

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Tuesday, 15<sup>th</sup> October 2019

The House met at 2.30 p.m.

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

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Proceed. I will make it later.

#### PAPERS LAID

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today, 15<sup>th</sup> October 2019:

Legal Notice No. 9504 of 2019 relating to the Report on Deployment of the Kenya Defence Forces at the Likoni Channel, Mombasa County, in support of the Kenya Ferry Services Limited on 29<sup>th</sup> September 2019.

Legal Notice No. 151 of 2019 relating to the Retirement Benefits (Treating Customers Fairly) Guidelines and the Explanatory Memorandum from the National Treasury and Planning.

The Reports of the Auditor-General on the Financial Statements in respect of the State Law Office and the Department of Justice for the year ended 30<sup>th</sup> June 2018, and the certificates therein:

- a) Official Receiver – Report and Financial Statements.
- b) Business Registration Service – Revenue Statement, and
- c) Business Registration Service – Expenditure.

The Annual Report and Financial Statements of the Teachers Service Commission for the year ended 30<sup>th</sup> June 2018.

The Report of the Auditor-General on the Financial Statements of the Micro and Small Enterprises Authority for the year ended 30<sup>th</sup> June 2018, and the certificate therein.

The Report of the Auditor-General on the Financial Statements of Karachuonyo Constituency for the year ended 30<sup>th</sup> June 2018, and the certificate therein.

**Hon. Speaker:** The first Report on the Deployment of the Kenya Defence Forces at the Likoni Channel, Mombasa County, in support of the Kenya Ferry Services is referred to the Departmental Committee on Defence and Foreign Relations. The Legal Notice No. 151 of 2019 Report is referred to the Committee on Delegated Legislation. The others will go to respective watchdog committees.

Next Order!

### NOTICE OF MOTION

**Hon. Speaker:** Hon. Kuria Kimani.

#### INSTALLATION OF BIOMETRIC CLOCKING-IN SYSTEM IN PUBLIC INSTITUTIONS

**Hon. Kuria Kimani** (Molo, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that public offices have been established to provide government services to the Kenyan people; further aware that provision of quality services by public institutions has been a matter of great public outcry due to absenteeism and negligence by officers; concerned that this goes against the principle of value for money for services offered and goods supplied to Government; further concerned that public officers in a number of key offices in Government departments have been reported to be unavailable at their work stations to attend to Kenyans and yet they continue to earn salaries; deeply concerned that in many cases, this lack of provision of services has led to loss of money, goods and even life, especially in public hospitals; this House urges the Government to speedily roll out the installation of a biometric clocking-in system in all public institutions, prominently display their service charters and make provision for regular and mandatory checks at all offices to curb the menace of lax working conditions and absenteeism in all public institutions.

### QUESTIONS AND STATEMENTS

**Hon. Speaker:** There is a Question by Private Notice No.38 by the Member for Dagoretti South.

### QUESTION BY PRIVATE NOTICE

*QPN 38/2019*

#### DELAYED PAYMENT TO ENUMERATORS OF THE SIXTH NATIONAL CENSUS EXERCISE

**Hon. John Kiarie** (Dagoretti South, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for the National Treasury and Planning the following Question:

(a) Could the Cabinet Secretary explain why the enumerators who worked for the sixth national census exercise that was concluded on 31<sup>st</sup> August 2019 are yet to be paid?

(b) What measures has the Ministry put in place to ensure that all the enumerators and other staff who took part in the exercise are paid without any further delay?

**Hon. Speaker:** That is a Question by Private Notice. It is referred to the Departmental Committee on Finance and National Planning to prioritise in the usual manner for a response

from the National Treasury. For Ordinary Questions, we have the Member for Chuka/Igambang'ombe.

### ORDINARY QUESTIONS

*Question No. 450/2019*

#### STALLING OF CHUKA-KAARENI ROAD

**Hon. Patrick Ntwiga** (Chuka/Igambang'ombe, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development the following Question:

(a) Why has the construction of Chuka-Kaareni Road in Chuka Igambang'ombe Constituency that commenced in 2014 stalled?

(b) When will the said road be completed considering its immense economic importance to area residents as it connects Chuka Town to the county headquarters at Kathwana?

**Hon. Speaker:** The Question is referred to the Departmental Committee on Transport, Public Works and Housing. It will be responded to there.

The next Question is by the Member for Meru County, Hon. Bishop Kawira Mwangaza.

*Question No.451/2019*

#### REHABILITATION OF SCHOOL INFRASTRUCTURE IN MERU

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Hon. Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

(i) What is the fate of Mbaarua Primary School, which was closed down due to safety concerns, and Antuarimata, Kimirie, Kalimba, Kirukire and Mwithu primary schools located in Meru County, that are operating in unsafe and dilapidated infrastructure?

(ii) When will the dilapidated infrastructure in those schools be rehabilitated to enable learners to resume their studies?

(iii) What measures are in place to ensure maintenance of schools' infrastructure so as to guarantee safety for learners?

**Hon. John Mbadi** (Suba South, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is your point of order, Hon. Mbadi?

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. I rise on a point of order. Although Hon. Mwangaza is a very good friend of mine, looking at this Question, was it not supposed to be shared with the area Member of Parliament? She is asking the Cabinet Secretary to answer questions on primary school infrastructure which are being constructed all over the place using the National Government Constituencies Development Fund (NG-CDF). I advise the Member for Meru to consult her area MP. I do not know who her area MP is. They could just consult and the area MP will allocate or have the CDF Committee allocate NG-CDF funds to repair the dilapidated infrastructure instead of making it a big national debate, unless they are not on speaking terms.

**Hon. Speaker:** Well, you ended up where I headed. I was going to tell you that you might open a can of worms. Maybe, the Cabinet Secretary will explain and then, perhaps, request

whoever is the MP in the single member constituency in whose area the schools are located to chip in some little money from the NG-CDF. Otherwise, the Question is referred to the Departmental Committee on Education and Research.

The last Question is by the Member for Bomachoge Chache. *Chache* not many.

*Question No.452/2019*

JOB OPPORTUNITIES FOR THE YOUTH

**Hon. Alfah Ondieki** (Bomachoge Chache, KNC): Hon. Speaker, I rise to ask the Cabinet Secretary for Labour and Social Protection the following Question:

(i) Could the Cabinet Secretary detail the number of new job opportunities the Government has created in the last seven years, particularly for the youth?

(ii) What measures has the Government put in place to address the high levels of unemployment in the country, particularly amongst the youth?

**Hon. Speaker:** The Question is referred to the Departmental Committee on Labour and Social Welfare.

Hon. Members, before we listen to Hon. Sankok, allow me to recognise the presence of students and pupils of Hospital Hill School from Westlands Constituency, Nairobi County; PCEA Educational Centre from Kajiado North Constituency of Kajiado County and Midland Primary School from Mavoko Constituency, Machakos County.

They are welcome to observe the proceedings in the Assembly this afternoon.

*(Applause)*

Hon. Sankok, what is your point of order?

**Hon. David ole Sankok** (Nominated, JP): Hon. Speaker, I rise on a point of order. We have been asking Questions, some of which go unanswered. I asked a Question on the return of cartels and *Mungiki* into the *matatu* sector, especially those that operate in Narok. I have waited for a response for the last five months as the Cabinet Secretary for Interior and Coordination of National Government has not come to respond. Today is the third time. I came from Narok so that I can receive my answer. Hon. Speaker, I want you to give direction because the Cabinet Secretary in charge of national security does not appear before the Committee. Today he was not able to answer our Questions. I hear that he is called Super CS. He is only super to his colleagues, not to this House. We are an arm of Government. If these Questions are not answered, we will be asking them in futility.

I am a Member of the Departmental Committee on Labour and Social Welfare. Hon. Ukur Yattani normally appears before that Committee to answer Questions. He is busy because he is the Cabinet Secretary for the National Treasury and Planning as well as for Labour and Social Protection. You should give direction that the Cabinet Secretary for Interior and Coordination of National Government appears before the Committee to answer our Questions.

**Hon. Speaker:** I see some Members with their hands up. Others are nearly smiling. Member for Mwea, I saw you smiling.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I am used to smiling. Member 001 was in our Committee this morning. The sitting Chair made a ruling that the Cabinet Secretary should appear before us on Tuesday. This matter is before the Committee and

it is handling it very well. The Chief Administrative Secretary (CAS) came for that meeting, but we asked him to go back to the office and tell the Cabinet Secretary to come on Tuesday. We are waiting for Tuesday. After that, we can bring this matter to you to make a ruling. Our session Chair made a ruling that the Cabinet Secretary should appear on Tuesday.

**Hon. Speaker:** You have already made a decision on the matter. Is that the same issue that Hon. Gikaria wants to address?

**Hon. David Gikaria** (Nakuru Town East, JP): Not as such, Hon. Speaker. I am just picking up from where Hon. Mbadi stopped. He talked about the Question by Hon. Mwangaza. Last week, Hon. Oluoch, the Member for Mathare, raised a Question by Private Notice regarding the same issues. I had a similar Question that I wanted to bring forward. Since he asked a general Question so that an answer can be given, maybe, you can give direction instead of us bringing in Questions on individual schools. If what Hon. Oluoch asked last week is answered, then maybe it can solve the issue instead of each of us being allowed to raise a similar Question. I had nine affected schools but, when Hon. Oluoch brought his Question, I decided to withdraw mine. I rose to ask where my Question had reached. Maybe, you can give us a directive.

**Hon. Speaker:** Hon. Gikaria, it is true that, sometimes, a Member can take advantage of another Member's Question so as to draw the attention of the Cabinet Secretary concerned about the need for improvement of infrastructure in their schools, if they all appear. Unfortunately, not everybody will appear at the appointed time and, therefore, we may not be able to know at what point the Cabinet Secretary will appear. Questions will be asked from various corners.

What is the issue, Hon. Korere?

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Speaker. It is still in regard to the Question that Hon. (Bishop) Mwangaza asked. My good friend, the Leader of the Minority Party and the Majority Party, Hon. Mbadi, will agree with me that...

*(Laughter)*

I mean the Leader of the Minority Party. Sorry. May I continue, Hon. Speaker?

**Hon. Speaker:** Yes. Proceed.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): The Budget and Appropriations Committee appropriates a lot of monies to the Ministry of Education. So, I encourage Hon. Mwangaza to raise such issues because Members will agree with me that the money we allocate to the NG-CDF is never enough for us to develop all the infrastructure in our constituencies. The Member is in order to ask such a Question to the Cabinet Secretary.

**Hon. Speaker:** The issue raised by Hon. Sankok is the same thing that Hon. Mishra wants to raise.

**Hon. Swarup Mishra** (Kesses, JP): Thank you, Hon. Speaker. I want to be educated about something. When we invite the CS to our Committee, she does not appear. I am the Vice-Chair of the Departmental Committee on Health. She does not appear before the Committee. She has always been sending the Chief Administrative Secretary for the last nine months. Can we know whether the CAS can represent the CS all the time? The CS does not appear before the Committee all the time and the CAS cannot present 100 per cent of what we want from the CS. As far as my little knowledge is concerned and what I have been informed, according to the Constitution, the CAS should not represent the CS. What is the way forward, Hon. Speaker?

Thank you, Hon. Speaker.

**Hon. Speaker:** Who told you? Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Speaker. Is Hon. Mishra properly dressed? One of the newspapers referred to this House as a Pentecostal something. He looks as if he is in a Sikh temple. We need to be very careful. That shawl is not part of the dress code in Parliament. He needs to explain to us about it. Some Members will come with blankets when the weather is chilly.

**Hon. Speaker:** Hon. Mishra, do you want to respond?

**Hon. Swarup Mishra** (Kesses, JP): Yes, Hon. Speaker. I want to look more handsome and smart. I use this one to do it. It is an accessory; it is not the real dress code. Thank you very much. I will take my senior, the Leader of the Majority Party, to different parts of the world and parliaments to see various dresses, including designer ones.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, Hon. Didmus Barasa sought a Statement and ruling from the Chair last week pertaining the operations of CAS in committees. You undertook to reply. The other week, the Leader of the Majority Party undertook to table a list here of Members who attend Committees and up to now, it has not been tabled. When Hon. Korere referred to the Leader of the Minority Party as the Leader of the Majority Party, it was deliberate. Since the handshake, we do not know which side is for the Minority Party and which one is the Majority Party. The House is still in handshake mode and confusion. That is orderly. Maybe, we need to be exchanging the sitting positions - the Members of the Majority Party to sit on the other side and the Members of the Minority Party to come to this side. We are not sure which is the Majority Party or Minority Party.

**Hon. Speaker:** If you look at your Standing Orders, you are not supposed to ask questions which are there in law. For instance, you cannot ask what the law says about something because you, as a Member of Parliament, are expected to know it. It is already there in Article 108 of the Constitution and the Standing Orders. I do not need to make any ruling on that.

With regard to the issue that has been raised by Hon. Sankok, the Member for Mwea has already given a response that the CS will appear before the Committee on 22<sup>nd</sup> October. That should then settle the matter. If already a date has been given for his appearance on Tuesday, 22<sup>nd</sup> October, then that should settle the matter. With regard to the issue of appearances before committees, a communication will definitely be issued.

With regard to the issue of attendance before Committees, that will also be tabled here before Thursday this week. The staff is busy preparing the list. There are some Members who are in committees and they do a lot of work, but their colleagues do not bother to join them. As we get into the mid-term, we can have some re-organisation because there are Members who are already in a particular mode. Therefore, they find sitting in the Committees or House extremely difficult or threatening to their survival. Political survival is also quite a serious issue. I may not know why they do not attend Committees but once the names are brought here, the Standing Orders will apply and we will deal with the matter that way, so that you can be allowed time to go and do that which takes most of your time.

Hon. Eseli Simiyu.

## POINTS OF ORDER

### REPORT ON CHALLENGES FACING THE COFFEE RESEARCH INSTITUTE

**Hon. (Dr.) Eseli Simiyu** (Tongaren, FORD-K): Thank you, Hon. Speaker. I rise on a matter of national importance. The coffee industry is very important in this country. However, as you notice, just like the tea industry, there are very serious problems *vis-à-vis* the pricing.

One premier institution in the coffee industry is the Coffee Research Institute, which was previously called Coffee Research Foundation. I had a chance to visit there very recently and it is a shame. Its own coffee is blighted seriously by coffee berry disease. You cannot find employees. They just show up and go. When I tried to inquire, I was informed that their salaries are so delayed. They do not have materials to run the institution. They do not even have the chemicals to spray for the coffee berry disease. They are the ones who produce seedlings but they are not producing any seedlings. They are not even underfunded; they are not funded. If you might not be aware, recently, coffee growing has moved to the North Rift, South Rift and parts of Western Kenya, including West Pokot. It means that we are spreading out to other areas where there is still land to grow coffee, but we are killing the premier institution for coffee research. It means that despite the accolades the Coffee Research Institute, then called Coffee Research Foundation, acquired in the world for research on varieties like Ruiru 11 and Batian, we are losing all that.

I would like you to direct the Departmental Committee on Agriculture and Livestock to visit that institution and find out what is ailing it before we lose it all. If we lose it, we will lose all the research memories we have and all the development of coffee and that would be dangerous for our economy.

Hon. Speaker, I seek your direction that the Departmental Committee on Agriculture and Livestock takes up this matter urgently and brings a report to this House so that we can know whether, as a Parliament, we need to intervene to ensure the institution survives. As I speak, employees go for months without salaries. It is not in a very good situation. When I went there, compared to the times I have been there before, it looked like a ghost estate where nothing is going on. That is very dangerous. I believe the Departmental Committee on Agriculture and Livestock is up to the task and can investigate and give us a report on what needs to be urgently done to resuscitate that institution. I believe when the report is brought here, the Leader of the Minority Party will take his respectful place and not confuse Hon. Korere on where she belongs.

**Hon. Speaker:** Naturally, I would have expected the Departmental Committee on Agriculture and Livestock to know its mandate. It is not just about importation of sugar and other commodities. This is your mandate. I see Hon. Wangwe is present. I give direction, pursuant to Standing Order No.218(2), that the Departmental Committee on Agriculture and Livestock will extract what has been stated by Hon. Eseli and use it to visit the Coffee Research Foundation to investigate what is ailing it and bring a report to the House. Hon. Wangwe, since you are here, take up the matter.

Hon. Kositany.

#### RECOGNITION OF NATIONAL HEROES AND HEROINES

**Hon. Caleb Kositany** (Soy, JP): Thank you very much Hon. Speaker for giving me this opportunity. I rise to ask the House to recognise last week as having been a very good one for Kenya. We had Eliud Kipchoge breaking the world record with a time of 1:59:40. As a House, whenever we lose people, we observe a minute of silence to honour them. I do not know the mechanism we are going to put in place to honour such heroes.

As we speak, our beloved country Kenya holds seven world records. Eliud Kipchoge holds the world record in the full marathon. Brigid Kosgei holds the world marathon record for women. The world half marathon record for men is held by Geoffrey Kamworor. The world half marathon record for women is held by Joyciline Jepkosgei. The 800 metres record for men is held by our very own David Rudisha. The 3,000 metres steeplechase world record is held by Beatrice Chepkoech. Finally, the world record for 3,000 metres flat is held by Daniel Komen.

What Eliud Kipchoge achieved over the weekend was a herculean task. He showed that no human is limited. We ask that as Eliud Kipchoge and other athletes who have brought glory to the country return to the country, the Government should give them tax exemptions. We have seen the Government give tax exemptions to people for very minor issues. We would like Eliud Kipchoge and any other Kenyan who holds a world record be given a tax exemption.

We have an institution called Brand Kenya that does not use our athletes and rugby players who have brought glory to this country. We have key football players who play in major teams in the world. We can use them to brand our country. Yesterday, as I was driving, I saw the UAP Towers in Upper Hill displaying their logo and the 1:59:40 logo. But when I flew from Eldoret and landed at our beautiful airport, there was no branding of what our athletes have achieved over the weekend. We need those institutions to wake up.

The other issue is that Athletics Kenya has decided that they are going to have rotational trials. This year, the national Olympic trials are supposed to be held in Eldoret, which is one of the homes of our athletes. We do not have a stadium in Eldoret that is complete and ready to hold such trials. We will have to hold them in Nairobi, which is a burden to us. We saw the crowd in Eldoret that was watching a huge screen that was set up by the County Government of Uasin Gishu. If we take athletics trials to such a crowd, we might even break world records at home. That is because the athletes will have motivation when they are running in front of their own.

We also ask the National Government Constituencies Development Fund ....

**Hon. Speaker:** Do you want to debate that? You are on a point of order. I want to give a chance to a Member who has organised his thoughts. There is a Member who has organised his thoughts and he is seeking the Zero Hour. Why do we not give him a chance to make the Statement so that the many things you have said can come up? I hope he will not ask the House to give tax exemptions. People must make application for that. Even as you make that Statement, look at the Constitution, particularly Article 210 on payment of taxes. When it comes to the Constitution, I will tell you what you need to look at. Just look at Article 210. You will see whether you can make that Statement without giving some other additional information. Hon. Alfred Keter, you have requested for the Zero Hour.

#### NOTICE UNDER ZERO HOUR STATEMENT

**Hon. Alfred Keter** (Nandi Hills, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.43, I wish to raise a matter regarding several national heroes and heroines who have achieved much lately.

Hon. Speaker, on Saturday, 12<sup>th</sup> October 2019, we celebrated with the world as one of our own, Eliud Kipchoge, ran a 42 kilometre marathon in 1:59:40, the first human being to ever do so. The same weekend, Brigid Kosgei broke a 16-year-old record in the women's marathon in 2:14:04. We also had our Kenya Navy and other agencies that retrieved the vehicle that had sank to a depth of over 50 metres at the Likoni Channel about two weeks ago. Several General Service Unit officers lost their lives in the line of duty while conducting security patrols in Garissa, while



our soldiers are still fighting in Somalia as part of the African Union Mission in Somalia (AMISOM). Those Kenyans have and continue to undertake extraordinary national duties thus bringing high acclaim to our nation.

As we prepare to celebrate *Mashujaa* Day, they deserve special recognition for their contribution for sacrificing on behalf of Kenya.

Therefore, Hon. Speaker, it is against this background that I seek your leave to raise this matter during today's Statement Hour.

**Hon. Members:** Zero Hour.

**Hon. Alfred Keter** (Nandi Hills, JP): Zero Hour. Thank you, Hon. Speaker.

**Hon. Speaker:** On Tuesdays we have Zero Hour. When you raise an issue like this one under Standing Order No.43, it must be on a Tuesday on the Zero Hour. I hear some calling it a happy hour. It is not.

*(Laughter)*

I heard somebody in the corner there whisper "happy hour". I hope it is not Hon. Didmus Barasa. He looks happy already. Anyhow, I have seen some other Members who are seeking Statements under Standing Order No.44(2)(c). Please, if you do so, remember that Statement will have to be read out on a Thursday afternoon. I will exercise discretion and allow you to do so after 3.00 p.m. because the general rule is that it should be not later than 3.00 p.m. But looking at business at it has been appearing, we exercise discretion to allow you to raise those Statements.

Anyhow, Hon. Keter, do you have the numbers?

*(Several hon. Members stood up in their places)*

We need to know because he has raised several issues about the marathoners, General Service Unit (GSU) officers, Kenya Navy and *Mashujaa* Day. It is because I want to exercise discretion so that this does not come at 6.30 p.m. even though today is a Tuesday. I would want it to come up at 6.00 p.m. so that as many of you as possible are able to contribute. So, at 6.00 p.m., Hon. Keter, be in the House because it will adjourn then to discuss the issues that you have raised.

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Hon. Members, I delayed making this Statement because it is an announcement.

#### SPEAKER'S ROUNDTABLE WITH KENYA PRIVATE SECTOR ALLIANCE

Hon. Members, as you are all aware, the National Assembly has since 2009 engaged the private sector, Kenya Private Sector Alliance (KEPSA), annually, through the Speaker's Roundtable on topics of interest aimed at bolstering the roles of the two institutions and deliberated upon for posterity and development of the nation's economy. I, therefore, wish to notify you that the National Assembly, in conjunction with the KEPSA, has organised the 2019 Speaker's Roundtable Meeting under the theme: "The Critical Role of the Legislature and Private Sector in Boosting Economic Competitiveness for Growth and Job Creation".

The meeting will take place from 17<sup>th</sup> to 19<sup>th</sup> October 2019 in Mombasa County. The participants, who include the presidium of the House, party leaders and Whips, Chairpersons and Vice-Chairpersons of Committees, will depart Nairobi for Mombasa on Thursday 17<sup>th</sup> October 2019 at the close of business and return on Saturday, 19<sup>th</sup> October 2019.

Hon. Members, this year's roundtable meeting provides an opportunity in the endeavour to bring together the management of the private sector and the political leadership of the National Assembly to candidly engage and interact on issues of interest that are pivotal for propelling the country's economy to higher levels.

There is no doubt that this year's roundtable retreat comes at the most opportune time when the country is grappling with unemployment and job creation especially for the youth. In particular, this meeting will provide both the business community and Members of Parliament an occasion to take stock of the legislative engagements over the past year.

Finally, it will also provide an opportunity for both parties to further concretise the partnership in the name of accelerating legislative interventions aimed at catalysing socio-economic transformation and growth. This is, therefore, to inform the House about the event and, indeed, request all those invited, including the leadership of the House, Chairpersons and Vice-Chairpersons of committees and other Members that have received invitations, to dedicate time to attend this crucial meeting.

I thank you, hon. Members.

Next Order.

## MOTION

### ADOPTION OF REPORT ON VARIATION OF BOUNDARIES OF MT. ELGON FOREST RESERVE

THAT, this House adopts the Report of the Departmental Committees on Environment and Natural Resources and Lands on their consideration of a Petition by the Executive regarding the Variation of the Boundaries of Mount Elgon Forest Reserve, laid on the Table of the House on Thursday, 4<sup>th</sup> July 2019, and pursuant to the provisions of section 34(5)(b) of the Forest Conservation and Management Act, 2016, and noting the finding of the Committees that the Petition discloses ground for variation of boundaries of the particular forest, this House:

- a. approves the variation of the boundaries of Mount Elgon Forest Reserve to exclude Chepyuk Phases II and III comprising of a total area of 4,607 Hectares; and,
- b. resolves that the Government secures the remaining forest area within Mount Elgon Forest Reserve particularly in Chepkitale area in line with the need to achieve the United Nation's recommended ten per cent forest cover in the country.

*(Hon. Kareke Mbiuki on 9.10.2019)*

*(Resumption of Debate interrupted on 9.10. 2019)*

**Hon. Speaker:** Hon. Members, debate on this Motion started last week and, at the close of business, the following Members had contributed: The Mover, Hon. Kareke Mbiuki and the Seconder, Hon. Sophia Noor. The others are Hon. Benjamin Washiali, Hon. Wafula Wamunyinyi, Hon. David Sankok, Hon. Chachu Ganya, Hon. Moses Cheboi, Hon. Mabonga

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Mwambu, Hon. Jeremiah Kioni and Hon. Oyula Maero, who has a balance of seven minutes. Those are the Members who had contributed and may not contribute to it today.

Hon. Oyula, Member for Butula! The Member absent not desiring to be present, he forfeits his chance. So, any other Member who has not contributed is at liberty to contribute.

Hon. Mutua Barasa.

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Speaker, for giving me this opportunity to support this Report. This is a very important Report considering that, previously, we have had insecurity in Mt. Elgon and lack of titles, as has been said, is part of the reason why the locals were fighting. This Report is going to put that matter to rest. I am also told that the same people who were occupying Chepyuk Phases I and II are the same ones who are trying to encroach on Chepkitale. If this Report is implemented, it is going to secure our forest from encroachment.

I am just worried that in future, when the Government changes, we might witness a case similar to what is happening in Mau. A Cabinet Secretary, 10 or 15 years from now, might just declare those title deeds pieces of paper. This must be properly implemented to avoid the scenario where cartels begin to encroach on forest land. Forests are very important and must be preserved. The list of beneficiaries must also be looked into properly and keenly. The locals will resist any attempts by Government to bring people from elsewhere to benefit from that land. The Government must be very clear about the number of people who are going to be given title deeds.

This is a very good report. However, in future, the Chair should reach out to a number of leaders within a particular area when preparing such reports. Mt. Elgon neighbours my constituency. We border them and whatever happens in Mt. Elgon also affects the people of Kimilili Constituency. The Committee ought to have invited us to appear before it. Nonetheless, this has happened and the Report is not bad. I hope that the Chair will take note of my concern going forward.

This Report has been supported by the local leaders as is indicated in the Committee's deliberations. I have noticed that there were recommendations that were given to the Committee by the County Government of Bungoma. As a Member of Parliament from that county, I am in agreement with those recommendations. The Committee had looked into them and captured the views of the people of Bungoma through a letter presented by the County Executive Committee Member (CECM) for Public Administration.

As I laud this Committee for this particular Report, I also want the Government to ensure that the people encroaching on Chepyuk area are stopped from doing so in order to avoid misunderstanding. The Government should look for alternative ways of resettling those who have encroached on the land in Chepkitale area. You know there are generations which are trying to inherit land which their fathers grabbed or encroached on. I think it is not fair to just throw them away. A win-win situation must be found, so that they can also be accommodated.

Hon. Speaker, the Committee should also ensure that the Cabinet Secretary for Environment and Forestry, and all other State agencies, are keen enough not to allow Kenyans to encroach on forest land or any other Government land. It beats logic that people who are supposed to ensure that forest land and other Government land is well preserved and only used for purposes of the Government, sleep on the job until Kenyans encroach on such land. Some even begin to sell the land they have encroached on. In future, that will bring a problem to this country. Therefore, the Government should ensure that forest land is not encroached on.

Anybody who tries to encroach on Government land should be ordered to leave as quickly as possible before the matter gets out of hand.

With those very few remarks, I support.

**Hon. Speaker:** Member for Igembe Central.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker for giving me an opportunity to contribute to this Petition. I stand to support.

In as much as we say that forest land is being encroached on and try to fight that very serious anomaly, we can also see what is happening in the Mau Forest. There is a lot of resistance. All in all, we need to conserve our forest cover. However, there are some exceptional areas with historical perspectives that need to be considered. I find the Petition very viable and reasonable because we have people who have been living next to forests for many years. In some cases, people's forefathers were the ones who started living there. As time went by, they were allowed to build schools, cultivate crops and clear the bushes within the forests.

The issue of Mount Elgon is synonymous to many other communities which border forests. We have an example of Nyambene Forest in Igembe Central of Meru County, where I come from. A big chunk of land at the edge of the forest was given to destitute families at Independence. Those were people whose parents died in the forest fighting for Independence during the *Mau Mau* Uprising. Most of them were killed and maimed. So, they were compensated by being given pieces of land next to the forest. That part of the forest was hived off and the boundary of the forest was revised. The bottom line of this story is that those were not given title deeds, but they are still living on that particular land. I believe this particular case is similar to that of the people living around Mount Elgon.

This is a situation where people found themselves living on a piece of land for 20 to 40 years. People have been dependent on that land for all their needs. They have built schools there. They have even been burying their dead on that land. However, when it comes to ownership, they are told that they have no right over that land because the Government has not facilitated issuance of title deeds. This makes one a squatter for many years. Therefore, this Petition is very valid and it should not just be tailored for people living around Mount Elgon alone but, rather, for people in similar circumstances across the country. People who have been living next to forests for many years should be considered for settlement in those areas. They should be vetted to ensure that imposters do not take advantage of such a window to grab land from forests. As the Government opens such a window, it should be very clear how many such affected families are to be settled on what size of land. Only deserving cases should be settled and issued with title deeds for their pieces of land. In the long run, they can stay there comfortably. They are now worried. They can be challenged or evicted any time and they would not have any recourse. They cannot even go to a court of law to say that they have been evicted from their land because they do not have any legal documents to prove that, that is their land.

I support the Petition but, again, let us become very cautious when giving titles to people. We should get the *bona fide* owners and be very careful not to destroy our forests even more. More so, we need to secure our existing forests. However, the landless people who are living around forests should also be comfortable like other Kenyans. They should be living on pieces of land they believe are their own.

With those remarks, I support.

**Hon. Speaker:** Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Speaker for giving me an opportunity to contribute to this very important Report.

The case of Mount Elgon presents a very unique situation. I believe what the Cabinet and the Executive considered before seeking the approval of this House on degazettement of part of the forest is so that Kenyans who have been living on that particular area for a long time can be settled. The historical perspective in this Report shows that it is a matter which started in the 1930s and went on until today. These particular circumstances are unique and, therefore, should not be used as precedent for any other squatters who are near forests to automatically get rights to have land alienated for them and keep on depleting our forest cover, which is already below the 10 per cent United Nations requirement.

Recently, in this same House, we approved another settlement scheme in Kiambu, where people have lived for long following their displacement by clashes in the Rift Valley. It was for a good course when a Petition was presented here. However, on the way forward, we should be careful not to deplete our forest cover. There are very many similar situations still pending in this country, and land issues are very emotive. We also have such situations in the coastal area. There are many land disputes that are yet to be settled. We thank God now that we have a new National Land Commission which is able to look at these issues at this particular moment.

Because of the history, the Government brought a Petition and Parliament is now dealing with it so that those particular people can be settled. As much as we agree with this one, we have seen the conclusions that the Committee has drawn. However, we have a standing rule that in every land, at least, there should be some forest cover. The agencies responsible for forests should ensure that the people who are going to get that particular piece of land should retain a certain level of forest cover because this is a water catchment area. Therefore, we still need trees. Now that the rains are here with us, Members of Parliament should urge their constituents to plant more trees. Our main target as a country is to retain forests and plant more trees. But every rule has exceptions, which applies in the case of the people living around Mount Elgon. Some of the residents even opposed, but the majority wanted the settlement so that many other social evils could be sorted out. That area has insecurity issues arising from fighting over pieces of land. We are aware that many lives have been lost. With this, we really want to agree with the Committee, the Executive and the Cabinet. But we want to challenge the Committee that, in future, they should be very keen when it comes to issues of forest depletion or settlement, unless a matter is historical or there are very special circumstances like in the case of Mount Elgon.

In every other area we have a forest reserve, there are people encroaching on it. Rules should be made. Whoever encroaches on a forest reserve should leave the area for more trees to be planted to increase forest cover, so that we have good climate. Conservation of forests and environment is a concern world over. There are demonstrations in various parts of the world including London in the United Kingdom (UK) and in the United States of America (USA), on environmental conservation. Rivers should be cleaned. For example, we are now doing the Thwake Dam. The water that passes through Nairobi River and Athi River is so dirty that when we complete the Dam, we could give Kenyans water that is not clean. So, the environment and forests have become part of the world's debate. As we pass this Motion, the rules should be clear. We want more forests in the country beside this exceptional circumstance. I support the Committee Chair and urge Members to support this Motion. In future, we must exercise caution. Thank you.

**Hon. Speaker:** Member for Mt. Elgon.

**Hon. Fred Kapondi** (Mt. Elgon, JP): Thank you, Hon. Speaker, for giving me this opportunity. This Petition concerns my constituency. This is a day that the people of Mt. Elgon have been waiting for long. For clarity, this issue of Chepyuk has survived four Presidents of this

country. It started with the late President Jomo Kenyatta in 1971, and it is being accomplished by President Uhuru Kenyatta. Chepyuk was a settlement that was created in exchange of Chepkitale. People have been living in Chepkitale from 1930s. But by 1971, our first Member of Parliament (MP), Hon. Daniel Moss petitioned President Jomo Kenyatta, at that time, on the same. An agreement was reached and Chepyuk was excised out of the forest for settlement of the Ndorobo from Chepkitale. From 1971 to date, the settlement has not been regularised. That is the reason why, for a period of time, we have had issues related with insecurity arising out of the Government's failure to regularise the settlement for those people.

Let me be clear, the people of Mt. Elgon have suffered for long. The Government has been slow in implementing the regularisation for those people to get their title deeds. I remember in 1989, for failure to have title deeds, those people were displaced and many of them lost their lives and livestock. Thereafter, after petitioning the former President Moi, there was a promise to regularise it, but it was not done. That brought serious insecurity issues in 1996. This move to finally settle, once and for all, the issue of Chepyuk is a welcome relief for the people of Mt. Elgon. I would urge the plenary not to consider introducing any amendment to this Report. As the wearer of the shoe, I know where it pinches most.

There is a non-governmental organisation (NGO) in Mt. Elgon that is gaining a lot of notoriety in terms of trying to oppose this regularisation. They have their own ill intentions. This NGO is called Chepkitale People's Indigenous Development Project. It is getting millions of shillings. The owners of the NGO, under the guise of promoting conservation, are buying land for their own in Kitale. So, the House is doing the right thing by correcting a historical injustice that the people of Mt. Elgon have carried on for a long period of time.

As my colleagues have said, it is important that other areas of this country are also considered. There are people who are living in areas that were initially forests, but the Government never took any move to degazettment them. They have invested heavily, for example, in Kitale, some areas in Turbo and where Hon. Iringo said in Nyambene. Without a title deed, somebody cannot be foolproof that the land belongs to him or her. So, the move that the Executive is doing should extend to other areas, so that other Kenyans do not suffer as the people of Mt. Elgon. Once again, I urge my colleagues to adopt this Report as it is. Let us not open a Pandora's Box. What is happening is that lack of regularisation is prompting people to move to Chepkitale. If regularisation is not done and the people move back to Chepkitale, there will be a serious ecological disaster for this country. The kind of damage that will occur will be massive and irreparable.

With those remarks, colleagues, support the people of Mt. Elgon by passing this Motion.

Thank you.

**Hon. Speaker:** Hon. John Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. I want to make my contribution to the request for the National Assembly to exercise its powers in the Constitution of approving degazettment of gazetted forests. If you look at the Petition and the Report, that forest was gazetted in 1932. That is way back. The total area was in excess of 91,000 hectares. This is a huge forest. Whereas I support this Motion, the justification given in the Report of the Committee for us to approve degazettment of about 4,000 hectares for proper settlement – those people are not properly settled in terms of documentation and titles – is not a clear reason for degazetting that portion of the forest. As we support the degazettment, I expect the Committee to follow through the implementation of this exercise so that we have the correct beneficiaries benefitting from that land. In the past, we have seen forests hived off for people to be settled and

instead of settling people who really lack land and need settlement, we end up with people with land elsewhere being settled there. I hope that will not happen.

But I do not see a good reason for excising that forest because the Executive had indicated, through their Petition, that the forest will be degazetted in exchange for another one, which is Chepkitale. But it is clear in this Report that the residents of Chepkitale disagreed with that assertion. They have even stated that they were not ready to discuss the exchange of their ancestral land for allocation of land in Chepyuk Phases II and III. Therefore, the reason that the Executive gave is not going to fly, because the residents of the other area are saying no already and they are not ready to negotiate. So, that reason is not factual. What is more interesting is, reading the observations and findings of the Committee, Observation No. 1 and Finding No. 1 make some sense. It says that the reasons are as follows and I quote:

“That insecurity and inter-clan clashes in Chepyuk Settlement Scheme were aggravated by land ownership conflicts because there is no clarity on who owns the land where those people are settled. That degazettement would ensure clarity on ownership of land and improve security in the region.”

If this is done properly and the people who are supposed to benefit and those who are settled there get titles for their land, then it would make sense. But reason No. 4 does not make sense in my view. It says and I quote:

“That the national Government, county government and other development partners have invested heavily in various projects including roads, security and administrative installations, communication and water facilities in the two phases of the scheme.”

That cannot be a justification for degazetting a forest. The mere fact that people have invested in schools and roads have been put up there is not convincing. The Committee is saying that even in the case of Mau Forest, where people have already settled and we see schools, shopping centres, market places and roads all over the place, should be degazetted. So, you are telling me that if you encroach into a forest and establish schools, roads and water, then we should degazette that forest and give it for settlement. If we take that route as a country, in the next 20 years, we will not have any single forest in this country. So, I expected the Committee not to come up with such a recommendation as a finding. It is a finding that does not make sense. It is a finding that is not a justification for degazetting the forest.

The other reason is that the area is already settled and relocation of the residents to alternative areas would be more costly than the degazettement of the two phases. Again, really, does that make sense? That, we cannot move people out of the forest because it is expensive and, therefore, we should leave them there? Then why are we telling the people who occupy Mau Forest to leave? Even getting them out is not cheap. It is expensive. First, there is the humanitarian aspect. Second, there is the aspect of settling them. You need to buy land and settle them there. So, this kind of reasoning does not make any justification for degazetting the forest. Even reason No. 6. I can go on and on.

Let me just put my comments straight to the Committee. Maybe, we need to agree with you and have... The Chair is telling me that there are two committees. I agree that there have been so many reports. There was a taskforce. The Cabinet has sat. This matter has come up for so many years. Even the Kenya Forest Service (KFS) has agreed that this area can be degazetted. Based on that, I do not think all those experts could be wrong. That is why I reluctantly support this degazettement. Those experts have looked at this matter and they have seen that this recommendation is not going to be harmful to the future generations of this country. But we need to be very careful as a country and protect and conserve our forests. As we do that, I see laxity on

the part of KFS. They have the appetite for looking for more areas to gazette as forests and yet, they cannot protect the forests that have already been gazetted.

In my constituency, there is a forest which is over 4,000 hectares, but it has been destroyed completely by loggers - the people who encroach and cut trees. The KFS demand that we add 2,000 hectares to that forest for more water catchment areas and yet, they cannot even protect the existing forest. I do not know what happened with KFS. When I was growing up, I used to see KFS officers residing inside the forest to protect it. Nowadays, the officers stay miles away from the forests. How can you protect forests when you are not residing in them? They are just moving around. They are not even watching over our forests and yet, we pay them huge salaries. This is something that seriously needs to change.

Finally, for us to realise good forest cover of about 10 per cent, the leadership of this country, where we belong, needs to come up with a system where every public facility in this country, whether it is a school or a chief's office or a church, sets aside a percentage of the land area of that public facility for planting trees. If we take all our schools, whether primary or secondary, we take all public offices, from that of assistant chief to chief to Deputy County Commissioner and all churches, we will move closer to realising the 10 per cent forest cover that we desire as a country. Otherwise, if we just continue talking about forest cover, we will not have more trees. Worse still, we will be destroying the forests that we already have in place. If we cannot protect forests, we are destroying the future of our children, grandchildren and the generations to come.

Thank you, Hon. Speaker. I support the Report.

**Hon. Speaker:** Chair of the Departmental Committee on Lands.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Speaker, for giving me this opportunity. I would like to confirm that, indeed, we handled this Petition jointly with the Departmental Committee on Environment and Natural Resources. As you can see, Hon. Members, it is a unique Petition that has been brought by the Executive in order to deal with this matter of Mt. Elgon regarding the variation of the boundaries of the forest reserve in order to resettle people who are already living in that piece of land.

The joint committee noted that in all the submissions that were received by the Committee, they were all for the Petition apart from the submissions that were made by one Mr. Peter Kemei that did not support the degazettement of Chepyuk Phases II and III. The grounds that are being given are that this area has a lot of insecurity, which is occasioned by the fact that people are unsure whether they own land or they do not own land. For that reason, we, as a joint committee, accepted and said that the Government had a point in making sure that those people are resettled. I listened to Hon. Kapondi when he was making his presentation in support of this Report and I realised that he seems to be the one who understands this matter much more than all of us who were listening to the people who were making submissions.

Hon. Speaker, we agreed that this matter needs to be settled so that people can settle down, farm and build more permanent structures. That way, we will have less insecurity in the area. It will clarify the issue of ownership of land and generally improve security in the area and up the mountain.

I listened keenly to Hon. Mbadi when he was making his presentation. He spoke about the people who live up the mountain. Those are the residents of Chepkitale who categorically disagreed with the assertions made by the Executive in the Petition that Chepyuk Phases II and III were intended to be an exchange for Chepkitale. They stated that they were not ready to discuss the exchange of their ancestral land or the allocation of such land. We listened to the



leaders of the area. We determined that they would like to conserve the forest. They would like to see more forest cover moving from the 7.8 per cent towards the 10 per cent that is acceptable internationally. For that reason, I support this Petition. I know that the Departmental Committee on Lands also supported it and even noted that it is the responsibility of Government to ensure that the community is not provided land on the lower areas. The people cannot then make a decision that they are not going to move from the upper areas where the Government expects to plant more trees to ensure there is no erosion which would destroy the lower areas.

Therefore, it is important that the Government takes this matter seriously and assure communities living in Chepkitale who seemed to disagree with the assertions made by the Executive and said that they are being forced to move out of the forest. People cannot just live wherever they feel like. If we do that, it means we will not achieve the forest cover that is desired.

Hon. Speaker, this is also going to provide the beneficiaries with a more secure land tenure and reduce the trend on poor land use. With the knowledge that they will be living there permanently, they will conserve the forest knowing they are doing it for their own generations. I believe it will give them an opportunity to also take care of the land.

It will also ensure proper planning within the scheme which will spur development. The Ministry, through its Settlement Department, will carry out proper planning. They will establish common areas, schools and so on. They will ensure that those areas are not grabbed and that they are used for the activities designated to them.

As much as we thought that the national and county leaders will have problems with degazettement, on the contrary, they all agreed that it is important the land be given to the beneficiaries. Indeed, they are already living there. There are fears being expressed by Hon. Members. However, we were told that the beneficiaries will be the people already living on that piece of land. So, the opportunity for other people to misuse or grab land will be very minimal.

We also realised that there is quite some investment by the national and county government. Hon. Mbadi felt that this may not be a strong point. However, according to our judgement as a joint committee and also arising from the visit by some of our Members, we noted that there is a lot of investment. This was done because there was a plan to resettle those people. It is totally different from the upper area where there is no electricity and roads. You cannot compare that with the lower areas where degazetting is being proposed.

Hon. Speaker, the area is already settled with people. It did not look viable to relocate those people, especially because of the fact that they were promised that piece of land many years ago. It was a matter of implementation. The moorland area of Chepkitale is the origin of all the major rivers that surround that area. So, it is important that it is protected against encroachment. The Government should put its foot down to ensure that the area where all the rivers are coming from is secured.

The joint committee further noted that the Government had facilitated due process. It is a matter that we wanted to keenly look into for degazettement of Chepyuk Phases II and III which included conducting public participation. There were *barazas* at the local level and meetings with the county and the national Government officials. We realise that, that was properly done. Approvals were sought from the KFS and also an Environmental Impact Assessment (EIA) was done. This was extremely important to ensure that, as much as degazettement is being done, it does not interfere with biodiversity.

Hon. Speaker, in conclusion, the Committee further observed that the petitioners disclosed adequate grounds for variation of the boundaries that, as far we are concerned, the

grounds for degazettment seemed to be clear. It is a matter that was expected because the previous regimes had made a promise. We felt that it is a matter that needed to be finalised. So, it is important for the Departmental Committee on Lands to state that we stand by our Report. I believe that, finally, the locals of that area will get title deeds and will settle on their pieces of land.

We have recommended that it be ensured that no land grabbers are encouraged and the beneficiaries of that land are the people who are living in that area.

With those few remarks, I support.

**Hon. Speaker:** Let us have the Hon. Member for Matuga.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Speaker for giving me this opportunity to contribute to such an important matter touching on the lives of most of Kenyans, and that is land. I support this Motion without any amendments as my colleague Hon. Kapondi has alluded.

When it comes to matters land, the Dorobo people, whom we are talking about and who are basically supposed to be the beneficiaries, fall under the category of the marginalised. Just like the Digo people of Kwale, we are marginalised and landless. So, any effort that the Executive would be putting in place to give land to the landless requires total support. As my colleagues have already said, without land, we would be stateless.

The issue of turning this one into a settlement scheme is welcome. However, through experience, I know that the word “settlement scheme” has always been misused by Government officials thus creating a loophole for land grabbers, shylocks and politically-correct people to get land. We have so many cases even in my constituency. Talk of Golini Settlement Scheme, it was land that was occupied and developed by the locals, but because it was designated as a settlement scheme, we ended up with over 50 per cent of that land being given to non-locals. I think there is a law which says that with regard to a settlement scheme, anybody who deserves to get land can get a piece of that land. Even where somebody had his property, land was allocated to someone else simply because it was designated as a settlement scheme. I happened to have been in Lamu over the weekend. There is a settlement scheme there called Swahili Settlement Scheme. His Excellency the President had said it should be given out. I witnessed people from all over the country queuing to get land. Some of them even got lost after being shown their piece of land. They could not trace their way home and had to ask for directions to the main road because this area was designated as a settlement scheme.

I totally support this particular case. I urge that it be designated as an adjudication area since there are locals and it is already developed. The people already know their boundaries and are being shown their land whether it is one, two or three acres after surveying and getting title deeds.

With those remarks, I beg to support the Motion.

**Hon. Speaker:** The Member for Kipkelion West, you have the Floor.

**Hon. Hilary Kosgei** (Kipkelion West, JP): Thank you, Hon. Speaker for giving me an opportunity to support the Joint Committee Report. As a Member of the Departmental Committee on Environment and Natural Resources, I visited the said settlement scheme and this is an area where people have settled for 40-50 years. There is no space for what other Members are referring to as an opportunity for land grabbers. The community has settled in the entire area the Government is proposing to degazette for settlement purposes.

The Chepyuk Settlement Scheme is a rich agricultural area which feeds the larger part of Bungoma County and western region. When we regularise this land, the people of Mt. Elgon and the settlers in Chepyuk Settlement Scheme will accelerate agricultural activities and do profitable farming. This will help their children and the Government of Kenya to achieve the Big Four Agenda through food security.

In that line, this country is full of areas like the Chepyuk Settlement Scheme, which were given out by the first President of Kenya and have not been regularised up to date. They are causes of conflict between communities and the Government. I want to call upon the Government to do a national audit of all settlement schemes which were given out since Independence for purposes of regularising what is possible and locking out what is deemed as forest land.

This area is twofold, namely Chepyuk Settlement Scheme, which is on the lower side and Chepkitale, which is an old shrine belonging to the Ndorobo people of Mt. Elgon. This area does not support any forest coverage and is generally moorland. It is used as a community shrine and for grazing animals. I have never seen a community that protects forests like the people of Chepkitale and Chepyuk settlement schemes.

As we do this, we want to write-off the wrongs which have bedeviled this country, for example, the Mau issue, which has become deep in this country. People are being thrown out of their homes yet Mau is not the source of River Mara. The Government knows that the source of the Mara River is Kiptunga Forest in Nakuru County. The area has been given to large saw millers like the Timsales Saw Mills to plant exotic trees which consume a lot of water. After the rivers have dried, they blame innocent citizens living kilometres away. We want the Government to get serious about conservation and come up with a national policy on conserving all the five major water towers in Kenya from Mt. Elgon, Cherangany Hills, the Mau, Aberdares and Mt. Kenya forests.

Instances where the Government does things on impulses skewed towards achieving a particular political objective or agenda cannot help this country to move forward. As I support this Report, I want the Ministries of Environment and Forestry and Lands to come up with a national policy. For example, in Nyandarua County, the county government offices are in an area that is not degazetted and people forgot long time ago that it was a forest. There is no point of pretending that the Kenya Forest Service (KFS) can still claim such land. In other areas in this country, our people will live in peace if they know that the land they own is secure. They cannot suffer threats because of any change in regime or rogue cabinet secretaries like the Cabinet Secretary for Environment and Forestry, who is chasing people from their land for no reason. I am calling for a national audit of all settlement schemes which were issued to avoid a situation where rogue cabinet secretaries misuse power to make citizens suffer for no reason.

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

**Hon. Speaker:** Hon. Members, let me just caution you. If you claim to rise on a point of order, let it be one and say what is out of order. But it cannot be a point of argument. If you do not agree with what somebody has said, there is nothing out of order. What is out of order may

be in your mind. What is out of order must be within what is written in the Standing Orders. Hon. Sankok, what is out of order?

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Speaker. Is it in order for the Member to call a Cabinet Secretary rogue?

**Hon. Speaker:** Which Cabinet Secretary?

**Hon. David ole Sankok** (Nominated, JP): Hon. Speaker, he has said the Cabinet Secretary for Environment and Forestry is rogue. That is wrong and out of order.

**Hon. Speaker:** When did you say that, Hon. Hilary?

**Hon. Hilary Kosgei** (Kipkelion West, JP): Hon. Speaker, Hon. Sankok is putting words in my mouth. I said to prevent rogue cabinet secretaries from misusing power in future. I am not saying there is a rogue cabinet secretary. If there is, he exists in his mind. That is why he is taking the attention of this House to an issue which people are running away from or maybe he knows a rogue cabinet secretary.

**Hon. Speaker:** The Member for Muhoroni, you are contributing while seated.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Hon. Speaker, Hon. Kosgei is my neighbour back home and we are good friends. Let him not juggle words. He mentioned specifically the Cabinet Secretary in charge of Environment as rogue. Maybe he needs to bring a substantive Motion.

**Hon. Speaker:** He does not have to bring a substantive Motion, but if he has issues with anybody in Government or Executive, he can bring an appropriate Motion for the House to discuss that particular person. Remember, it is you Members who must look at the constitutional threshold about removal of those in the Executive. Articles 152 and 153 of the Constitution are very clear about removal of a cabinet secretary; on whether he has breached the Constitution, violated any law or become crazy in the head. Bring such material and, of course, your colleagues will want you to table evidence of that madness, if at all.

So, proceed to finish your contribution.

**Hon. Hilary Kosgei** (Kipkelion West, JP): Hon. Speaker, I think Hon. Oyoo was trying to engage me since it has been long since we spoke yet we are neighbours back home. But he should have used a different forum which I will discuss with him later. I was saying that the Government must come up with a serious national plan of trying to map out areas that have already been given out as settlement schemes so that these issues can be sorted out once and for all. Otherwise, we will be dealing with petitions day-in day-out as the Departmental Committee on Environmental and Natural Resources when members of the public come to us with stories similar to those of Chebyuk and Chepkitale, the ones from Ndaragwa and elsewhere in the country.

I conclude by saying that I support the Report.

**Hon. Speaker:** Let us hear the Member of Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): Hon. Speaker, I stand to support and I appreciate very much the time you have given me to speak on this Petition. It is correct to say that when people are unsure whether the land on which they live on is theirs, there tends to be insecurity.

The land is also not developed because one does not know for how long one will live there. It is, therefore, appropriate that that particular section of the forest is de-gazetted for them to settle and develop the land. Also, I support the idea that those who live at the top of the mountain should come down. There is a general trend where they try to move to the top of hills and mountains and settle there, without caring about the demarcations separating Government forest land. The Government agencies responsible for forest management have been lax. It is time we put clear demarcations not only in Mount Elgon Forest, but even in other forests across the country. People have tried to settle everywhere, including on top of mountains. They should not be there because when they till the land, they will interfere with forestation as well.

It should not go without being said that we are losing almost 5,000 hectares of forest every year in this country. That is very detrimental to the livelihood of human beings. At the same time, the more we strive to move towards the global 10 per cent forest cover, the more we destroy existing forests. I do not know when we are going to achieve it, especially with the laxity of the Government. As people move to places they are not supposed to move to and try to settle there, where is the Government? We got Independence in 1963 and the rules are there. Enforcing them is a problem. For example, in my constituency, some rivers have dried up completely because people are cultivating right up to the river bed and the Government is just watching them. Existing regulations are never enforced. Human activities in such areas are killing the livelihood along the rivers, including wild animals all the way to Ruma Forest. People decide to do what they want. So, we are asking ourselves why the Government is lax. For example, the Ndorobo say they cannot come out of the forest because that is their ancestral land. Yes, it is. However, if everybody were to do anything they want, then there would be no need to have a Government. In the first place, why were they left to do that?

I urge Members to accept this Petition, so that we can move to other forests with similar issues. Even as we de-gazette this portion of forest, there is also need for the Government to support the people to plant more trees. People should be educated on the need to plant trees so that they can love the practice. People do not understand the concept of global warming having resulted from deforestation. I believe if the people who are going to be settled there are properly educated and supported, we can attain the UN forest cover threshold. The Government should move fast to implement this Petition once we approve it.

With those remarks, I support.

**Hon. Speaker:** Next is Ngeno, the Member for Emurua Dikirr.

**Hon. Kipyegon Ngeno** (Emurua Dikirr, KANU): Thank you, Hon. Speaker, for giving me this opportunity to also contribute on this matter. From the outset, I wish to state that I support the Petition by the Executive. I also support the decision by the two Committees that jointly dealt with the Petition to support it.

Remember when God created the earth, He first created animals, trees and everything else except man. Later on, He created man and told him to own all that had been created, including land, water, air and forests. So, the whole of it belongs to us. We only conserve to ensure that the environment is peaceful, clean and it supports our activities as human beings. There is no particular moment when forests, water, trees, soil or anything become superior to man. They exist to support the existence of man. The Ndorobo people live in Mount Elgon, Mau Forest and in many other areas, including some areas of Trans Mara, specifically in Nyakweri Forest. The Ndorobo people are friendly to forests. However, there has always been profiling whenever the Government attempted to excise part of the forest to allow the Ndorobo to settle

down and resort to farming instead of collecting honey. That can only be done through de-gazettement of some forest land, approval of which should emanate from this House.

I have seen many de-gazettement notices dating back to the Independence Government of President Jomo Kenyatta. The former President de-gazetted so much forest land, including part of the Mau Forest. Sometimes when we talk about Mau Forest, people should understand that the current people who live there are not the first ones, neither are they going to be the last ones. Molo, Elburgon and all those settlements in Nakuru were part of the Mau Forest. So, it always happens when there is need to settle people. I support this Motion because the people of Chebyuk or Chepkitale, whichever name they are known by, can finally settle down. There was a time when there was serious conflict in that particular area. The people had formed some kind of a militia gang called the Sabot Land Defence Force (SLDF), which concerned land. Land issues have always been emotive. Remember we have had several land clashes in the name of post-election violence. In 1992, 1997 and 2007 people used the general elections to fight, but the real cause of all that fighting has always been land. Land issues are very emotive. So, when people like those who live in Mount Elgon opt to request the Government to de-gazette that particular area for settlement, it is not for no reason. It is because those people want to live in peace like other Kenyans.

Remember the drafters of the Constitution made a recommendation that every Kenyan has a right to shelter and a good piece of land. That is why I support one of the Members who belongs to the Departmental Committee on Environmental and Natural Resources. The Government should do what we call profiling and audit across the country, so that we can know how many Kenyans are landless, how many Kenyans live as squatters and how many Kenyans live in trust land yet they do not own title deeds. In this age and era, our Government should not be entertaining anybody living as a squatter or in slums. We are a developing nation. We have a lot of land and resources where we should settle our people who are living in slums. It is a great shame. We are trying to move towards being a developed nation and yet we cannot settle simple matters.

I support this Motion because it has to be a lesson for all those cabinet secretaries who are serving this nation. One side of your mouth should not speak one thing while the other speaks another. We are discussing a Petition by the Executive to degazette Mt. Elgon Forest for settlement. On the other hand, it is the same Cabinet making a lot of noise that no one else should even be imagined to settle anywhere. We need to be serious and serve this nation correctly. I wish the Cabinet Secretaries for the Ministries of Environment and Forestry and Lands revisit the Mau issue after finishing with this Mt. Elgon issue. I support the Member for Kipkelion who initiated the idea that proper audit should be done. I wish the Ministries of Environment and Forestry and Lands do a serious audit, especially on the Mau, so that we can know where the gazetted Mau Forest is. Where is the gazetted trust land? Where is the community land? Whenever we try to chase people out of a settlement, we should know whether the people are living in the Mau, gazetted forest or in trust lands.

There is a report I read on declaration of an adjudication done in one of the trust lands in Narok in 1975 by the Office of the then President Jomo Kenyatta. It allowed people to settle in those areas. Today, we are discussing this matter and thinking that, that area is a forest. Today, we are demanding that the people in those settlement schemes move out yet there are Government agents, including chiefs, who serve those areas. There are schools which have been built. There are Teachers Service Commission (TSC) teachers who have been sent there. There are people who are earning salaries from the Government in those particular areas.

When you read this Report, the Committee informed the House that the reason we need to resettle the people in Chepyuk and Chepkitale is because the Government has built schools there and there are offices for the District Officer and the Chief. If that is the reason we are doing that, the Ministry of Environment and Forestry should revisit cases in the Mau, so that when we issue title deeds to the settlers in Chepkitale and Chepyuk, the same Government should not come and tell us later that those title deeds are fake and were not issued rightfully through the right procedure. When we settle this matter of Mt. Elgon, let us do so once and for all. Let us recognise that the Government is doing that and any other successive Governments should follow the law and recognises the title deeds that will be issued to these people, so that later on, we do not revisit the issue and claim that so-and-so issued titles in a manner which is not within the law.

On matters affecting our forests, the Ministry of Environment and Forestry should ensure that our forests have trees. Many forests in Bomet, Trans Mara and many other areas have no single tree but they are still forests. We need to ensure that the ministries concerned with conservation do their work properly, so that we are not just bashing other people who are not even concerned with the conservation of the environment.

Lastly, as a citizen of this nation, the Government must look at matters that affect its residents. There are no outcast residents in this country. There are no residents who are lesser than others. There is no citizen who is lesser. All of us are citizens of this country. The people living in the Mau Settlement Schemes and the Mau Trust Lands are Kenyans like all of us. The Government must look into their matter properly.

**Hon. Speaker:** Let us have Hon. Omulele.

**Hon. Christopher Omulele** (Luanda, ODM): Thank you, Hon. Speaker, for giving me this opportunity to raise this technical point. I have listened to all the Members who have spoken in support of this particular Report of the Joint Committee of Lands and Environment and Natural Resources. I have quietly looked at the requirements for us to allow the degazettement of forests for purposes of settlement of our people. It is a good intention.

Section 34 of the Forest Conservation and Management Act No.34 of 2016 requires that one of the conditions that must be met is an independent environmental impact assessment (EIA) report which must be attached to the petition for excision. I have looked at the EIA report that is attached to this Report of the Committees and I am concerned that that particular EIA licence report that the Committee seems to have relied on is dated 24<sup>th</sup> January 2011. In its conditions of licence, it stated that that licence is only valid for 24 months from the date of issue. It would only be valid for 24 months from 24<sup>th</sup> January 2011. The Committee's work is good, but this is a condition that the Act requires. This Report must be valid at the time the work is done.

As much as I support the Report - and knowing the history of Chepyuk and Chepkitale settlement areas - it is my feeling that even if we let it go, this Report and the work that we have done will be amenable to challenge in the courts and will be nullified. I seek your direction, Hon. Speaker, to stand this down, so that the Committees could go back and look at this afresh, so that we can have a valid report and do a complete job.

**Hon. Speaker:** There are two chairpersons. There is the Chairman of the Departmental Committee on Environment and Natural Resources and the Chairperson of the Departmental Committee on Lands. You have attached an invalid or expired EIA report. You want to kill your Report. If the EIA report that you have attached is the one dated 24<sup>th</sup> January 2011 and it says clearly that it is valid for 24 months, it died sometime in 2013. You have been moving all over...

What does Section 34 of the Forest Management Act say? It requires that when a petition is presented such as the one presented by the Executive, as soon as it is referred to the Committee, then, the first prerequisite is to have the Environmental Impact Assessment Report. When you go out there, you should have a valid report, unless you want to make it posthumous. You want to exhume a report and attach it. You have attached a list which has Hon. Kareke Mbiuki and Hon. Rachael Nyamai. You must have excavated the report which has been attached from some caves. I hope it is not the caves of Mt. Elgon.

*(Laughter)*

Do you have a valid Environmental Impact Assessment Report, so that the House does not act in vain? I agree with Hon. Omulele. Even if you adopt this Report, which has an Environmental Impact Assessment Report that has been picked from a cave or archive, you endanger your efforts because it means that somebody can go to court and challenge it and say there was none. The House will have acted in vain. Even if you debate this Report for the rest of your lives, it will not be valid without an Environmental Impact Assessment Report. Remember you are the ones who passed that Act. There was a reason you put a condition that it must be accompanied by the report. This is a request which came from the Executive. There was a reason an Environmental Impact Assessment Report was put as a precondition. Hon. Kareke Mbiuki and Hon. Rachael Nyamai, what are your reactions? I know you have done a lot of work. Unfortunately, you have been carrying something which is dead.

**Hon. Kareke Mbiuki** (Maara, JP): Thank you, Hon. Speaker. I want to thank Hon. Christopher Omulele for highlighting this grave issue which was a serious oversight on our part as Members of Parliament and on the two joint Committees. As a Committee, we have been having serious issues with the National Environment Management Authority (NEMA). Besides the validity of this licence, when you look at the conditions which have been set, they are like for a construction site. When NEMA is issuing all these licences, they copy and paste, especially when it comes to the conditions. These are some of the issues which we, as a Committee, have been raising.

We want to admit that the licence which was issued has expired. It was issued in 2011 and was valid for only two years. Our humble request is to step down this Motion, so that we can engage the Executive to come up with a fresh and up to date licence.

I thank you, Hon. Speaker.

**Hon. Speaker:** That is a fair request. I know there are 23 or 26 of you who want to contribute. Let us allow the Committee to engage the Executive. The two Committees have done a lot of work. Let us stand down the Report.

*(Hon. (Dr.) Robert Pukose spoke off record)*

I know what you want to tell me, Hon. Pukose. I am the one who has approved the proposed amendment. There is no need of amending that which can easily collapse and die. The net effect is that I cannot, my attention having been drawn to this, put the Question. The best route to travel is the one requested by Hon. Kareke that we stand down this business and the Committee engages the Ministry and tells NEMA, as Hon. Kareke has said, not to copy and paste licences. They should go to the place and do some work, but not sit in the office and issue licences. I have also looked at that certificate and it does not look like it talks about a forest. As



Hon. Kareke has said, it is like for somebody who is constructing a house. This shows that they slept long ago. No wonder their reports are dead.

**Hon. Jared Okelo** (Nyando, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** There is nothing out of order, Hon. Okelo. I will allow Hon. Nyikal to make a comment that he had indicated earlier.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Speaker, let me also thank Hon. Mulela. When something like this happens, we have to accept it.

**Hon. Speaker:** Who is Hon. Mulela?

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Omulela.

**Hon. Speaker:** Hon. Omulele.

**Hon. (Dr.) James Nyikal** (Seme, ODM): I added an “a”. Hon. Speaker, let me thank Hon. Omulele. When something like this happens, we have to look at our procedures. Institutions must have procedures that stop things like these from happening. As much as the Members will accept responsibility, the Clerks should also do it. Normally when documents come, I believe the same miscode can be there. What we expect is for the Clerks to check whether we have all the correct documents. They should bring to the attention of the Chair of the Committee that all the documents that they have there are not proper. Therefore, you cannot proceed. Overall, we will take the responsibility, but the Clerks should look at that.

Secondly, we have a comment about NEMA. What is happening? That Authority does not have officers. They outsource these people. When you want a NEMA report, they get somebody who may not eventually hold responsibility, although the organisation does it. We should look at the kind of people they outsource. We should not just let it pass and say that we will look at it without pointing at the two issues, namely, the role of the Clerks in this and how NEMA operates.

Those are the two points I wanted to raise. Thank you.

**Hon. Speaker:** The reports are prepared for the entire Committee Membership. As I told you the other week, the Chair is supposed to go through the draft report before you sit in the Committee plenary. That does not absolve the Members from reading the documents. First of all, this Petition is brought under Section 34 of the Forest Management Act. Even Members are also under a duty to look at the requirements and whether they have been met. You should have asked for the Environmental Impact Assessment Report. If you are shown the one of 2011, then you go back to Section 34 of the Act and look at the conditions. I can see the Member for Kisumu, who has been walking in and out of the Chamber, thinking that this is the time to shine. There may be no other opportunity. Hon. Rozaah Buyu, what do you want to say?

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Speaker. I have not been walking in and out of the Chamber. I want to speak as a Member of the Departmental Committee on Environment and Natural Resources. It is true the Clerks should be vigilant. On behalf of the Committee and our Chairman, we also take the blame. We apologise for what has happened. We were not as diligent as we should have been. We request that we stand down the Report and look at it later. Thank you.

**Hon. Speaker:** Everybody is trying to raise their hands. Why do you want to flog a dead horse? Hon. Leshoomo, I see you want to speak.

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Asante, Mhe Spika kwa kunipatia nafasi hii. Sote tuna maoni kuhusu misitu kwa sababu misitu inaathiri maisha ya wananchi wote nchini. Wakati watarudia kuangalia Ripoti hiyo, nawaomba Mwenyekiti na

Kamati yake wazunguke Kenya nzima kwa sababu kuna shida ya misitu kila pahali, haswa katika Kaunti ya Samburu. Tuko na shida kubwa. Wengine wetu ni wakimbizi. Tulizaliwa kwenye msitu na hatuna mahali pakuita kwetu hadi leo. Kwa hivyo, naomba kuwa ikiwa watarudia, wazunguke Kenya yote. Asante.

**Mhe. Spika:** Lakini hilo litakuwa jukumu kubwa sana. Nakuomba, Mhe. Leshoomo, uhimize wakazi wa Samburu walete ombi ndio Kamati itembelee Samburu. Tukisema Kamati izunguke nchi nzima, itachukua muda mrefu. Najua Kamati ambayo imezunguka nchi mzima na imechukua muda mrefu, tangu Mwezi wa Tano mwaka jana. Tukisema Kamati ya Bunge izunguke nchi nzima, haitafanya kazi nyingine. Kwa hivyo, tunakuomba kwamba yanayowakera unaowawakilisha kule Samburu uyaandike ama wao waandike kwenye ombi ama *petition* kisha Kamati iwatembelee huko. Kwa sasa, wacha Kamati imalize jambo hili halafu wataangalia ombi lako kama utalileta.

Hon. Pukose, do you still want to weigh in?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. I thank Hon. Omulele for his keenness in identifying the issue.

The House has debated this matter. We have had very important contributions in support of the people of Mt. Elgon. What happens to the contributions the Members have made considering the fact that the Environmental Impact Assessment (EIA) report that was attached to the Report was invalid? Does it invalidate the contributions that have been made by Members?

**Hon. Speaker:** We should not worry about that because we have not yet amended Standing Order No.1. So, do not worry. We shall cross that bridge when we get to it. We will need, first of all, to know the kind of report the National Environment Management Authority (NEMA) will give in relation to the Petition. It might change the whole gamut of what the Committee has recommended, in which case, then, it will be like getting a new report.

Hon. Kareke Mbiuki, you better immediately engage with the relevant institution, NEMA or the Ministry, so that it is worked on as soon as possible. If it is possible, it should be done before the House proceeds on the long recess, that is, before 4<sup>th</sup> December 2019.

**Hon. Kareke Mbiuki** (Maara, JP): Hon. Speaker, I give an undertaking that we are going to engage the Ministry of Environment and Forestry to start the process afresh. For as long as the NEMA license is invalid or has expired, the process needs to start afresh. It means that we will have to go through public participation and the entire process and then come up with a new licence. We do not know what the outcome of the process will be because the dynamics could have changed from 2011 to 2019. So, let us be vigilant and hope that at the end of the day, once we get the verdict from NEMA, we will resubmit the Report to the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Report is not being withdrawn. The Report remains stood down. In the courts of law, they say, “stood over generally” awaiting the report you will get from NEMA. It is now for the two Committees, once they get the report, to sit and see whether it makes variations that will make you alter your recommendations. We do not remove the Report. That means you do not have to go for public participation. Unless there is such radical changes that

may require fresh public participation. You should determine that once you sit as a Committee and once you see the report from NEMA. So, for the time being, it remains stood down.

*(The Petition by the Executive stood down)*

Let us move to the next Order.

## **BILL**

### *Second Reading*

#### THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL

**Hon. Speaker:** Hon. Kioni, Chairman of the Constitutional Implementation Oversight Committee (CIOC).

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Hon. Speaker, I beg that the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No.52 of 2019) be now read a second Time.

Hon. Speaker, as I move the Second Reading of the Bill, allow me to recognise the very active participation of the Members of the Committee, Hon. Fred Kapondi, Hon. Wafula Wamunyinyi, Hon. Ayub Savula, Hon. Raphael Wanjala, Hon. Charles Gimose, Hon. Peris Tobiko, Hon. Sara Korere, Hon. Abdi Shurie, Hon. Fabian Muli, Hon. Geoffrey King'ang'i, Hon. Gideon Koske, Hon. Mucheke, Hon. Jane Njiru, Hon. Japheth Mutai, Hon. Samuel King'ara, Hon. Daniel Rono, Hon. Anthony Oluoch, Hon. Christine Ombaka and Hon. Joshua Kandie Chepyegon.

Article 100 of the Constitution requires Parliament to enact legislation to promote representation, in Parliament, of women, youth, persons with disability, minorities and marginalised groups. The Fifth Schedule of the Constitution details the pieces of legislation that ought to have been passed and by what time. This particular Article needed to have been given effect within five years of the new Constitution which happened to be 2015.

The Committee in exercising its mandate of overseeing the implementation of the Constitution noted that there was no specific piece of legislation that had been enacted by that time. But it is important to note that several efforts or attempts had been made by the 11<sup>th</sup> Parliament.

In finding a solution to this, we contacted the office of the Attorney-General, the office of the Kenya Law Reform Commission, the office of the Registrar of Political Parties and the Independent Electoral and Boundaries Commission (IEBC) among other institutions in an effort to find out how we can overcome the challenge or why it has taken that long for us to actualise Article 100 of the Constitution. It was agreed among these institutions that while we may attempt

to have a stand-alone Bill, it may not be feasible and, perhaps, there might not be need to have a stand-alone Bill. It is for that reason that we set out to amend quite a number of Acts of Parliament, so that we are able to achieve what is intended to be achieved by Article 100. It is important to recognise that the 11<sup>th</sup> Parliament had developed a Bill by amending various Acts, including the Political Parties Act and the Elections Act, all of which were trying to encourage political parties to make it possible for special interest groups to have representation in Parliament. They had tried to look for a balance through party primary nominations that would increase their electoral chances in Parliament and also to reserve some seats in the Legislature for special interest groups. The Committee observed that although this amendment was passed into law, it did not quite achieve what Article 100 intended. It is for that reason that we, as a Committee, again went into the motions and to ensure that this particular Bill gives effect to Article 100 by trying to create an enabling environment for special interest groups to have representation in Parliament. The Bill that is before us proposes to amend the following Acts: The IEBC Act of 2011, the Political Parties Act of 2011, the Elections Act of 2011, the National Gender and Equality Commission Act of 2011, the Election Campaign Financing Act of 2013 and the Election Offences Act, No.37 of 2016.

The Bill seeks to amend the IEBC Act, first, in Section 2 to broaden the definition to include special interest groups, namely; women, persons with disabilities, youth, minorities and other marginalised communities. Secondly, the Bill seeks to amend Section 4 of the IEBC Act to allow the Commission, during its preparation of the voters role, to capture the data of all categories of special interest groups so that when you look at the data available, you can tell the number of persons with disabilities, the number of women, the number of persons within the ethnic minorities and other marginalised communities. The Bill also seeks to give the Commission power to prepare party lists for nomination purposes. Perhaps the clearest way of doing it would be through regulations, but that is also what the Bill seeks to do. The third aspect that the Bill intends to amend is the use of voter education, so that it is a means by which all voters, including special interest groups, can be reached through the use of appropriate technology that would be accessible by special interest groups. Further, the Bill seeks to amend Section 27 of the IEBC Act to require it to publish and publicise all important information within its mandate using modes accessible to special interest groups.

On the Political Parties Act, the Bill seeks, again, to amend Section 2, so that the definition as contained in Section 2 is inclusive of the definition as contained under Article 100 regarding special interest groups. This will ensure that all those categories under Article 100 are properly included in the definition of the Political Parties Act. Again, the Bill seeks to amend Section 20 of the Political Parties Act, so that when political parties intend to change their constitution, they not only should publicise in two newspapers with nationwide circulation, but also carry it in their website, if they have any. The Bill will also require them to do it in a manner and form that will be accessible by special interest groups.

An area Members would want to pay a lot of attention to is Section 25. The Bill seeks to provide a new formula for distribution of the Political Parties Fund as follows –

- (a) fifty-three per cent of the funds available should be shared between the largest party and the second largest political party or coalition of parties;

(b) twenty per cent of the Fund should be shared among parties not getting from the 53 per cent. In other words, the 20 per cent will go to parties other than those which will have benefited from the 53 per cent;

(c) Another 20 per cent will be shared according to the number of candidates elected from the special interest groups;

(d) five per cent will be used for administration expenses; and,

(e) two per cent will be availed to political parties' liaison committee which also has a role in ensuring that special interest groups are properly represented in Parliament.

The Bill also lays down the criteria for qualification. It provides that for a political party to be entitled to these funds, it should have, at least, five elected Members of Parliament, one elected governor and 12 elected MCAs. That is a lower threshold than it is the case now in the Political Parties Act. Further, the Bill seeks to amend Section 26 to specify the items to which the money allocated to political parties for the promotion of special interest groups should be used for. It specified how political parties apply money that is intended for special interest groups. The Bill seeks to amend Section 29 to require that when a political party publishes its income and expenditure at the end of the year, it includes details about the amount allocated and expended on each category of special interest groups.

The Bill also introduces a new Section 30 to require political parties to submit to the Registrar of Political Parties at the end of every financial year, a report of its activities that have gone to the promotion of special interest groups in Parliament and in county assemblies. The Bill also seeks to amend Section 49 of the Political Parties Act to provide the formula for the distribution of the 20 per cent that has been left for political parties according to the number of special interest group members elected into Parliament from each party. In other words, the Bill seeks to provide a formula for rewarding those parties that will have helped persons falling within the definition of special interest groups to come to Parliament and the county assembly. It is an incentive in other words. Finally, on that Act, the Bill seeks to amend the First Schedule of the Code of Conduct of political parties to impose an obligation on the political parties not only to respect the right of all persons to political process, but also requires parties to protect that right and to ensure that all persons, including special interest groups, participate in electoral processes.

In addition, the Bill seeks to amend the Elections Act, in Section 13, to require political parties participating in elections to ensure that during party nominations, at least, one-third of the candidates who go for primaries are of either gender and five percent are persons with disabilities. These are not the persons who will have to be elected. Political parties will be required to ensure that in the party lists of those going to take part in your nominations, there are persons falling under the definition of Article 100. We believe that when you do that, there is a chance for those who are already in the list to be elected as opposed to the case where they are left to be on their own.

Hon. Speaker, it also seeks to oblige the IEBC not to accept a list of candidates nominated by political parties unless that criterion is complied with. The Bill also amends Section 35 of the Elections Act to require the IEBC to ensure that the list is accompanied with a statutory declaration signed by a person authorised by the party to certify that the candidates who are nominated were actually nominated by the party. Minutes of the Party Selections Board (PSB) should accompany it, so that we do not have other groups sitting and coming up with a list like may have happened within some political parties before. I can see Mhe. Mbadi is in agreement with that.

The Bill further wants to amend Section 40 of the Elections Act to oblige the IEBC that while providing voter education, it should also ensure participation of special interest groups in programs and sensitise voters on inclusion of the special interest groups. Among other things, it is also to amend the electoral code of conduct to require that political parties ensure security for persons falling within the definition of Article 100 because that was also identified as a problem.

The other Act that is being amended by the Bill is the National Gender and Equality Commission (NGEC) Act. Section 2 is on definition, so that it is in line with Article 100 and Section 8 to include the functions of the NGEC, the role of monitoring the framework for the promotion of special interest groups, liaising with other public institutions to ensure that special interest groups are included in public institution and to require public institutions to submit to the Commission on annual basis the plans and measures to comply with this Section.

The Elections Campaign Financing Act is another Act that is being amended by this Bill. Section 2 is the issue of definition and Section 18 is to require the IEBC to have in consideration special interest groups when they are prescribing spending limits during elections campaign. Finally, there is also amendment to the Elections Offences Act that is targeted by this Bill. The Bill proposes to amend Section 13 of the Act to criminalise the use of demeaning or insulting language targeting special interest groups during the elections process. This is meant to caution the special interest groups, so that they can participate in the electoral process without intimidation.

Hon. Speaker, during public participation, we had quite a huge input from other organisations. When we come perhaps to the Committee of the whole House, we will suggest amendments in some areas including additional functions to persons with disability in order to encourage participation of persons with disability in electoral processes. We will also give the IEBC the mandate of coming up with a criterion for the classification of marginalised and ethnic community. We will require the Commission to ensure that communication modes used by the IEBC shall be ones that are most accessible and address various communication challenges that are already being encountered by the special interest groups, especially the deaf and the blind. That will ensure the modes are useful to all of them. We will also be introducing amendments to eliminate the mandatory requirement in the Bill to have a political party to make any notification or changes in their constitution in the website just in case parties do not have websites.

These amendments to various Bills are meant to ensure - and especially the one on the Fund - the participation of the special interest groups in electoral process. For us to have more of these persons in these categories in Parliament, we need to have more actors than just the two political parties or one large coalition. It is for that reason that perhaps we have targeted the issue of distribution of funds, but there is an attempt by the Bill to ensure that political parties spend money in the branches. If there are no activities at the branch level, we would not be able to help persons in this category to access representation or to have presence in Parliament and the county assemblies. We believe that the various amendments to the various Acts as proposed in this Bill will help actualise the provisions of Article 100. In coming up with these, we did quite a bit of concentration and a lot of public participation. There was an attempt to come up with a stand-alone Bill, but when we tried to put that thinking to some critical process, eventually the only way possible, up to where we are, is to try and amend those particular Acts. We believe that would go a long way in ensuring that Article 100 is actualised.

Hon. Speaker, with those remarks, I beg to move. I ask Hon. Wamunyinyi to second.

**Hon. Speaker:** Hon. Wamunyinyi, the Floor is yours.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you very much, Hon. Speaker, for giving me the opportunity to second this important Motion as moved by the Chair of our Committee.

Parliament was required to pass various pieces of legislation to give effect to the Constitution. One of the reasons why we have brought this big number of pieces is because of the timing and the fact that we have had two years without a piece of legislation. We want to utilise this opportunity to move related Bills together, so that we can maximise the usage of our time.

One of the very important Bills that we seek to amend is the one related to the one-third gender rule. The one-third gender rule as was provided, and Parliament asked to pass legislation to ensure its implementation, was a good law and very ambitious. It wants to promote the disadvantaged persons in our community, but this was passed without a good mechanism being provided on how to go about it. There is that bit of democracy that people are elected. People go to ask for votes and they are elected. You cannot say so and so should not run for a position in this area. So, it is important that a way is found. We are proposing an amendment that political parties should take responsibility for ensuring that this rule is respected and complied with, so that we can realise what is envisaged in the Constitution. We have discussed this requirement, as a Committee, with various stakeholders and made this proposal of political parties taking up the responsibility of ensuring its implementation.

On the IEBC, there was no provision in the IEBC Act on interpretation and it does not include the special interest groups. In this amendment, we are providing for that in the IEBC Act since it has not been provided for. As our Chair has explained when moving, this will ensure that on voter registration, IEBC has adequate data on categories of special interest groups that participate in the process.

On offences, in Bungoma, some disabled persons have been abused by some politicians. Like Nominee 001, they are called “*Khutiekela*” in Kibukusu. You know, those who do not have anything to support themselves will keep limping. That act of limping is called “*Khutiekela*”. When they are called that at home, it amounts to an abuse. It is commonly used when people are campaigning. So, this will take care of that. It will ensure that the disabled are protected. We cannot abuse them. It is not their wish. I have threatened my friend that one day, I will take his crutches and see how he will walk.

The other area which my colleague, the Chairperson, has pointed out is the manner in which political parties conduct themselves. For example, the current active case of money from the Exchequer to political parties. Some political parties that we worked with in our coalition want to take all the money. We worked together, supported them and they now want to eat all that money alone. This law will solve that problem. Some of these parties and their leaders are deceitful. When you talk to the leaders today, they will say this and then tomorrow they will somersault and say a different thing. This law is going to help us to deal with those deceitful leaders. It will ensure that when parties are working together, and funds come, they are not for an individual, but for Kenyans. Parties are expected to be facilitated to grow. That was the spirit of that law.

Hon. Speaker, if you can remember, one time your former party, the Kenya African National Union (KANU) was a mass movement in this country just like the two mass movements we have, namely, Jubilee and the Orange Democratic Movement (ODM) parties. They will come down like your former party KANU did. So, this is merely helping. If we pass this law, it will help to protect the interest of all parties and help the small parties with 10

Members of Parliament to grow. My party, the Forum for the Restoration of Democracy-Kenya (FORD-Kenya) is not a small party. It is the second oldest party after KANU in Kenya. It has a number of Members of Parliament. We are 17 Member of Parliament if you add my party leader, the Senator. However, they keep referring to us as a small party with about 80 MCAs. We do not get anything from the Political Parties Fund. I am concerned because that is my political party. This law is good and it will help to address these issues.

The other bit I want to mention before I allow my colleagues to make their contributions on this, is that this House has been blamed for not acting to ensure that the law on special interest groups is passed and other laws that will effect the Constitution. We have worked round the clock. I thank the Chairperson for his leadership and my colleagues in the Committee who ensured that the Committee performed its function. Indeed, we are committed. We would like to see that the other legislative pieces that are on the way come before this House. I want to thank you, Hon. Speaker, for supporting us and giving us an able Clerk. After the changes, we have a good Clerk.

Hon. Speaker, I am hoping that with your support, as you have done previously, we should be able to bring amendments to the Constitution. We spoke to you about them when we paid you a courtesy call. The current disconnect between the Executive and the National Assembly should be dealt with. We need to undertake other steps to ensure that we bring laws that will enhance that relationship. The Executive should know what the Legislature is doing and the Legislature should know what the Executive is doing. That relationship should be assured, so that the people of Kenya are given adequate service and representation. We will put the Executive to account before the House. If you can remember what we used to have in the past, Ministers were put to task by Members in the House. They were accountable to Parliament and the people of Kenya.

I wish to second. Thank you.

**Hon. Speaker:** Hon. Members, before I propose the Question, I wish to also acknowledge the efforts of the Constitutional Implementation Oversight Committee. It is a Committee created by the Constitution, if you look at the Sixth Schedule of the Constitution. More importantly, we should appreciate that if you go through the Fifth Schedule of the Constitution, you will find that there are certain requirements placed on Parliament. That, within six months, it must have enacted this law, within 12 months, it must have enacted this piece of legislation, within 15 months, 18 months, 2 years, 3 years, 4 years and 5 years, it must have enacted various legislations. So, if you go through the Fifth Schedule of the Constitution, you will notice that when it comes to Articles 27 and 81, there is no requirement or obligation placed on Parliament. But in that Schedule, you will see that Article 100 is referred to and Parliament is required to pass legislation to make provisions for the representation of women, youth, persons with disabilities, minorities and marginalised groups. Those are the ones that both the Mover and the Seconder are referring to as special interest groups. Therefore, that is an obligation for Parliament to enact legislation to make provision for what is referred to in Article 100.

So, this committee has, at least, come up with a Bill that proposes to implement that Article. Indeed, Hon. Kioni and team, I commend you. Now nobody should go to court to argue that Parliament has not enacted. Article 27 of the Constitution says that the State shall take legislative and administrative measures to implement the policy of not more than two-thirds of either gender. It is the State, not Parliament. Article 81 talks about the electoral system complying with the laid out conditions. It is the electoral system, not Parliament. If we finish



with this, I think we shall have finalised those laws which are required in the Constitution. We will continue to make other efforts to ensure that the collective, referred to as the State, implements the requirements of Article 27(6) and (8). I want to personally commend Members of the Committee. We had the Constitution Implementation Oversight Committee (CIOC) in place even in the 10<sup>th</sup> and 11<sup>th</sup> Parliaments, but this particular one of the 12<sup>th</sup> Parliament has taken up this particular challenge which has been dogging this institution since the promulgation of the Constitution.

*(Question proposed)*

**Hon. Speaker:** I can see that 001 is on top of the list.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. As you appreciate the Committee for having done a perfect job, allow me to also appreciate you for being a mobile encyclopaedia as far as our Constitution is concerned. As a new Member, I have learnt a lot from your in-depth knowledge of our Constitution. I am quite sure when you were in law school, you did not miss many classes like my brother, Hon. Cheboi.

*(Laughter)*

So, thank you very much, Hon. Speaker. I appreciate. And Members appreciate what they have learnt from you. You always refer to the Constitution and very specific Articles.

I support this particular amendment. The Committee has done a thorough job. The first reason for supporting is that among the special interest groups, there has been one group whose voice has been louder than the rest, namely, women. They have been louder than people with disabilities and other special interest groups. The Committee has made sure that the voices of the special interest groups are heard. I support because for the first time, our voices will be heard in terms of representation.

I also support because the Committee has taken the burden from Parliament. The blame that has been laid on this House is now taken to the relevant authorities. For a long time, we have been on the receiving end that we have not passed the two-thirds gender rule. A lot of blame has been piled on this House. You have rightfully put it that it is Article 100 that requires this House to make sure that we have put in place a legislative framework.

I support the Committee because for the first time, political parties, which sometimes pretend and lay blame on this House, have a responsibility to play in terms of making sure that special interest groups are represented in Parliament and county assemblies. When we were trying to pass the two-thirds gender Bill, all political parties pretended to be supporting the two-thirds gender rule. Most principals of political parties were here in the Speaker's Gallery pretending to be supporting the two-thirds gender Bill yet in their political hierarchy, they have not attained the two-thirds gender rule, neither have they attained the representation of special interest groups. So, their pretence will be put in the right place because they have a role to play.

*(The Speaker (Hon. Justin Muturi) left the Chair)*

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

I support what Hon. Wafula Wamunyinyi said that when PWDs compete in election, they are referred to in demeaning terms. At times we are referred to in demeaning words that we even fail to come out. Even the Swahili words *kiwete*, *kiziwi*, *kipofu* are demeaning. The “ki” is something that should be given to non-living things like *kitanda*, *kiti* and not human beings. In my Maasai Community, we are referred to in three basic terms. One of them is *eng’oki*, which means a curse. So, if I am told I am a curse, who will elect a curse? We are referred to as *orng’ochine*, meaning a hyena. Who will elect a hyena? We are also referred to as *ormaima* - and Hon. Sara Korere is here, which is the seal. When you are referred to in such demeaning words, you may not even be elected. People will shy away from electing you. So, the Committee has come up with a legislative framework to remove those demeaning words. This will assist us to come out, because PWDs also seek opportunities. We are no longer sympathy seekers. We seek those opportunities. When we are given such opportunities by a progressive amendment like this one brought by Hon. Kioni, then we will come out and grab the opportunities.

You have seen Hon. Tim Wanyonyi, the Member for Westlands, one of the richest constituencies in the whole country. It is a constituency that holds part of the economy of this country. If he was elected on a wheelchair, we will come out because of this amendment and we will be elected. You will see so many of us in this House representing our people.

The other issue I support is that instead of the special interest groups being viewed as supplicants seeking nomination favours from political parties, we will be given a level-playing field, so that we can compete with the rest of the public. We will attain the two-thirds gender rule. We will attain representation of PWDs in both Houses of Parliament and even in county assemblies when this Bill is passed. So, I urge Members of this House to support this particular amendment. Currently, we are supposed to have representation of PWDs in the county assemblies through nominations. Some people have grabbed those nominations and purported to be representing PWDs. Some of them have even pretended to be PWDs. Others have said that they are PWDs because they cannot give birth. Others have said that they cannot fertilise women and so, they are PWDs. There are people who have taken up our positions. We were supposed to have 94 MCAs representing PWDs, but currently, 20 counties do not have any representation of PWDs. Seventeen of them have one. Only 10 of them have representation of PWDs, because those were favours that were sought from political party bosses and they ended up giving the slots to their girlfriends.

If we had a level playing ground, you will be shocked to see that one-third of the Membership of this House after the 2022 general election will be special interest group people – women, people living with disabilities and people from marginalised communities. We have ideas that we would sell to Kenyans. However, because we are referred to using demeaning

words, nobody is willing to listen to us. Nobody gives us a platform. This amendment is giving us a platform.

Hon. Temporary Deputy Speaker, you will bear me witness that, given a platform, I can move the masses. There are very many of us out there. If they are given a platform, they will move the masses and get elected to this House. There are many people who are like Hon. Timothy Wanyonyi out there. There are also many people who are like Hon. Janet Teiya out there. If those people are given opportunity, they will move the masses. This amendment will give us an opportunity and I assure you, if I will not be elected as Governor; I will be elected as Member of Parliament or even president. If I am elected president, do you think the sun will rise in the reverse? No, it will rise from the usual direction. That is no big deal.

With those remarks, I support the amendment Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. 001, you have made a good contribution. Let us hear Hon. Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. This is one of the best Bills that we have seen. As a person living with disabilities, and as a member of what we call special interest groups, I am very happy that for the first time, special interest groups have become an agenda of this House. I am happy because that is a life I am living. I will speak about it for some time. I am happy that the Member for Ndaragwa, Hon. Kioni, who is the Chair of the Constitutional Implementation Oversight Committee (CIOOC), has seen it fit to bring in so many of these amendments that are meant to make it easier and favourable for persons living with disabilities, or special interest groups, to participate in the political process. It is not a walk in the park for persons living with disabilities in this country to participate in the political process.

I came to this House in 2013. You remember very well because you were here. I did not have disability then. However, a year later, in 2014, I got a disability. As I listened to Hon. Kioni talk about these amendments, I felt like they touch me because I am a Member of Parliament who has campaigned with a disability. I could not make it simply because of these factors, among others. Considering persons with special needs, as far as political processes are concerned, is very important. Persons living with disabilities usually take the longest routes to maneuver through the political process to Parliament and leadership positions in this country. It is not a lie. We cannot lie here. We have to give prominence and attention to persons living with disabilities. It is a fact that if you are living with disabilities, even if you are the best candidate or the only choice that people have, you will not get an opportunity to contest because of your state. I am happy that we are discussing this amendment Bill. Millions of Kenyans living with disabilities and other special needs are listening to what we are debating in this House.

I am happy that the so many amendments that the Committee has proposed seek to ensure that participation by members of special interest groups in the electoral process in this country is guaranteed. On that note, allow me to thank my political party, the Orange Democratic Movement (ODM), which has, within its own structures, come up with a wing that looks at the issues of persons living with disabilities. That is a plus for my party and party leader. We have spent over two years looking into issues of gender and women representation in Parliament, but we have not talked about people living with disabilities. I have gone to the Speaker's Office so many times talking about the issue of two-thirds gender rule, and he has told me that the issue of representation of special interest groups is guaranteed in Article 100 of the Constitution. This is the Article that the Committee is trying to implement through this amendment Bill so that issues of persons living with disabilities can also be addressed. I am so happy that we are looking for

ways of strengthening political parties to ensure that they look into issues of persons living with disabilities from the branches.

Hon. Temporary Deputy Speaker, the Committee looked at the Elections Act. The proposed amendments to Section 13 basically want political parties to ensure that during party nominations; five per cent of the participants are members of special interest groups. We are happy about the amendment Bill.

**Hon. Wilson Sossion** (Nominated, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Dennitah, just hold on. Hon. Sossion, what is out of order?

**Hon. Wilson Sossion** (Nominated, ODM): Hon. Temporary Deputy Speaker, I rise on a point of order on the constitutionality of this Bill. Article 97 of the Constitution on the membership of the National Assembly, particularly part (c) states that the National Assembly shall consist of 12 members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90 to represent special interests, including the youth, persons with disabilities and workers.

Hon. Temporary Deputy Speaker, in this Bill, workers are nowhere. So, I am seeking your guidance because we should be operating within the provisions of the Constitution

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sossion, this Bill was brought here by the Committee upon its approval by the Speaker. I think your concerns will be looked at and we shall make a delivery on it. Your concern is noted. We shall deliver a considered ruling on it. For now, we proceed.

Hon. Chair, your input will be taken into consideration, but not at this point in time. That will be made later.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

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

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Indeed, you have acknowledged the concern of Hon. Sossion. My advice to the Chair is that he takes note of that concern and when it comes to responding, he brings in his issues. The moment you have moved, you sit, relax and listen to the contributions of other Members. At the time of replying to debate, you will be articulating such issues. Hon. Sossion can bring an amendment during the Committee of the whole House. This Bill is here to be enriched. As Members contribute to debate, they enrich the Bill. Indeed, what Hon. Sossion has said is clear as per Article 97 of the Constitution. So, please, hold your horses, you will respond.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wamalwa, you are right. A constitutional intervention can be made at any point in time. It is within the right of Hon. Sossion to have done so. I have already directed that he will receive a considered response to his concern, but on the whole, we can proceed awaiting that response.

Proceed Hon. Dennitah.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. Hon. Members should just wait and not interfere when we are talking about a serious issue like this one. I want to hail the Committee on the deliberate efforts they took to look at the community which is not discussed as a mainstream agenda. I take cognisance of the fact that the

Committee is proposing an amendment to Section 13 of the Election Offences Act. Their suggestion is to criminalise use of demeaning words to persons with disabilities or special interest groups to enable them participate in the electoral process.

I want to give an example of a name I acquired when campaigning simply because I have a disability. Where I come from I was given a new name *puth* and I call myself a *kaputh*. In the language of the majority where I come from, a *puth* is someone who cannot move or push his/herself. This is a demeaning word especially when it comes from a colleague who you are fighting with for the same position. *Puth* in Luhya is *libokoyo* which means someone who cannot move and has to roll.

The reason why I support these amendments is because of such names. I will support Section 13 on the use of derogatory words to refer to persons with disabilities who want to participate in politics. Participation in the political process is guaranteed in the Constitution and in the UN Convention on the Rights of Persons with Disabilities (CRPD). It is not a favour for persons with special interests to participate in the political process. I can tell you for sure that when I was called *puth* I realised it does not just mean a physical *puth*, but also of the brain and mind. These are the kinds of words these amendments seek to cure.

The National Gender and Equality Commission (NGEC) is a constitutional Commission. As we speak, you will realise that this Commission has no much power to monitor the implementation of Article 100. I am happy that one of the things the Committee is recommending is strengthening the role of NGEC to monitor the implementation of Article 100. We have seen NGEC going round looking at the issues of marginalisation and persons with disabilities.

Allow me to thank the Committee for coming up with these amendments which will make it possible for persons with special interests and SIGs to participate. At the end of the day we have been talking about two-thirds gender rule and we cannot talk about it without talking about persons with disabilities because they are also a marginalised group. I can tell you for sure, you cannot talk about women without talking about women with disabilities. That intersectionality has to apply. This is something I saw and learnt when I joined this club.

I want to thank the House for the opportunity it has given SIGs so as to be captured. I urge Members to support where there is an effort and attempt to elevate the lives of persons with disabilities both in the socio-political and economic spheres of this country.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken Hon. Ghati. Hon. Osotsi, you have the Floor.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important Motion. I want to start by thanking the Committee chaired by Hon. Kioni for the good work done. This Bill is long overdue because the Constitution provides that we need to have a legislation to address Articles 54, 81 and 100 of the Constitution. I am glad this Bill has tried to address these Articles.

As has been said by one of the Members, this Bill will empower SIGs to access leadership positions, unlike what we have at the moment. This will be through civic education,

capacity building and facilitating these people to become candidates and campaign during elections. It will also address issues of publicity, funding and other measures deemed fit and approved by the Registrar of political parties. So, this is very progressive.

This law also allows the harnessing of the potential of people with disabilities and other SIGs to be represented in county assemblies, Senate and the National Assembly. This is progress. I think Parliament will evade the challenge we have always had of the issue of two-thirds gender rule. But I have some reservation which I want to share from my experience and I think the Committee should look into. This is especially on the issue of minorities. I think the Bill should clearly define the word minorities and who they are. Some of the people Hon. Sossion was referring to could be specified under this group.

It is a challenge for political parties to define who minority persons are. It is easy to define persons with disabilities, youth and women, but it is a big challenge to legally define who the minorities are. So, this is an opportunity for the Committee to come up with amendments that will clarify this issue. This is especially when it comes to nomination via party list. Another important issue which I would like the Committee to think through is that we have always had a problem of having the right formula for sharing of Political Parties Fund. Looking at what has been proposed here, I do not think it will solve this problem.

The Bill proposes that 53 per cent of the fund will be apportioned between the largest and second largest political party. But, it does not tell us how this apportionment will be done. Is it by the number of votes garnered by these parties or elective positions which these parties have? This is not very clear because the current Political Parties Act talks about at least 3 per cent of the votes garnered in the presiding election. So, I think this has to come out very clearly so that we do not get into disputes. I want to discourage the issue of leaving these to regulations. This is because we are the law makers. Therefore, we should be very clear when making these laws and not leave to other parties to come up with regulations.

Another aspect is the proposal that 20 per cent will be apportioned among all other parties. This is ambiguous because two parties have been allocated 53 per cent and then all the others remaining with 20 percent. Then it goes further and gives conditions for qualification for you to qualify for the political parties funding. You need five Members of Parliament (MPs), 12 Members of County Assembly (MCAs) and one governor. This will be an advantage to parties that will get more MPs and MCAs, but fail to get a governor. Like the party I belong to has 17 Members of Parliament and over 60 MCAs, but it does not have a governor. So, this particular party will not qualify for this because of the criterion that has been put here. So, what does it mean for the second part? It means that the 20 per cent may end up going to one party so that the two large parties will share 53 per cent and then the remaining 20 per cent goes to one party; maybe FORD Kenya, yet we know FORD Kenya is smaller than other parties we know.

The third bit is the 20 per cent to be shared based on the number of candidates with special interest. I have no problem with that. The fourth part is the 5 per cent that should go to the Office of the Registrar of Political Parties for administrative expenses. One of the biggest problems we have in this country, in as far as management of political parties is concerned, is the

Office of the Registrar of Political Parties. We cannot have proper democratic parties in this country, if we do not have a proper process for administration and management of this Office. One of the challenges we have at that office is lack of capacity and funding. I propose that we increase from 5 per cent to 10 per cent so that we can have formidable parties in this country and promote democracy.

The Committee should rethink the funding of political parties to make it fair and objective and remove all the ambiguities. For example, it has not adequately catered for parties which are in a coalition. If we are in a coalition, how do we share the money that comes to our coalition? That has to be clarified.

The other bit is on the issue the IEBC which should ensure that the list submitted by political parties seeking to participate in parliamentary election must comply with Articles 54(2) and 81(b) of the Constitution. I agree with that, but there will be a challenge in this case. The challenge is very simple for a political party to comply. We will just look for areas where we are not popular and give people free tickets and put them on the list. That will not help us to achieve what we want to achieve here. We need to do a lot more to tighten this requirement because parties will easily comply. We will then achieve what we want to achieve in terms of getting persons with disabilities or other persons with special interest coming to Parliament or going to the county assemblies.

I will come up with suggestions on amendments to the Committee on this one. I also want the Committee to also look at discriminatory sections in the Elections Act and the Political Parties Act affecting persons who are...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Osotsi, I am sure you had so many things to say in regard to this. This is because you have been very active in this area. We will gain a lot from your experience.

Next is Hon. Korere Paulata, the Member for Laikipia North.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to contribute to this Representation of Special Interest Groups Laws (Amendment) Bill of 2019 under the very able leadership of my Chairman who actually gave a lot of his time and brain. As a person and as a Member of the Special Interest Groups, being a woman and getting elected in some of the very patriarchal society was not a mean achievement. You realise that the biggest impediment and road block to election of women in this country is the political parties. If there is real *wakora* network, it is the political parties. When the Committee proposes this amendment whereby the political parties are mandated to give a certain list for them to comply to run for an election, it will add a lot to the election of women in this country.

We have seen parties which even before they go for elections... Hon. Temporary Deputy Speaker, if you look at me, I am a typical village girl from Doldol. It is my habit that after Parliament...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Paulata, the Speaker looking at you has got no such assumptions. Ordinarily, the Speaker is blind, but now

that you have invited him to look at you, what the Speaker sees is exactly the opposite of what you are asking the Speaker to presume; to be the most sophisticated Member of this House. Proceed, Hon. Paulata.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Temporary Deputy Speaker. What I actually mean is politics is about connections. Some of us are young mothers, women and wives. Sometimes the call of duty demands that I leave Parliament and go straight to my House to cook for my family and take care of my baby. But it is an open secret that men will be meeting at Serena Hotel and Intercontinental Hotel and before you know it, somebody is walking with a direct ticket in their pockets.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Paulata, Hon. Chris Wamalwa thinks that there is something out of order. Hon. Chris Wamalwa, what is out of order?

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Is the Member in order to mislead this House that all the Members of Parliament who are women are child-bearing; 90 per cent of them in this House are not even bearing. So, it is very wrong to mislead this House and say when you come here, you will be disadvantaged in the sense that you will be going to take care of the children and breastfeeding. Majority are grandmothers here. You cannot expect grandmothers to have that. So, it is very misleading. It is not in order in all circumstances.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wamalwa, there is really no point of order. If I heard Hon. Korere speaking, she was saying in her case, she has to go and take care of her family.

Proceed, Hon. Korere.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Temporary Deputy Speaker. As I was saying, it is an open secret that the party nominations are never free and fair as we want to believe they are. There are party leaders who already have preferred candidates who they want to clear for certain seats. We have lost very important leaders in the gubernatorial seats in the name of party rigging.

When I came to this House for the first time, I came as a nominated Member. I agree with Hon. Ghata and nominee 001 that just like the way they are given names for persons with disabilities, the women go through the exact type of mistreatment. As a nominated Member, you will be called *bonga points*, *chips funga* and all those kinds of names. All women who have run for parliamentary seats, especially single member constituencies, governor seat or the Senate, will agree with me...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Korere, definitely the Speaker, and I am sure many of these Members here including Hon. Chris Wamalwa who was interrupting you, does not consider you as any *chips funga*.

Hon. Korere, if you recall the Speaker's earlier direction, he stated that at exactly 6 p.m., we shall adjourn so that we can go to the Zero Hour. You will have a balance of five minutes when this business is again set down for consideration. I ask you to just hold your horses. I know



you have a lot of things to say. Let us comply with the Speaker's direction so that we go to the Zero Hour.

*(Hon. Korere spoke off record)*

Hon. Korere, hold your horses. You will still have five minutes. Do not worry. You have said many things and I am sure you will have many things to say again.

Hon. Keter, the hour comes for the man.

## ZERO HOUR STATEMENT

### RECOGNITION OF NATIONAL HEROES AND HEROINES

**Hon. Alfred Keter** (Nandi Hills, JP): Thank you, Hon. Temporary Deputy Speaker for according me this opportunity.

Pursuant to the provisions of Standing Order No.33, I wish to raise a matter regarding several national heroes who have achieved a lot lately. On Saturday, October 12<sup>th</sup> 2019, we celebrated with the world as one of our own, Eliud Kipchoge, ran a 42-kilometre marathon in 1 hour, 59 minutes and 40 seconds - the first human being to ever do so. The same weekend, Brigid Kosgei broke a 16-year old record in the women's marathon running in 2 hours, 14 minutes and 4 seconds. We had the Kenya Navy and other agencies that managed to retrieve the vehicle which had sunk to a depth of over 50 metres in the Likoni Channel about two weeks ago. Several General Service Unit (GSU) officers lost their lives in the line of duty while conducting security patrols in the Garissa area while our soldiers are still fighting in Somalia as part of the African Union Mission to Somalia (AMISOM) forces. These Kenyans have and continue to undertake extraordinary national duties bringing high acclaim to our nation.

As we prepare to celebrate Mashujaa Day, they deserve special recognition for their contribution to and sacrifice on behalf of Kenya. Against this background, I, therefore, seek your leave to raise this matter during today's Zero Hour.

I am a proud Kenyan having watched Eliud Kipchoge complete a marathon in less than two hours last weekend. The whole world stood still that morning. As a House, we need to see how to celebrate these heroes, contribute and support them because we do not support them. I remember Brigid Kosgei who broke the world record which stood for over 16 years. She broke it in 2 hours, 14 minutes and 4 seconds. It is high time that this country celebrated these heroes. As we support them, let us put up stadia to promote sports which showcase Kenya as a wonderful nation and country. When some of us who come from Rift Valley region see these athletes, we sometimes do not take them seriously. It is only when they do it like Kipchoge when all the international, local and social media were on his case that we take them seriously. I remember there were tweets from all over the world, including heads of state and governments, who were celebrating a hero born in a small village in Nandi. That is my county, for your information. It is really a proud thing.

This is a heroes' week. On Sunday, we will celebrate Mashujaa Day. There are many heroes that we forget. I watched for almost two weeks the Kenya Navy and other agencies working to ensure that they retrieved the vehicle that had a mother and a child. After they

retrieved it, nobody remembers them. Before the retrieval, everybody was discussing them. When it happened, we seem to have forgotten them very fast.

We must remember the heroes who lost their lives. I remember the ten GSU officers who lost their lives in the line of duty. While trying to protect our lives, they lost theirs. Those are our heroes. We have so many heroes but to save time, we must remember each and every one of them, including our President and the former Right Honourable Prime Minister for their handshake which has brought peace to this nation. They are our heroes. We can see a peaceful country. Tourism has improved.

In summary, we must try and celebrate all these heroes as we support sports and each and every hero and heroine in this nation. Let me allow other Members to contribute.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well moved, Hon. Keter. Hon. Members, you will take note that this is a matter being considered under Standing Order No.43. Every Member who contributes to this will have three minutes to speak to it. The first Member to have a go at it will be Hon. Ombaka, the Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I take this opportunity to also celebrate the heroes that we have had in recent times. We are proud of Eliud Kipchoge and other leaders that have followed suit. We do not forget. I would like us never to forget that we used to have the East African Safari Rally which is no longer there. Maybe it is coming back. As I was growing up, we used to admire Joginder Singh. That was a name. It has since disappeared. I would like us to recall the great men and women of this country that have played a very important role because they are role models. Our young boys and girls will be like them. We should never forget them because in other countries, these people are remembered. They are part of the history of a nation. We need to remember these heroes not only during celebrations like Mashujaa Day but we also need books written about them so that our children can read about them in schools. They are part of our history and heritage. We must remember everybody who has played a big role.

Musicians die without being known yet they played a big role during their time. Their songs are used during campaigns. We have to think about the singers, athletes and writers. The late Grace Ogot was a politician and a great writer. We must remember some of the great men and women in our nation. They are part of our history that we should never forget. We need to write books about them for our children and the future generations to know who they were so that they can also emulate the work of our heroes.

That is my contribution. Thank you for the opportunity.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I stand corrected. I have retrieved the Speaker's directions when he gave permission for Hon. Keter to move his Motion. He allowed him to move it as a Motion for Adjournment under Standing Order No.33 which allows each Member to speak for five minutes. Each Member will have five minutes to speak.

The next Member to speak to this will be Hon. Jaldesa Dida.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also contribute to this Motion. I would like to take this opportunity to thank *Mheshimiwa* Alfred Keter for bringing this Motion. I also want to join the Members in congratulating Mr. Eliud Kipchoge and Brigid Kosgei. That Saturday will remain in the minds of Kenyans for many years to come unless other people come up and break those records. I was a proud Kenyan to have watched that event live. However, I am a bit demotivated because I cannot understand why it had to be a foreigner, Mr. Jim Ratcliffe, to organise that

event for Mr. Eliud Kipchoge. Could the government not have thought of doing it? On that note, I want to really appreciate the sponsor for his kind heart and generosity.

Hon. Temporary Deputy Speaker, secondly, I would like to congratulate the many sponsors, especially the private ones like Safaricom and Nandi County that contributed in one way or the other. Going forward, I urge the private sector in this country to borrow a leaf from Mr. Jim Ratcliffe so that the many talents that we have in this country do not go to waste. I urge the media houses to visit the camps in Eldoret and Iten so that the athletes can get motivated. I know they are there. We have so many other athletes like Eliud Kipchoge who can break the world record. All they need is motivation, nurturing and appreciation.

I expected to hear more appreciation from the Ministry of Sports, Culture and Heritage. This is a young man who proved that, indeed, a human being can do anything beyond any limit. I was even expecting to enjoy a holiday on Monday in his honour. What am I trying to say? We really need to go an extra mile and appreciate these people. I know Hon. Speaker told us in the afternoon to read Article 210 of the Constitution before we talk about tax exemption. I read how other countries appreciate their athletes and talents by giving tax exemptions to tokens that are received from other countries. Therefore, I am still proposing that as a House, we can come up with an amendment to ensure that when Mr. Eliud Kipchoge and other athletes get rewards like the one he will get, and then they can be exempted from paying tax. That way, they can come and donate whatever they are given to other deserving athletes. They will also nurture more talents.

With those remarks, Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wachira Kabinga, the Member for Mwea, you have the Floor.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Motion which was brought by our brother, Hon. Keter. I want to join in celebrating the heroes. I must confess it is long since I was glued to my television for two hours. I did so as I watched our son, Mr. Eliud Kipchoge, do what he did. That was really a great moment.

Even as I celebrate, I take note that this is a period where we also lost our sons in Liboi, Daramaje Road. Eleven soldiers lost their lives. Kirinyaga County lost three out of the 11 soldiers. Two of them come from my constituency. Police Constable Kennedy Njogu Murimi comes from Wamumu Ward in Mwea Constituency, and Police Constable Kennedy Kinyua Mureithi comes from Kangai Ward in Mwea Constituency. We also lost Police Constable Lewis Muturi Wanjohi who comes from Kirinyaga Central Constituency. When I got the news of these young men, I was disturbed because they are young. The three of them are not married. They are very new in the National Police Service (NPS). As I was thinking about it, a few things that we all need to think about came to mind. One, why is it that whenever we have these calamities in these challenging areas, we only get young men under 30 who end up being victims? Can it be that when most of our young men come out of their recruitment, they are posted in some of these challenging areas even without the relevant experience? This is really disturbing. We need to look at it to ensure that even as we want our young men to serve in this country, we ensure that we equip them with relevant experience before we post them to some of these areas.

I also take note that as these young men were patrolling the area allocated to them, they were in a vehicle that was not armoured. I know that we have invested heavily in this country to buy vehicles that are armoured and protected against Improvised Explosive Devices (IEDs) or bombs that these young men ended up being victims of. I want the country to re-look at the

investments that we have made as we rely on these young men to protect us. We are very peaceful in Parliament because some young men and women are out there patrolling to ensure that we have the peace that we have today. For that reason, it is very important that this country appreciates the sacrifices that these young men make.

Finally, I am interested to know of the extent our counties take care of the families that are left by these young men. Some of them were the sole bread winners of their parents who are now left without anything. For that reason, I am interested to know what is going to be done. I will follow up on this to know exactly how these young men are compensated. I will want to know not only what they are entitled to, but also what is in store for the dependants who are left helpless out there. I want to thank the General Service Unit (GSU). I was there yesterday with the families that were affected. I must thank them for the co-operation that I saw. I am very sure...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wachira, it is only five minutes. Hon. Maanzo.

**Hon. Daniel Maanzo** (Makueni, WDM – K): I thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important matter. There have been many cases in the country where heroes have lost their lives for others.

In the case of Mr. Kipchoge, I was one time at the Ministry of Sports, Culture and Heritage as the Secretary. So, I know that the people who win these medals or races bring a lot of fame to our country. Mr. Kipchoge's marathon record will boost our tourism. This is a person's single effort which will make Kenya earn a lot of money. The tax exemptions will serve to honour such a hero other than other honours that the country will give him or other persons. Sports bring unity. All Kenyans watched as this gentleman won. We were all united in cheering and celebrating him.

On the matter of Likoni Channel, I went to support Hon. Mishi Mboko. The lady and the child who perished come from Makueni. She was married in Makueni although she comes from Taita Taveta. I went there and worked with Hon. Mishi Mboko, and we were briefed. The recovery exercise was very well-coordinated by the Kenya Navy. They had one centre. We met the Chairman of the Kenya Ferry Services, Hon. Mwanzo. You could almost pick that they were almost giving up but Mr. John Wambua remained very hopeful that somebody would help even when the person from Sweden did not seem to do very well. The local divers were dismissed when they said that there were 10 vehicles in the water, and many people who had never been recovered. I was touched when somebody made a serious effort. At the Coast, the talk was bad and they were wondering how we were going to celebrate *Mashujaa* Day with people drowned in there, with all the training and equipment with the laws we have passed in this House to make sure that ferries are safe. The people who retrieved the vehicle must be honoured by this country. It was such a relief to the people of Makueni, Mombasa and Taita-Taveta. This is a matter that the country and the whole world has followed keenly.

We learnt that people who dive into the sea to save others volunteer. In fact, there is no honorarium for them. The dangers they face are so glaring. While trying to retrieve bodies, divers can easily lose their lives. They make a major sacrifice. When the equipment was brought, locals were very key. The experts came with the equipment and did the spotting, but the locals did the job as it was said in this House when we made reference to this matter.

Besides making reference to this particular incident and many others, we remember the case of Dusit D2 Hotel, where we had some heroes although lives were lost and others lost their lives in the line of duty. We must come up with a method of honouring the true heroes of this

country – people who die for others and the nation. These are people who make sacrifices for others to an extent of risking their lives. That is where the rubber meets the road, and this is where we need to honour the heroes. We should have heroes centres or a museum where their stories can be written. They should be documented so that our children can learn about the heroes we have in the country. Many Kipchoges will be born and those who will live 100 years from today can read those stories and have films to watch. I believe that our country is great and we are going to have many more great heroes.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Jesire.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Temporary Deputy Speaker. I know we are talking about heroes at Zero Hour. We have a number of heroes apart from Eliud Kipchoge, whom we are proud of today. We have a number of them who have performed for this country and have made Kenya what it is today such that when you travel overseas and mention Kenya, even before they know the continent you come from, they automatically know Kenya. It is important when we recognise and honour our heroes. There are many categories we can look at. The people who are good in keeping peace in this country are also heroes. We have people, even as young as they may be and in whichever places they are in, that we need to recognise. We have seen some people lamenting on social and mainstream media that some years back, they did something. It is only important for this country to place or create categories of recognition in terms of who a hero is. If we do not respect and give our heroes what they deserve, some of the people with good hearts to do good things for this country – people we call patriots – may get frustrated because as Government we do not recognise them.

I am also aware that we have some sportsmen and women who have gone an extra mile and decided to run for other countries or do activities for other countries probably because they are not satisfied with how we handle them in Kenya. When we say that Kenya took position two, I disagree with that though there are facts. The people who run in countries like the USA, for example, a number of them are Kenyans. They are called by our community names. You wonder what might have happened. I believe they did not get adequate rewards while they were in Kenya. They were frustrated. So, they felt that they can do anything for other countries to earn a better living.

As we talk about this, we have our people in the security sector. We have lost a lot of our young people providing security in this country and outside this country. Recently, there were some who perished after hitting an improvised explosive device (IED) on the road. That is just the recent one. We know of many of them. Let me mention the Garissa University incident where a police officer sacrificed his life to save the lives students. He evacuated about 200 students at that university even with terrorists hovering around. It is surprising to note that even to date he has not been recognised and has not been promoted. It is as if he did nothing. Even if he was in his line of duty, the people who go an extra mile and do humane things for Kenyans must be recognised and be made heroes.

We have lost police officers in the line of duty. Thank you. I would have liked to talk more. You should have given us 10 minutes each. This is a very important Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wamalwa, you seem to be in a hurry, but Hon. Sossion is ahead of you on the queue. Hon. Chris Wamalwa, please, just hold on. You are about to be reached.

*(Hon. (Dr.) Chris Wamalwa stood in his place)*

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. Today my leader will allow me to enjoy my space.

I wish to thank the Mover of this Motion. It is a timely Motion that should drive us, as a country and leadership, to reflect on the great values of this nation, particularly patriotism.

We are talking about the ranking of Kenya in the global events. As I contribute to the Motion, I wish to join the rest of Kenyans in saluting and congratulating Eliud Kipchoge for being the first human to run a marathon in under two hours. Of course, there have been other notable world record breakers like Brigid Kosgei. We congratulate all of them.

Eliud Kipchoge is a disadvantaged boy who dropped out of school and engaged in butchery business without discovering his talents and skills as an athlete. He also did milk business. I got this data from the teachers who handled him. He was eventually able to discover a talent in himself and he has come up with a philosophy. In fact, what catches us is the personal philosophy of this athlete: the philosophy that no human is limited. It is a philosophy that is applicable to every human being in whatever sphere. This is a man who captured the world and brought it to a standstill. He proved to the world that he could do something, and he did it. That man is from the Republic of Kenya.

It is not enough to speak momentarily about these men and women and forget them after a while. As a nation, there must be a framework of recognising some of these heroes and moving a step forward to support their philosophies. When you say that no human is limited, that is an applicable philosophy everywhere and he has done it. It is not enough to talk about giving token money. This is a philosophy that we can push and support all through. One of the heroes who could even address this Parliament is a man like Kipchoge because he has made it. We have the Heroes Day coming in the next few days, but who will be celebrated in this country? These are the men and women who deserve to be celebrated.

Kenya is a wonderful country in terms of global comparisons and a lot has been mentioned. Our soldiers in Somalia have done what no other group of army men can do in the world. They were laughed at as being very good in parades, but not in war. People did not see the element of strong discipline and organised military skills. They succeeded where other revered militaries had failed in Somalia.

If I talk about education, because these heroes are everywhere, there is one Peter Tabichi, a teacher who won a global award the other day with another philosophy. This is one man who should also be feted by this country. This is a teacher who teaches in one of the poorest schools and is devoting all his salary to pay fees. As a nation, let us have a framework of recognising the modern heroes of this country who have philosophies that the rest of the nation can copy to enrich its values. We are talking about building a better nation. In academia, I saw the other day Prof. Ngugi wa Thiong'o congratulating a poor girl who scored First Class Honours in Aerospace Engineering in London. We can go on and on. Talk of the artists. If you look at this Parliament, for example, Hon. Cheboi is...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sossion, the microphone knew when to cut you off. Hon. Wamalwa, proceed.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to salute Eliud Kipchoge for putting Kenya on the global map. I read about Eliud Kipchoge particularly his Christian faith. He is Catholic and before he went for the race, he prayed the rosary. This is to do with faith. I learnt about the mother who was praying all through for the son. We salute him. He has put us on the global map. In this country, we have

the Heroes Act. This is the time we want to see Heroes Act being operationalised. We want to see people like Eliud Kipchoge being given medals such as the Chief of the Order of the Burning Spear (CBS) and Elder of the Order of the Burning Spear (EBS). We have seen a *githeri* man getting Head of State Commendation (HSC). As we go for *Mashujaa* Day, wherever His Excellency the President and his advisers are, we want to see these great Kenyans being honoured.

It is, indeed, true that heroes can be made, not born. He said he got this through hard work. This is motivation for the young people that indeed with hard work, the sky is the limit. We have seen so many Kenyans who have made us proud. We want to salute our Competency Based Curriculum (CBC). My colleague here has just talked about the need to identify and nurture talents. This is to salute the CBC. I do not see why somebody like Eliud Kipchoge would have wasted so much time learning the Pythagoras Theorem. It has no relevance. Look at where he is now and today, we salute him. This is a lesson to parents and students that if you are weak academically, that is not the end of everything. You can venture into sports.

I saw the other day something doing rounds on the social media about the CBC in practice. Somebody was being crucified on the cross the way Jesus Christ was. I do not think that was the correct thing. Here, Eliud Kipchoge and Brigid are good living examples of the CBC. We do not have to waste so much time. We are putting so much pressure on our children, particularly at such a time when they are about to do exams. We want to tell our children wherever they are that the Kenya Certificate of Secondary Education and the Kenya Certificate of Primary Education is not the end of everything. As Hon. Sossion has clearly put it, we want to invite Eliud Kipchoge to come and address Parliament. We want this Government to respect and nurture good talents. Hon. Sossion has been a very good trade unionist, but you find some people busy trying to finish him. We should not finish our heroes. We should nurture them to continue so that they can go to greater heights of prosperity. It is important.

It is important because we have noticed that in this country, if you have identified someone and you have seen his competence somewhere, instead of supporting him, you are busy looking for a way to bring him down. Shame on you wherever you are! This is very critical. Look at Hon. 001, he is a first nominated Member of Parliament, but he has done very well in matters of legislation with Hon. Sossion. We see them active in this House. We salute you people. As we discuss about discriminative laws, we want this to be put in the law that when you talk of affirmative action, when we talk about marginalised groups, it is not just women - it is to do with the youth, people who are disabled and even workers. So, it is important that we take note of that. When it comes to representation, mostly it has been women as opposed to other groups. We are saying women should be 50 per cent then other positions can be shared equitably.

We salute Eliud Kipchoge. As we go to Mombasa, we want to see Eliud Kipchoge and Brigid Kosgei's names being read by His Excellency the President. We salute His Excellency the President because he picked a phone and called Eliud Kipchoge. That was very patriotic of President Uhuru Muigai Kenyatta. We salute him for that. He did not bother to know what tribe Kipchoge is. It is through sports that we are saying no to tribalism.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Well spoken, Hon. Chris Wamalwa. It is good that you recognise Hon. Sossion as one of your heroes. You wanted to speak before him but you were courteous enough to allow him speak before you. We shall now have Hon. Thuku.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to speak on this Motion that has been brought during this Zero Hour. I want to state from the outset that Kenya is a country of extremes. Last week, we were able to hit both the North and South Poles all at one time. It is last week that we were mourning the loss of our sister and child at Likoni Channel that took so long. We had a long way to have the body retrieved. I continue condoling with the family for such a loss. I pray that as much as we want to celebrate and talk about so many things, we should pick lessons from everything that happens within our sphere especially the issue of Likoni tragedy. It was a moment where we realised that we are ill prepared for disaster thinking of the long time it took the vehicle to sink and nothing was done for a whole 10 minutes and now we are counting losses.

I do not want to dwell on the negativity but it is something that we should take up and maybe going forward, cause this country to be well prepared for disasters of that such magnitude. I want to join my colleagues in passing a congratulatory message to our own brother; Mr. Eliud Kipchoge on his setting world record. That has not been witnessed before. In the same breath, we should take lessons from every event. Many people assisted him to achieve his goal. They included his helpers, the pacemakers, the financiers and the likes. However, as a country it begs so many questions. Why has it taken so long for us to invest in what we are best at? We cannot be putting our money where our mouth is not. Foreigners have invested in a sporting facility in Eldoret. Foreigners are now coming to exercise and compete with our own, yet the Government has taken so long to invest in such a facility so that we may have many Kipchoges training in these facilities. This will enable us have many Kipchoges and Brigidis from Rift Valley. It seems like they are the ones who have the genes that are exploited in this country. We really need to rethink as a country so that we can be strategic and invest where we are reaping maximum benefits as opposed to investing in ventures where we are erring. We should invest in athletics.

I also want to take this opportunity to thank the President and the Deputy President. The President took his time to call Mr. Kipchoge just to give him his goodwill message. He told him that the whole country was behind him and wished him success. That was something good. He felt that the whole country was behind him. As he was running, I believe he felt that the President and the people of Kenya were behind him. As for the Deputy President taking his time to travel all the way to Vienna just to go and cheer him up, it was something that every Kenyan should emulate. We congratulate the Deputy President for taking his time on the same.

My final comment, I would also want to break the record of five minutes and maybe, complete my speech in 4 minutes and 59 seconds or so. As a country we need to build capacity. It is only in building capacity that we will achieve even more for this country.

Therefore, I support this Motion. However, going forward, building capacity is something that we must do.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mbarire, the Floor is yours.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker.

I also want to salute Mr. Eliud Kipchoge and Ms. Brigid who broke a world record in her marathon. They made us proud as a nation. However, for those of us who are leaders, it was time to reflect and ask ourselves what lessons we are learning out of these great heroes and heroines so that we should never think that heroes are men only, but rather we have heroines too. I could not help, but ask myself how many more young Eliud Kipchoges and Brigidis are out there in the



villages and their talents are not identified and nurtured. They end up living lives of want and poverty because somebody failed to identify, nurture and enable their talents to grow. That is what is happening to our young people. I could not also help but remember how in my primary school there was this young man who was always number one in all the races; be it within the school or across schools. He was not gifted academically. I remember one time the teacher commenting about his performance in mathematics, because he only scored 4 per cent, saying that his work was only running. In other words, what he was doing was useless.

Therefore, we need to turn around and change our mindset as a people. We should start appreciating the fact that talent is not necessarily academic. That people can prosper in whatever it is that God has given them, nurture it and make it possible. As leaders seated here today, one of the challenges we must bring on board is to make sure there are more resources towards sports for our young people right from the villages. So, as leaders, one of the challenges we must address in this House is how we can make sure there are more resources towards sports for our young people right from the village level. I have a son who is very sporty and that has made me get interested in matters sports. I remember one time I was talking with a cricket coach and he told me, "Do you know cricket has become a rich man's game?" In fact, we can actually cascade it all the way to the grassroots so that more young people can learn cricket, rugby and golf, so that we start to ask ourselves how much more we can do to make it possible.

If we gave more money to NG-CDF so that Members of Parliament can identify and nurture those talents at the constituency level and across counties up to the national level, I think we would achieve more. Therefore, we must ask ourselves: how much talent are we destroying by not finishing the construction of stadia that we keep seeing on television and other media? We have about 15 stadia we have not cleared paying the contractors and so work has stalled. How much talent are we killing by doing that? I hope that the oversight committee that deals with sports can begin to look at these matters critically. We need to offer real solutions that will make young people grow and become Kipchoge Keino tomorrow.

Let me also add my voice to those who have spoken: We are looking forward to *Mashujaa* Day. We expect that Eliud Kipchoge will be given a CBS commendation. I am really looking forward to that. Not even CBS, EGH. That is where he belongs, not CBS like the one Hon. Wamalwa got the other day. I have an MGH, so I expect him to have something bigger than mine because he has done well for this nation.

Finally, we must take advantage of this opportunity and make sure we showcase Kenya as a tourism destination through sports tourism. That is an opportunity that we have lost out on as a nation and we need to capture it before it is too late.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ibrahim Sahal.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I want to take this opportunity to condole with the family and friends of the elite General Service Unit security personnel in the deadly blast that occurred in Liboi, Garissa County. As a country, we have suffered similar attacks in the region. As a result, the country procured armoured vehicles to enhance security, which are able to detect IEDs. Why are the armoured vehicles not dispatched for use in the volatile and porous borders? The Ministry of Interior and Co-ordination of National Government should give a clear position on the state of security in these areas and further explain what strategies they are employing to ensure the security of citizens and the security personnel. The line ministries and security organs should ensure that there is a more collaborated approach in addressing the security challenges in

Garissa, aware that security and peace are prerequisite to sustainable development. It is paramount for the Government to protect her people and create an environment for socio-economic development.

I also want to congratulate Mr. Eliud Kipchoge for the wonderful job. May God bless him.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kipyegon.

**Hon. Kipyegon Ngeno** (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker. I just want to congratulate Eliud Kipchoge. He has done us great. He has done this country proud. He has run the race of his life. For a long time, this country will always look upon such athletes to give us the performance that we want.

Hon. Temporary Deputy Speaker, there are so many youths in this country who can run and break records but they are not doing so because of the way we do things in this country, and particularly because we put money in the wrong places. The whole world knows that Kenya is an athletic nation. We were competing at the International Association of Athletics Federations (IAAF) in the last two weeks, where Kenya was number two among all the nations of the world. It was only beaten by the United States of America because of the variety of activities that the Americans involve themselves in. Countries like Russia and China could not beat Kenya and yet when it comes to budget-making, we normally put money in wrong places. Why can we not put money in athletics since it is also a foreign currency earner? The money these people win out there is brought to this country.

Hon. Temporary Deputy Speaker, let us put money in athletics, Rugby and other activities that we know can get us to where we are supposed to be. I also wish to congratulate Brigid for her superb performance. I also congratulate all the men and women who participated in the IAAF athletics event. I also congratulate the many other heroes and heroines of this country who not many people recognise. It was only after the world recognised a lady called Prof. Wangare Maathai that we also started to recognise her. Before then, we used to beat her up at Uhuru Park. The world recognised her good work and she won the Nobel Peace Prize. Nobody in this House has ever taken time to imagine what that lady won. Lupita Nyong'o is the first Kenyan to win an award in the Oscars. We have people like President Obama. Kenya is an amazing country. It is only us who need to make it more amazing. Instead we are doing useless things.

I also wish to mourn with our brothers who lost their lives in Garissa. We put billions of shillings into the Kenya Defence Forces (KDF) and the National Intelligence Services (NIS). In many countries, you cannot send your soldiers to use roads when you know they are dangerous. How many soldiers have died because of IEDs? Those are matters that can be detected. Why can we not send detecting machines first before our people die?

Many people die because of our carelessness. People in our country are careless. It is same case with the lady who drowned with her daughter. That car floated on the ocean for almost 20 minutes before it sank. People were just screaming and looking. Policemen and divers were there. When you look at all those incidents, you are left wondering what kind of a country we are. God blessed us with so many talents, but we are just dumb people who cannot get things correct. Look at the public appointments being made. We are waiting for *Mashujaa* Day. You will hear the President read a list of unscrupulous elements in this country being awarded state medals. Nonsense! They leave out the right people. Look at the appointments which were made

the other week. They appointed over 70-year old people while we have youths who are rotting in the villages.

I was thinking that the presidency has been occupied by youthful people, but what they are doing is disappointing. Otherwise, I congratulate our great people who have made this country great. Although some of us are pulling them down, we still need to congratulate them.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Lodepe.

**Hon. Lodepe Nakara** (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. I add my voice to what Hon. Members have already said. Our athletes are our ambassadors. Whenever you see the flag of Kenya being carried by our athletes you feel like you are very important in this world. These are the people we need to recognise and encourage because they are making our country great.

So, our athletes are our tourist attraction. Some tourists come just to see a nation called Kenya where Kipchoge hails from. By doing so, we get foreign exchange earning through our athletes. We need to see how we can encourage them through tax exemption of the little money they get from sports. This is because we are also getting some money through them because tourists come to Kenya to see the country where champions are born and nurtured.

I was shocked to see a black man speaking like a black American yet his name is Kibenei. I was shocked to see a Kenyan in a foreign country because of sports. We need to recognise these people because we have exported their talent and they are breaking records in other countries. I want to recommend a few things; one, we need to remember these athletes and encourage them by naming major roads and some institutions after them so that after they die their children and generations to come will remember them. Two, we need to keep their statues and records in our museums so that when our children visit the museums, they see who broke a record even if they are alive. We need to sustain this heritage.

In South Korea, for every gold you win in any activity you get US\$10,000 for the rest of your life. Why can we not also do this for our athletes? That, we give them a particular amount of money and even after they have retired, they will continue enjoying it. We should say that if you get a gold medal in any activity you can get Kshs100,000 for the rest of your life. This will make people to work hard and nurture their talents. This is because they know even after retirement, they will continue to earn money.

Finally, even those in the armed forces need to be promoted. If one is a mere soldier, he should be promoted to the rank of Inspector. This will motivate others to nurture their skills and talents. It is very bad to see somebody who has broken the world record saluting a junior person who has never done anything in this country. These athletes should be given promotion in their work places for what they have done for this country. Also, the national Government and county governments should avail sports facilities to encourage young talents to be trained. By doing so, we will ensure we have talent in this country even after Kipchoge.

With those few remarks, I support. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, JP): Thank you, Hon. Temporary Deputy Speaker. I join other Members in congratulating our hero of the season. I believe it will take another 64 years to get another hero like him.

From the outset, I want to say that our Kipchoge became a peace ambassador because he brought the world together. All the forces which could not have been together, the entire network

of media, social media and households. I was seated together with my workers watching him on television. This is one of the benefits we got on that day.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Rindikiri, I must interrupt you. The time being 1859 Hours, the Speaker must also congratulate the great Eliud Kipchoge.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until tomorrow, Wednesday, 16<sup>th</sup> October 2019, at 9.30 a.m.

The House rose at 7.00 p.m.