tree for the next eight years and the cycle continues up to high school. You go to high school and they give you another tree for the next four years. In another 20 years, we will be talking about a totally different country.

I beg to support the Report as it is.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I have enjoyed your contributions. Let us have the Member for Kasipul, Hon. Were.

**Hon. Charles Ong'ondo** (Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker for the opportunity. I will start by congratulating my able Chair for the way he has undertaken his duty. We have traversed almost all the forest covers within the country. That is why we have presented a very convincing Report with regard to the same.

When it comes to issues of conservation, I support the Government for its efforts. By the way, if you go to the Mau Forest during the evictions, if you see the Leader of the Majority Party in the Senate dashing into his Probox and going away, it can tell you how serious we are in the committee. The only thing which I have noted in Kenya - which now brings issues with regard to the forests - is that the appetite Kenyans have for land is so big. That is what brings about deforestation within the country. The eviction was in order. The procedure was not. You need to prepare the community. You need to address the alternative sides, the compensation issues and who gave out the titles which they claim to have. It also reminds me - and there I support His Excellency the President - when we went to the coast on environmental issues, someone has a title deed of 90 acres in the sea. The law allows for reclamation of land. We have to look at such issues.

We also need to look at riparian areas, even within Nairobi. They are grabbed by tycoons. Why do you go for the "small fish" and leave the tycoon? That is why in our Report, in Recommendation No.22, we said give to Caesar what belongs to Caesar and to Jesus what belongs to Jesus. That is why we even recommended for a very serious officer - the board Chair - to be investigated for conflict of interest. It is something very serious. When you go to church, you are husband and wife. When it comes to business, you disown that. That is why we stated that the same investigation be carried out without favouritism and action be taken.

One thing which impressed me for the first time in the House is the stand which we took on the amendment because it was issue-based. It was not about the St. Mary's but about the conservation.

I sum up by saying that I support my Committee Report in totality.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Kutuny, Member for Cherangany.

**Hon. Joshua Kutuny** (Cherangany, JP): Asante sana, Naibu Spika wa Muda. Nashukuru sana kwa nafasi hii umenipa nichangie na kuzungumzia suala hili la mazingira.

Kwanza, nitachukua fursa hii kukashifu Serikali kwa jinsi ilivyofurusha watu ambao ni akina yahe kwa makazi yao. Nitasema kwa nini ni makazi yao. Wale watu wameishi pale. Kule Mau ndio kwao. Sio kwao kimakosa. Serikali kuwa na tabia ya ndumakuwili ndiyo imenipatia nafasi hii kuikashifu licha ya kuwa mwanachama wa Serikali hii. Wamama wameumia. Wakongwe wamenyeshewa. Watoto zaidi ya 4,000 wameachwa bila masomo. Shule zaidi ya sabini zimebomolewa. Watu wamekosa maji safi. Wale wagonjwa wamekosa dawa. Swali ambalo ningependa kuuliza ndani ya Bunge ni kwamba tangu tukio hili la watu kufurushwa Mau litokee, hatujaona Waziri wa Mazingira na Misitu akitembea kule. Hatujaona Waziri wa Maji, Waziri wa Ardhi ama Waziri ambaye anashughulikia majanga akitembea kule.

Swali kuu ni: Kenya ni upande upi? Mbona wananchi wanyonge wanakandamizwa? Mimi nilifanya siasa. Nilikuwa katika Bunge la Kumi na tulizungumzia suala hili. Nataka kusema ya kwamba kitumbua cha Raila kiliingia mchanga aliposhika suala hili la Mau. Nataka kueleza Serikali hii kwamba kimo chao kitakuwa motoni wasiposhughulikia suala la Mau kwa namna ambayo itapendeza. Kile ambacho tunataka kusema ni kwamba hatupingi mazingira

kuhifadhiwa lakini tunataka ifanywe kisheria. Pale Mau kuna laini mbili. Kuna laini ya kwanza ambayo Mhe. Raila Odinga aliibuni wakati alikuwa Waziri Mkuu. Kuna laini nyingine iliyobuniwa na Rais Uhuru Kenyatta aliposhika usukani. Serikali ambayo iko mamlakani ni ya Uhuru Kenyatta. Tunasimama na uamuzi wa Rais Uhuru Kenyatta kwamba mpaka ndio huu. Kwa hivyo, tunataka kuuliza ni nani huyo ameenda kinyume na msimamo wake Rais Uhuru Kenyatta akafurusha watu. Wale watu wanaofurushwa hawako ndani ya msitu. Wako kwa makazi yao na inajulikana. Kuna kitu ambacho kinaitwa kwa kimombo *cutline*. Kwa hivyo, mimi ningependa Bunge lizungumzie suala hili kimakini. Nimesikia hapa kila Mhe. anaisifu Kamati ambayo imefanya kazi. Mgala muue lakini haki yake umpatie. Kamati haijazingatia matatizo ya wale watu ambao walifurushwa. Watapelekwa wapi? Je, watapewa sehemu badala? Hilo ndilo jambo ambalo linatukera sisi.

Mimi ni kati ya Wabunge ambao wanatoka maeneo ambayo chemichemi ya maji katika taifa la Kenya ipo. Huko ni mlima wa Cherangany. Mmoja wa wanakamati amesema kwamba walitembea katika kila msitu Kenya nzima lakini hawakufika kwetu. Kamati hii haikutembea Kenya nzima. Walienda sehemu mmoja na wakatengeneza Ripoti kulingana na fikra zao. Hawakutembelea Wakenya wote. Kwa hivyo, Kamati hii haijafanya kazi bora. Kile ambacho nataka kusisitiza ni kwamba hatuzungumzi mambo ya kuhifadhi misitu kwa mara ya kwanza leo. Misitu ipo. Tukienezwa kwamba kuna mito ambayo inanyauka Aberdare ama Mkoa wa Kati katika Taifa la Kenya, ina uhusiano ngani na Mau? Hilo ndilo swali. Mto wa Nairobi hapa ukikauka, una uhusiano ngani na Mau? Tukiambiwa mito inakauka kule Kisumu ambapo hata Waheshimiwa hawajapanda miti hata siku moja, inauhusiano ngani na Mau? Nilitembea kule na nikaona ni jangwa. Kunakatwa miti kila siku. Sisi tunahifadhi mazingira lakini tunapata faida gani? Tunapigwa na kufurushwa.

Kuna Mhe. ambaye ana hoja ya nidhamu. Mpatie nafasi. Labda Mhe. Spika wa Muda hajamuona. Mhe. makinika.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kutuny, you cannot direct the Hon. Temporary Deputy Speaker on who is raising a point of order.

**Hon. Joshua Kutuny** (Cherangany, JP): Weledi wakiwekwa uwanjani, sikiza na utulie upashwe taarifa.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Awuor, what is out of order?

*(Loud consultations)*

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): Ahsante, Mhe. Naibu Spika wa Muda. Protect me from the other Members. Nataka kusema ya kwamba ni aibu kama viongozi tukijadiliana mambo ya mazingira, mtu analeta siasa na uongo wa kibinafsi, hasa Mheshimiwa ama kiongozi. Sio vizuri watu wa Mau wangoje wakuwe na shida kama vile Mhe. Kutuny ametaja Kisumu ndio wajue ni vibaya kukata miti na kuharibu mazingira. Mhe. anapotosha Bunge la Kitaifa.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Awuor, you are out of order. Hon. Kutuny, proceed.

**Hon. Joshua Kutuny** (Cherangany, JP): Ahsante, Mhe. Naibu Spika wa Muda. Sitaki kumjibu Mhe. Pamela Ochieng lakini amejaribu. Sipotoshi Bunge la Kitaifa. Mimi si mtu wa kawaida bali ni Mhe. Kwa hivyo, ni vyema kujifahamisha wakati mwingine.

Licha ya kuzungumzia hayo, mimi nataka kukashifu viongozi kutoka Bonde la Ufa ambao walienda kule Mau na kumkashifu Rais na kumpatia ilani juu ya suala hili. Kwa mazungumzo ambayo yanaendelea sasa ni kwamba ubomoaji wa nyumba umekwama. Tunashukuru Serikali kwa hilo. Lakini watu wapewe makao. Hayo ndiyo mimi naomba kwa sasa.

Ahsante, Mhe. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mutai, Member for Bureti.

**Hon. Japheth Mutai** (Bureti, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute. First, I want to commend this House for rising up to the occasion today and shooting down the purported amendment to this Report. This was the National Assembly at its best because the amendment was mischievous. It was meant to derail the good intentions of the Committee.

Second, I wish to lay the foundation that the issue of Mau touches Nakuru County, Kericho County, Bomet County, Narok County and Baringo County. I am talking about where the Mau belt touches physically. The Kalenjin community starts with the Mau Forest around Kipkelion West Constituency. It comes to Kipkelion East around areas of Kidowa. That is where Mau Forest is. Kericho County, Ainamoi Constituency and Belgut Constituency border Mau Forest. Konoin Constituency, Bomet East Constituency and Bomet Central Constituency are in Maasai Mau. The constituencies in Maasai community are not the only ones that border Mau Forest.

There are no issues in the areas where the constituencies of the Kalenjin community touch Mau Forest. The issue at hand is the Maasai Mau. The Kalenjin nation ought to be commended for conserving the entire Mau belt from Timboroa area up to the Maasai Mau.

Hon. Temporary Deputy Speaker, what I see and read from all these shenanigans is selective justice. The Mau Forest originally extended to areas of Likia and Mau Narok. The forest regions like the Limuru Forest have been excised. There is no forest which has not been excised in this country. So, as we talk about forestry, we ought to look at forests in entirety. Let us not look at Mau Forest in isolation. If you look at it in isolation, that is selective. Let us look at all the forest cover in the entire country. The Mau issue is the current news. These are areas where the Kalenjin community moved into after they purchased the same from the Maasai community. That is not in dispute. We have a living example. The Member for Bomet County, Hon. Joyce Korir was born in the Mau Forest. So we cannot say that the human settlement started in the 1990s. I believe that Hon. Joyce is over 30 years old. She was born in the Mau Forest and her parents, too, were born in the Mau Forest.

Hon. Temporary Deputy Speaker, protect me.

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, what is your point of order?

**Hon. David ole Sankok** (Nominated, JP): Thank you very much Hon. Temporary Deputy Speaker. I rise on Standing Order No.95 that the Mover be now called upon to reply.

From the mood of the House, we are just repeating what other Members have been saying. Relax, Hon. Member. This is a decision that has to be made by the Temporary.

*(Hon. Peter Kaluma consulted loudly)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kaluma, you cannot do that. Hon. Sankok can stand in his place under that Standing Order and raise it and the House will decide on it in one way or the other. There is no need to shout at him.

Hon. Sankok, have you finished?

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, I am through. Thank you for protecting me.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, this is a House of order. Hon. Sankok, hold your horses. It is okay. It is proper for you to raise that point of order. But you can also see the mood of the House.

**Hon. Japheth Mutai** (Bureti, JP): Thank you, Hon. Temporary Deputy Speaker. I was on the Floor and in the mix of things, I was interrupted.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the mood of the House is clear and Hon. Sankok had spoken to this Motion. So, let Hon. Mutai proceed to make his contribution. This is an issue that all Members are interested in.

Hon. Mutai, proceed.

**Hon. Japheth Mutai** (Bureti, JP): Before I was interrupted, I was saying that human settlement in Mau started a long time ago. Hon. Joyce Korir was born there and in my estimation, she is over 30 years. We are talking about human settlement that has been there for over 30 years. The Constitution is very clear that everyone has a right to live anywhere in this country so the issue being raised that Maasi Mau belongs to the Maasais alone has taken a tribal angle. Any tribe has freedom to live in Narok. That is what the Constitution says unless the Maasai community wants to say otherwise.

The Maasai Mau which is in contest now is community land held by Narok County in trust for residents of Narok County. Why is the national Government evicting people from community land? Unless there was express consent from the Narok County which we have never been told, what is the national Government doing there? What business do they have in community land, unless there is express consent from Narok County?

The person presiding over the evictions is purported to own land within the Mau. When Mr. Ntembea was a District Officer in Mulot, he was allocated land in Enkaron Ranch, yet he has not declared his interest. What is good for the goose is also good for the gander. If it is right to evict the rest, then it is right for Mr. Ntembea as well.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mutai, did I hear you say that a particular person was allocated land and that person is not under discussion?

**Hon. Japheth Mutai** (Bureti, JP): He is purported.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Is that in the Report? Purported by who? You will have to withdraw that, Hon. Mutai.

**Hon. Japheth Mutai** (Bureti, JP): I withdraw and apologise.

The Report, which I must commend the Committee for, talks about other threats apart from encroachment which are serious and cannot be overlooked. The threats are the management of forests, illegal logging, charcoal burning and livestock grazing. These threats are serious. We should not look at encroachment in isolation. As rightfully said, the residents in Mau Forest have title deeds and that is not disputed. The issue is who issued them and where are the officials who were working at the land registry in Narok? The Maasai families sold the land to innocent purchasers for value and they should be brought to book. To have a human face and if push comes to shove and the settlers have to be moved out, ordinarily, as human beings, they ought to



be compensated. The law is clear that an innocent purchaser should be given due consideration for what they bought the land. That is the law and you know that. I am not creating that on the Floor of the House.

I urge the Hon. Members that let us avoid parochial politics. Let us deal with it as a nation and look at Mau as one of the places to look forward to visit at one point in time, have a picnic with families and witness the suffering visited on the residents.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mutai, you are talking about the innocent purchaser without notice. You must also be aware of contracts that are illegal. It is alright anyway. I get you.

We shall have Hon. Seroney.

**Hon. Sammy Seroney** (Nominated, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Report on environment and natural resources. I request that you protect me from the Leader of the Majority Party because he is consulting loudly.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I do not see the Leader of the Majority Party posing any danger to you.

**Hon. Sammy Seroney** (Nominated, WDM-K): He is consulting loudly. I stand to support the Report. I commend the Committee and its Chair for going deep on the Report on environment. I want to go into record that today, as I stand in the 12<sup>th</sup> Parliament contributing to the issue of environment, I was born in a forest, brought up in a forest and I know what to do with a forest.

We must accept that corruption is killing this country. The Report indicated that forest officers have turned their way of operation into business. They also run saw mills like licensed businessmen and women.

When you talk about the eviction of Mau residents, you are seen to be taking tribal lines. The problem is not addressed properly. Though the Report is very good, the problem is the people who are supposed to do operation on the improvement of the forest. It is shameful for a country that we are talking of 70 per cent arable land and only 6.5 per cent forest coverage. We are killing ourselves. We are killing generations to come. We are turning this country into a desert in the name of business.

I want to be sincere. I remember it was on Tuesday, 17<sup>th</sup> May 1988 when our houses were burnt down by the Government at Murkisis, Eldama Ravine Constituency, Lembus Forest. Up to now, the people who were evicted have never been compensated. It was a disaster. When I saw the Mau people being evicted, I felt the pain that those people are feeling. These people bought land. My question is: who sold them land? How come they are not in records? Those who are agitating seem to come from Narok. Can they tell us who sold this land? Is it not possible that the same people who sold them the land that was part of private ranches are the same people who have come back, chasing these people away so that they can access the same land? The chances are very high. If this land was private ranches, how is the national Government getting involved without the county government of Narok? Let it go into the records that those people who were evicted from Narok must be compensated by the County Government of Narok. It is shameful that after 54 years of Independence, the same Government that we are proud of is making people homeless.

In Timboroa Forest, Chemususu Forest, Maji Mazuri Forest, Kiptunga Forest and the entire forests of Nakuru County, people have been harvesting even young trees simply because they have been licensed. The management of the forest must be disbanded because they have put

the country in total shame. I do not see why they should be in office. In that case, we are proposing community management system where people from Eldama Ravine will manage Lembus Forest. You find people from outside the county benefiting from this forest yet the locals have been taking care of it.

I remember in 1973, we used to have *shamba* system in the forest where I was born. There was no need of burning houses. What one needed to do was to plant trees. As they grew, people started moving out of that land because they would not be able to plant their crops inside the forest. I propose that we also have the *shamba* system in place so that it can encourage people to plant trees. We need to use the same manpower. There are 4,000 people who were chased out of the Mau Forest. The Government should have utilised that manpower to plant trees. Maybe, after three years, the trees will have grown and people will walk out in a peaceful way. Burning lizards in our culture is a taboo. Burning houses is a taboo. There are so many things in those houses. It is a violation of the law. People have lived there for 12 years without being charged rent. The Constitution was violated by those who conducted the operation. They should have respected that there is a provision. If you have been in that land for more than 12 years, you are supposed to have the whole of it or even a half it.

We need to wake up as a country. I challenge the Jubilee Government, particularly the Cabinet Secretary for Environment, to look back and check the route he has taken. It is a wrong route.

As I conclude, the Jubilee Government, under the leadership of His Excellency the President, has four pillars. On Saturday, as Wiper Party, we decided to join the Government in order to improve the four pillars. We have come with one pillar called “peace” so that the four pillars can be achieved.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Leader of Majority Party, what is out of order?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, you have heard the nominated Member of Wiper say that they have joined the Government. As the leader of Government in this House, I have no brief.

*(Laughter)*

I have no brief that there is another party outside the Jubilee Coalition that is in the Government. What the Wiper said is that they will support the Government’s agenda. Even Hon. Raila said he is not in the Government. They were supposed to go through Hon. Raila. You cannot bypass him and be in the Government. If you want to be in the Government, you must pass through Raila.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Seroney, we all know the ways through which anyone who wishes to join whichever side should follow. If it is formal, it will be known. I heard you speak of adverse possession. If you talk to Hon. Kimutai who is a lawyer, he will give you the criteria for adverse possession. For you to claim adverse possession, you must first of all have a good title which is indisputable for anybody to claim adverse possession. He will tell you that.

Hon. Members, I wish to recognise the presence of students from St. Dominic Wiga Secondary School from Homa Bay Town Constituency, Homa Bay County. They are from the constituency represented by Hon. Kaluma, whom I am giving a final chance this afternoon.

Hon. Kaluma, you have the mic.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Temporary Deputy Speaker. I have been in the House since the start of the debate on this important Motion today. May I thank the Leader of the Majority Party and all colleagues who have spoken before me. Whenever the Leader of the Majority Party positively sets the pace, the nation bursts. In fact, I have never seen a Motion so passionately debated in the 12<sup>th</sup> Parliament like this one.

I was out searching for my students, for whom I thank Parliament for allowing them in, though late. I can tell you that the media is already discussing the passion with which Parliament is taking the matter of environmental protection, proper management of our forests and of course the prohibition of logging in the country. Let me be very brief because I see that time is not with me. The environment we have in Kenya is possibly the best in the world. When you take a flight or you leave this country by ship, you watch our nation and watch other nations as you go across the world, you sit back—whether you are in economy or business class in the plane—and shudder at how beautiful a nature the world has given us. The problem is when you go to nations or parts of this world which barely see the sun. We have travelled to Europe; we have travelled to the United States of America. There are parts of this world which barely see the sun.

*(Hon. Member spoke off the record)*

I will get to Russia. Do not worry about that.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kaluma, I will have to interrupt you. I know you have very interesting things to say, and which all Members are very keen to hear, but time has caught up with us. You will have a balance of seven minutes when we reconvene.

Hon. Members, the time being 7.05 p.m., this House stands adjourned till Tuesday, 7<sup>th</sup> August 2018, at 2.30 p.m.

The House rose at 7.05 p.m.