

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 23<sup>rd</sup> September 2021**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****Hon. Speaker:** I will make the Communication a little later.**PETITIONS****SCRAPPING THE IMPLEMENTATION OF THE COMPETENCE BASED CURRICULUM**

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Speaker. On behalf of parents and education stakeholders, who are signatory to this Petition, I draw the attention of the House to the following:

THAT, formal education in Kenya was initially comprised of seven years in primary school, four years in secondary school, two years in high school and three years of university education between 1964 and 1985, before being replaced by the 8-4-4 System of Education in a bid to address concerns that the basic education previously provided lacked the necessary content to promote widespread sustainable self-employment;

THAT, the Kenyan primary school curriculum was implemented in all public schools and most private schools, with the exception of international schools which typically offer the British or American curriculums, and entailed the study of English, Kiswahili, Mathematics, Science, Social Studies, Religious Education, Creative Arts, Physical Education and Life Skills, with pupils taking a national examination at the end of the primary cycle which determined placement in secondary schools;

THAT, in a major departure from the 8-4-4 System of Education, the competence based curriculum system that was launched in 2017 comprises of two years of pre-primary education, six years of primary education, three years of junior secondary education, three years of senior secondary education and three years of university education;

THAT, the objective of the CBC, in its theoretical framework, is to assure competence of learners in communication and collaboration, critical thinking and problem solving, imagination and creativity, citizenship, learning to learn, self-efficacy and digital literacy at the end of each learning cycle;

THAT, the CBC places emphasis on competence development rather than on the acquisition of content knowledge. This, effectively, means that the teaching and learning process has to change its orientation and in the teaching pedagogy of teachers from rote memorisation of content to acquisition of skills and competencies useful for solving real life problems;

THAT, teaching methods, including role play, problem solving, projects, case studies, study visits and other learner-centred strategies, in which the teacher is expected to switch from one role of an expert to that of a facilitator who guides the learning process, and learners expected to take responsibility for their own learning through direct exploration and experience;

THAT, the revised curriculum requires teachers to design effective learning activities geared towards the development of specific competencies and to frequently assess their students using assessment methods such as portfolios, classroom or field observation, projects, oral presentations, self-assessments, interviews and peer assessments;

THAT, teachers are also required to change from a norm reference to a criterion reference judgment of learners' capabilities or competencies to determine their progress, including providing continuous, timely and constructive feedback to inform learners about the strength and weaknesses of their performance, since instruction and learning are reviewed and modified based on the feedback;

THAT, recent research studies by various groups, including the Kenya National Union of Teachers, revealed that Kenyan schools are woefully unprepared to implement the CBC system, which is phasing out the 8-4-4 system, and concluded that implementation of the CBC was hurriedly undertaken while a majority of teachers were not sufficiently trained in CBC content and teaching methods;

THAT, the same reports noted that the resources and infrastructure required for learning, assessment and capacity building under the CBC are non-existent or inadequate, and that parents and other stakeholders have not been involved in the reform process nor have public awareness campaigns been conducted following the roll-out of CBC;

THAT, additional challenges include inadequate human and material resources, incongruence between content and pedagogical practices, poor public participation and lack of alignment between CBC formulation, teacher capacity development, selection and supply of learning materials and assessment that have all led to poor implementation and unavailability of relevant CBC materials;

THAT, the curriculum was poorly planned and hastily introduced in schools without taking into considerations the country's resource constrains and was rolled out with an inadequate database of basic information such as the number of schools or teachers in the country, which led to the hijacking of the curriculum reform process by technocrats and foreign consultants at the expense of the practitioners;

THAT, as a direct consequence of these fundamental failures, the role of teachers in curriculum design became marginal while the curriculum was framed and mystified by obscurities that have made CBC to be viewed as an elitist intervention with teachers being burdened by complex procedures for developing learning programmes;

THAT, efforts by parents and other education stakeholders to resolve the matters have been futile;

THAT, Section 41 of the Basic Education Act (No. 4 of 2013) recognises the 8-4-4 system as a legal education system to be offered by Kenyan schools by the Government of Kenya and that the law has not been amended, rendering the CBC illegal; and

THAT, the matters raised in this Petition are not pending in any court of law in the Republic of Kenya.

Therefore, we humbly petition and pray that the National Assembly, through the Departmental Committee on Education and Research:

- (i) considers scaling down changes in the education system from the extensive reforms being undertaken down to review, to ensure sustainability and smooth implementation of the Kenyan school curriculum;
- (ii) intervenes with a view to scrapping the implementation of the CBC and, further, subjecting it to forensic audit and replacing it with the previous well versed and tested 8-4-4 Education Curriculum that has served this country for 36 years;
- (iii) recommends for accountability and action to be taken against the State officers and individuals for their susceptible actions through investigation and prosecution for the current failure and mess of the curriculum; and,
- (iv) makes any other recommendations that may deem fit in the circumstances of this Petition.

And your humble petitioners will ever pray.

**Hon. Speaker:** Are you right to say the matters presented here are not pending before a court of law?

*(Loud consultations)*

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): On a point of order. Thank you, Hon. Speaker.

**Hon. Speaker:** What is it, Hon. Otiende Omollo?

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, I listened carefully to Hon. Sossion as he prosecuted the Petition in detail. I rise under Standing Order No.89 (3) (c). I believe we are aware that six days ago, Petition No.E371 was filed regarding the CBC. I legitimately asked my friend whether the issues are the same and he assured me they are not. I think before considering committing this Petition to the Departmental Committee on Education and Research, it will be good to get guidance from you, perhaps after substantiation by Hon. Sossion, on why the Petition is different from the one in court. I think it will help this House to know how to navigate through the Petition.

Thank you.

**Hon. Speaker:** Indeed, that is the same issue that I wanted Hon. Sossion to clarify because he said the matters are not pending before any court of law. Hon. Sossion, do you want to comment on that?

**Hon. Wilson Sossion** (Nominated, JP): Hon. Speaker, matters before court of law may not necessarily be connected with the items that I have raised, and I have said as such. The same can be proved in the process of addressing this Petition. Indeed, there is an application in court related to CBC but it does not necessarily contain the prayers that are specified in this Petition. So, I believe very strongly that what I have placed before the House is not contained in the prayers that have been placed by other Kenyans in a court of law. So, the issues raised here can be competently adjudicated by the National Assembly.

**Hon. Speaker:** You see, the House could go and do a few things as you suggest but should the court arrive at a decision that is different from ours, ours will have been an exercise in futility. You must be alive to that fact. I can see there are a few Members who want to comment.

Hon. Kimunya.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, my worry is to do with the matters in court. However, I am sure Hon. Sossion is quite aware that we did present in this House a Report on the Sessional Paper, because he has been a Member of the Departmental Committee on Education. Sessional Paper No.1 of 2019 seeks to reform the education system by advocating for training for sustainable development. The Sessional Paper was approved by this House on 1<sup>st</sup> October 2019, which was basically the approval of this House for implementation of the CBC education system. I do not know whether Hon. Sossion is now challenging the decision of the House in this regard. Irrespective of what happens in the course of adjudicating the Petition, I would like to remind you that this House debated and approved the Sessional Paper that anchored the CBC system of education into law. I do not want to discuss the matter in detail while it is still pending in court. There are whole lot of things that can be said about the matters that have been raised here.

I would also like to remind ourselves that implementation of the CBC system of education started more than five years ago. Our children have been going to school under this new system for the last five years and have since transited from grade to grade. The people trying to challenge the system need to know that there are children who have already gone through five years of this education system. I do not know whether they believe that this should now be reversed so that those children can go back to Standard One under the 8-4-4 system, which has since been discarded? So, there are some things we need to think through in the greater public interest, in line with our care for the welfare society. I am just for real justice for all. Those are the things that Hon. Sossion needs to bear in mind apart from the fact that this matter is challenged. It is currently in court. It is important that we wait for the decision of the court so that we do not join the debate on the folly and merits of the CBC system of education because doing so now would be politicising the whole thing. We must also remember that we may be traumatising our children as we discuss this matter. We will be almost telling them that they are following the wrong system of education. It is something we need to be very careful about since we are talking about delicate kids who are in Grade Five. They might be traumatised by what we are saying. They might think that they are getting the wrong education.

**Hon. Speaker:** Member for Suba South, Hon. Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. Nothing really will stop Kenyans from praying to Parliament to reconsider its decisions even if we passed the CBC in this House.

To that extent, I think the petitioners could be right by asking this House to look into this more intensely and carefully. They feel that a decision that we made concerning the CBC is not good for this country. If the Committee looks at it and makes recommendations, they will be binding and taken to the Executive for implementation.

My concern, and this is something I said before, Kenyans did not want dictatorship in whatever form, whether by the Judiciary, Legislature or the Executive. Any form of dictatorship is bad enough for this country. Again, we need to be careful as a House not to interfere with the other arms of Government. If a matter is already in court, we should not interfere, the same way we have been complaining that the Judiciary is overstepping its mandate at times by interfering

with the legislative powers of this House. I find it not right for Parliament to be seen to be interfering with the work before the Judiciary.

I was just thinking that there is a very thin line between what Hon. Sossion has presented in terms of prayers with that which is in court. Really, if the matter of the CBC is contentious and in court, the Committee of this House will find it very hard to navigate, which areas to leave out or include. I do not see why we should not let the Judiciary to first deal with this matter before it is brought here. I just want to caution and ask for your indulgence that this matter should not be here. I want to support what Hon. Otiende Amollo said and suggest that we do not commit this matter to the Committee, but allow the Judiciary to deal with it, so that we do not exercise legislative power in futility. Obviously, when the Committee starts sitting, there will be resources spent on this exercise and summoning of Government officials who will be leaving their offices to deal with this matter. By the end of the day, you will find that whatever is being canvassed cannot proceed. That is my prayer.

Hon. Sossion is my friend and I know he is passionate about matters education. He has not been very happy with the CBC from day one. This is not something new and we must credit him. He has a belief which some of us, who are not experts in matters education, do not know and we need to give him credit for this. The matter before us is whether this issue is in court or not. If the issue he is canvassing is not in court, there is a very thin line. I do not understand how the prayers presented here can fail to find their way in court.

**Hon. Speaker:** Hon. Sossion, since you are aware, maybe you could find out from Hon. Otiende Amollo the exact case number.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): E371/2021.

**Hon. Speaker:** Before I allow further comments on this matter, sorry to all of you who had intended to make comments.

**Hon. Members:** Allow us.

**Hon. Speaker:** No. You see Hon. Otiende Amollo stood and raised the matter under Standing Order No.89. Before I can allow you to make comments, I need to make a proper determination. I want Hon. Sossion to get me the pleadings for case No. E371/2021. So, I need to go through the pleadings, look at the prayers and find out if they are similar or not to the ones in this Petition. As Hon. John Mbadi has just said, there is a possibility that if we refer this Petition as it is to the Committee, it will be calling public officers who might frustrate them. They may simply say they will not answer because it is the same thing the court is expecting and do not know by divulging what they have to say, whether it will affect the fair determination of the matter in court. Therefore, the Committee will remain in limbo not being able to make a qualitative determination on the prayers sought in this Petition.

Hon. Sossion, you know people are mischievous. They may just want to obstruct this Petition and, indeed, the entire House on grounds that they will not say anything on this matter because it is in court. Do you find it possible to favour me with the pleadings in this case so that I report to the House my findings after comparing the two?

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Speaker. Indeed, the court concerns are true. This Petition was taken through the institutions of Parliament including the Legal Department and the rest. I am sure they would have discerned and separated the different pleadings. A matter may be in court...

**Hon. Speaker:** Do I take it from you that you are unable to bring me the pleadings? The route you are taking is trying to justify why you have read the Petition. If you go that route, then I

will give you a very quick determination on the matter. I will throw this Petition out because I have the authority to do that. All I want is to see it because we do not want to frustrate the intention of this Petition. Remember you have said the matters you have raised here are not pending before any court of law. Hon. Otiende Amollo has given the case number. Unless I see the pleadings in the court case, from where I am seated, I am unable to decide whether what you have stated is correct or not, in right of the point of order raised by Hon. Otiende Amollo.

**Hon. Wilson Sossion** (Nominated, ODM): Hon. Speaker, I will ensure I get the pleadings in court and place them before you.

**Hon. Speaker:** They are public documents and since they are in court, they are not a secret document. You should get them as early as possible and I will make a determination. It will take a few minutes depending on what they are pleading, so that we can see if they are the same and if they are not exactly the same, I see what directions to give to the Committee and advise them on areas to tackle *vis-à-vis* the matter in court. This will be a better way of dealing with the matter as opposed to me deciding that your Petition contravenes the rules.

It has just been alleged and I think you are also aware of that matter. I do not know the case number and if you have difficulties getting it, then I can direct the Clerk to avail it. In which case, we would stall the further progression of this Petition. I am sure given your industry, you are an industrious man and I recognise that. I am sure through your industry, you will be faster.

**Hon. Wilson Sossion** (Nominated, ODM): Hon. Speaker, as you have directed, I will get them and ensure I comply with your directions.

**Hon. Speaker:** Just bring the documents in person, we go through the pleadings with you, and so, nothing is done without your participation.

**Hon. Wilson Sossion** (Nominated, ODM): Much obliged, Hon. Speaker.

**Hon. Speaker:** The Member for Emuhaya, from where he is seated, I can hear him whispering he has them. Maybe he could be of assistance. There should be further processing of this Petition, so that we can move faster.

Hon. Members, before we go to the next Order, I had indicated that I have this Communication. I was waiting for as many of you to come because this is critical. For those of you who have been participating actively in the House, it may be useful.

## COMMUNICATION FROM THE CHAIR

### REVIEW OF THE NATIONAL ASSEMBLY STANDING ORDERS

**Hon. Speaker:** Hon. Members, as you are aware, it is the practice of every House to undertake review of the rules of procedure towards the end of its term for use by subsequent Houses. The review process, which takes about a year and culminates with submission and adoption of a report by the House, is largely steered by senior parliamentary staff with the guidance of the Procedure and House Rules Committee chaired by the Speaker. Further, Standing Order No.264 requires the Procedure and House Rules Committee to review the Standing Orders and recommend any amendments, at least, once every term of Parliament for consideration by the House.

Hon. Members, this practice, principally adopted from other established Commonwealth jurisdictions, has been useful in affording Members an opportunity to enrich the rules of procedure based on their experiences and empirical interaction with the various provisions. The regular usage

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of the rules by Members, both in plenary and in committee, undoubtedly provides Members with first-hand experience on their applicability. It is on this basis that the review process becomes important for future Parliaments as it is premised on views of the actual users of the rules of procedure. Members are, therefore, best placed to highlight gaps which help in continually improving and making the rules more practical and responsive to the ever-evolving environment within the institution apart from learning from legislatures in comparable jurisdictions where individual Hon. Members and committees have visited, and how the rules of procedure remain anchored within our nascent constitutional framework.

Hon. Members, from the foregoing and in keeping with this practice, the Clerk of the National Assembly, in consultation with the Procedure and House Rules Committee, has constituted a technical team to commence the process of collation of views and any proposed amendments to the Standing Orders as part of the end-of-term review. In this regard, committees of the House, Members and staff are encouraged to proffer any proposed amendments they may have on the current rules of procedure. Specifically, committees are called upon to candidly look into and review the workings of our committee system, including ensuring constitutional and statutory compliance, and to make proposals for improvement. Additionally, committees may consider the legislative oversight mechanisms currently in place and highlight any gaps or neglected areas that require improvement. Suffice to say that individual Hon. Members are free to propose amendments to any part of the Standing Orders for collation by the technical team and consideration by the Procedure and House Rules Committee.

The proposed amendments or general views should be channeled to the Committee through the Office of the Clerk of the National Assembly by way of written submissions. Additionally, views will also be sought from the public and other external stakeholders in keeping with the requirements of Article 118 of the Constitution. The Committee will thereafter report to the House, isolating any provisions it may recommend for amendment or repeal. It is envisaged that this process of collation will be concluded by 15<sup>th</sup> November 2021. You are therefore, encouraged to give your views before then. Hon. Members, in considering the proposals from the various stakeholders, I implore the Procedure and House Rules Committee under the leadership of my very able deputy, Hon. Moses Cheboi, CBS, MP, not to shy away from genuinely relooking at all the provisions in our current Standing Orders, including:

- (a) The system of governance and bicameral nature of our legislature;
- (b) The subsisting committee system focusing on areas such as size, composition, operations, effectiveness and efficiency of our committees;
- (c) Areas of improvement in the general parliamentary oversight focusing on any aspects or areas that may not have received due attention, including but not limited to our budget processes and oversight mechanisms over the national debt;
- (d) The place of and mechanisms for consideration of the reports submitted to the House by Cabinet Secretaries under Article 153(4)(b) of the Constitution;
- (e) The place of constitutional commissions and independent offices and their place in our rules of procedure including the consideration of their reports submitted to the House pursuant to the provisions of Article 254 of the Constitution; and,
- (f) Consideration of the various Speaker's rulings, as well as judicial decisions that have a bearing on the procedures of the House.

Hon. Members, in this regard, as your Speaker and the Chairperson of the Procedure and House Rules Committee, I therefore:

1. Notify the House of the commencement of this important exercise being the end-of-term review of the rules of procedure of the House;
2. Invite all Hon. Members to make written submissions to the Committee on any areas they feel require review or repeal;
3. Require the Procedure and House Rules Committee to arrange meetings with the leadership of the House, including committee leadership, to seek their views on areas requiring review in our rules of procedure; and,
4. Require the Clerk of the National Assembly to facilitate the process of seeking views of the public and other external stakeholders by way of invitations in the media.

The House is accordingly guided. I thank you.

Hon. Members, this is important because I would want to hear views about the sizes of our committees and the efficiencies particularly in their current composition, size and *modus operandi*.  
Next Order!

### PAPERS LAID

**Hon. Speaker:** Let us have the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2019 and the certificates therein:

- a) The Pharmacy and Poisons Board;
- b) The Kenya Marine and Fisheries Research Institute;
- c) University of Embu;
- d) The Kenya Safari Lodges and Hotels Limited;
- e) Kenya Utalii College;
- f) National Government Constituencies Development Fund for Kajiado South;
- g) Jaramogi Oginga Odinga University of Science and Technology;
- h) The Kenya Medical Research Institute;
- i) Muranga University of Technology;
- j) The National Hospital Insurance Fund (NHIF);
- k) The Kenya Medical Laboratory Technicians and Technologists Board;
- l) Export Promotion Council; and,
- m) The National Quality Control Laboratory.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2020 and the certificates therein:

- a) Egerton University;
- b) Kenya Safari Lodges and Hotels Limited;
- c) South Eastern Kenya University;
- d) Moi University;
- e) The Nursing Council of Kenya;
- f) African Institute for Capacity Development; and
- g) A Case Study on Integrated Delivery of Selected Non-Communicable Diseases in Kenya by Moi Teaching Referral Hospital.

Thank you, Hon. Speaker.



**Hon. Speaker:** Let us have the Chairman of the Departmental Committee on Transport, Public Works and Housing.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Speaker.

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

Report of the Departmental Committee of Transport, Public Works and Housing on the ratification of the following:

- (i) The 2014 and 2018 Amendments to the Maritime Labour Convention, 2006;
- (ii) The International Labour Organisation Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
- (iii) The International Labour Organisation Convention C188 (Work in Fishing Convention, 2007);
- (iv) The International Convention on the Standards of Training, Certification and Watch-Keeping for Fishing Vessels Personnel, 1995; and,
- (v) The Cape Town Agreement of 2012 on Safety of Fishing Vessels.

**Hon. Speaker:** Next Order.

## NOTICES OF MOTION

### ADOPTION OF REPORT ON RATIFICATION OF INTERNATIONAL CONVENTIONS

**Hon. Speaker:** Let us have Hon. David Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Again, Hon. Speaker, thank you for this opportunity.

Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the 2014 and 2018 Amendment to the Maritime Labour Convention, 2006; the International Labour Organisation Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organisation Convention C188 (Work in Fishing Convention, 2007); the International Convention on the Standards of Training, Certification and Watch Keeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2012 on Safety of Fishing Vessels, laid on the Table of the House on Thursday, 23<sup>rd</sup> September 2021, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act 2012, approves the ratification of the 2014 and 2018 Amendment to the Maritime Labour Convention, 2006; the International Labour Organisation Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organisation Convention C188 (Work in Fishing Convention, 2007); the International Convention on the Standards of Training, Certification and Watch Keeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2012 on Safety of Fishing Vessels.

**Hon. Speaker:** Let us have Hon. Ezekiel Machogu.

### ADOPTION OF REPORT ON STUDY VISIT TO LEGISLATIVE ASSEMBLY OF ALBERTA, CANADA

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): Thank you, Hon. Speaker.

Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Members' Services and Facilities on a study visit to the Legislative Assembly of Alberta, Canada that took place from 14<sup>th</sup> to 18<sup>th</sup> October 2019, laid on the Table of this House on Tuesday, 1<sup>st</sup> December 2020.

**Hon. Speaker:** Let us have Hon. David ole Sankok.

**NOTICE OF MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO. 33 (1)**

INSECURITY IN LAIKIPIA COUNTY

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Speaker.

Hon. Speaker, I beg to give notice of a Motion for Adjournment on a definite matter of urgent national importance to discuss security in Laikipia County.

Pursuant to Standing Order No.33(1), I seek leave for adjournment of the House for the purpose of discussing the security situation in Laikipia County, especially in Laikipia North. In the last few weeks, Laikipia County, especially Laikipia North, has been in the news regarding the rampant insecurity because of rampant banditry attacks, cattle rustling, tribal clashes and other insecurity incidences. Specifically, Sosian Ward of Olmoran Sub-County in Laikipia North Constituency has gone through perennial skirmishes which have caused enormous loss of lives, destruction of property and constant disruption of learning.

This has, therefore, necessitated the arming and facilitation of community National Police Reserve (NPR) to assist in protection of life and property, proper facilitation of security prone police posts and stations both in equipment and personnel, opening up and maintenance of security roads for ease of movement of security personnel and address the emotive issue of historical land injustices to put to rest politicisation of the land issue.

Hon. Speaker, I, therefore, seek for the adjournment of the House in order to discuss this matter so as to chart the way forward and propose possible lasting solutions to this recurring problem.

**Hon. Speaker:** Do you have support?

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

Order! Members, Hon. Sankok has the numbers although many of you are on your feet and you do not know what it is you are...

*(Laughter)*

Hon. Sankok is seeking leave to move a Motion that the House adjourns to discuss the issue of insecurity in Laikipia County. He says that one of the reasons for that is to finally find a way to move forward. It is good for me to advise Hon. Sankok that in a Motion for Adjournment, you talk and then after that you go home. You do not resolve anything. It is okay for Members to talk, even if it is to do so aimlessly, especially at this time when 22<sup>nd</sup> August 2022 is close. It is an opportunity for the House to express itself.

Remember, there are other Motions on security which are coming. This one by Hon. Sankok will come at 6.00 p.m. We will move a little fast with regard to the next business.

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Can we move to the next Order?

## QUESTIONS AND STATEMENTS

### ORDINARY QUESTIONS

**Hon. Speaker:** Very well. Hon. Members, we have to move fast because of the business that is ahead of us. The first Question is by the Member for Laikipia County, Hon. Catherine Waruguru, who has requested that Hon. Majimbo Kalasinga asks the Question on her behalf. Let us have Hon. Majimbo Kalasinga.

*Question No. 344/2021*

#### UPDATING OF *INUA JAMII* CASH PROGRAMME REGISTER

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K) Hon. Speaker, I rise on behalf of the Member for Laikipia, Hon. Catherine Waruguru, to ask the Cabinet Secretary for Labour and Social Protection the following Question:

- (i) Could the Cabinet Secretary state how often the *Inua Jamii* Cash Programme register is updated for purposes of registration of new beneficiaries who meet the eligibility criteria and deregistration of deceased beneficiaries and explain what else informs the frequency of the update?
- (ii) Given that age is an important criterion for eligibility for enrolment into the Programme, could the Ministry ensure registration of new beneficiaries on a continuous basis?
- (iii) What measures has the Ministry put in place to ensure that newly eligible older persons, including those from Male area in Tigithi Ward, Laikipia East Constituency, are promptly registered?
- (iv) What steps has the Ministry taken to ensure timely disbursement of funds to the beneficiaries of the Programme countrywide?

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Labour and Social Welfare.

The next Question is by the Member for Matuga, Hon. Kassim Tandaza. He is not in; we will come back to it.

The next Question is by the Member for Makueni, Hon. Daniel Kitonga Maanzo.

*Question No. 365/2021*

#### MEASURES TO COMPLETE HOUSING PROJECT FOR CIVIL SERVANTS IN WOTE TOWN

**Hon. Daniel Maanzo** (Makueni, WDM-K): Hon. Speaker, I rise to ask the Cabinet Secretary for Transport, Public Works and Housing the following Question:

- (i) Could the Cabinet Secretary explain why the Government Housing Project for civil servants in Wote Town, Makueni Constituency, which was started in 1989 stalled?

- (ii) Could the Cabinet Secretary provide the total amount of money that was allocated for the project, the amount already paid to the contractors and the outstanding amount, if any?
- (iii) What actions does the Ministry normally take against contractors who abandon sites without having completed projects awarded to them?
- (iv) Could the Cabinet Secretary explain the measures that the Ministry has put in place to ensure speedy completion of the said project and provide the revised timeline of its completion?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by the Member for Maragua, Hon. Mary Wamaua, who has requested that the Question be deferred. The request has been acceded to. Therefore, the Question is deferred.

*Question No. 369/2021*

HARMONISATION OF APPLICATION/ISSUANCE  
OF DRIVING LICENCES BY NTSA

*(Question deferred)*

The next Question is by the Member for Homa Bay Town, Hon. Peter Opondo Kaluma. He is not in. We will come back to that Question.

The next Question is by the Member for Tigania West, Hon. (Dr.) John Mutunga.

*Question No. 372/2021*

MEASURES TO ADDRESS ESCALATING INSECURITY IN TIGANIA WEST

**Hon. John Mutunga** (Tigania West, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) What measures has the Ministry taken to address insecurity in Tigania West Constituency, which has escalated in the recent past?
- (ii) Could the Cabinet Secretary indicate whether police across the country, especially those serving in Tigania West, have undergone retraining for enhanced service delivery following the recent police reforms which, among other things, resulted in the merger of the Regular Police with the Administration Police?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Administration and National Security.

For the second time, Question No. 364/2021. The Member for Matuga, Hon. Kassim Tandaza being absent, not desiring to be present, the Question is dropped.

*Question No. 364/2021*

MEASURES TO ENSURE SMOOTH IMPLEMENTATION

## OF CBC EDUCATION SYSTEM

*(Question dropped)*

**Hon. Speaker:** For the second time, Question No. 371/2021 by the Member for Homa Bay Town. Hon. Peter Opondo Kaluma is also absent, not desiring to be present. When Members are absent or desire not to be present, they communicate to the Hon. Speaker.

*(Loud consultations)*

Hon. John Mbadi, what do you want to say on his behalf?

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I agree with you entirely on the rules of the House. I do not want to belittle the rules of the House but I plead with you; that, Hon. Peter Kaluma had an emergency in Homa Bay and it happened right in his constituency. We actually organised for his emergency flight to join his constituents and oversee the rescue mission. Up to now, two bodies have not been recovered. There are those people who can be accounted for but you never know how many more people boarded the boat but were not listed.

Hon. Speaker, I ask you to treat this as an extraordinary case and allow Hon. Peter Kaluma to ask his Question at a later date. I know he should have informed you, but this is a decision we took last night.

**Hon. Speaker:** I am persuaded. I defer the Question.

*Question No. 371/2021*

DISBURSEMENT OF HELB FUNDS TO UNIVERSITIES AND  
OTHER INSTITUTIONS OF HIGHER LEARNING

*(Question deferred)*

**Hon. Speaker:** Hon. Members, I have told you to make suggestions on changes to the Standing Orders. There is a difference between deferment and dropping. When a Question is dropped, it shall not see the light of day for the next six months but when it is deferred, it can be reinstated on the Order Paper as soon as the Member is available.

The next segment is on Responses to Statements or Requests for Statements. Are there any Request for Statements?

## STATEMENTS

**Hon. Speaker:** Is that Hon. Kaunya?

**Hon. Oku Kaunya** (Teso North, ANC): Yes, Hon. Speaker.

**Hon. Speaker:** Make your Request for a Statement, please.

## DELAYED DISTRIBUTION OF BT COTTON SEEDS TO FARMERS IN TESO

**Hon. Oku Kaunya** (Teso North, ANC): Hon. Speaker, pursuant to Standing Order No. 44(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on

Agriculture and Livestock regarding distribution of cotton seeds to farmers for the 2021 planting season and the revival of the cotton industry.

In the 2020 planting season, the Ministry of Agriculture and Livestock provided cotton seeds and pesticides to farmers following the launch of the BT cotton on 11<sup>th</sup> March 2020 at Alupe in Busia. During the launch, the Cabinet Secretary promised to avail BT cotton seeds to farmers from the last season, 2020 to 2021 season. In 2020, farmers produced 60 tonnes of cotton. Farmers in Teso North were provided with 11 tonnes of ordinary cotton seeds by the Ministry as it prepared to fully avail the BT cotton seeds at the onset of the current planting season, which began in March 2021. However, it is noted with concern that the BT cotton seeds have not been distributed as promised by the Cabinet Secretary for the 2021 planting season, which is almost ending.

In an effort to revive the cotton industry in Kenya, there were plans to revive cotton ginneries in addition to facilitating cotton farmers. The Malaba/Malakisi Farmers' Co-operative Society, which draws farmers from Teso North and Teso South constituencies and parts of Bungoma County, in a bid to jumpstart cotton production, managed to install two machines at Malaba/Malakisi Ginnery, which were commissioned on 15<sup>th</sup> March 2021.

It is against this background that I seek a Statement from the Chairperson, Departmental Committee on Agriculture and Livestock, to address the following:

- (i) Could the Chairperson explain the status of BT cotton growing in the country?
- (ii) How much funds have been allocated for the revival of ginneries and, in particular, the old Katakwa Ginnery in Teso North?
- (iii) Could the Chairperson explain why the Ministry is yet to distribute the BT cotton seeds to farmers for the 2021 planting season and whether there are plans to ensure that farmers receive these seeds before the end of the planting season?
- (iv) Could the Chairperson explain measures put in place to ensure that cotton ginneries are revived to promote cotton production in the country?

Thank you, Hon. Speaker.

**Hon. Speaker:** Is it directed to the Chairperson, Departmental Committee on Education and Research? Sorry, Hon Kaunya. Is it directed to the Chairperson, Departmental Committee on Agriculture and Livestock?

**Hon. Oku Kaunya** (Teso North, ANC): Hon. Speaker, it is directed to the Chairperson, Departmental Committee on Agriculture and Livestock.

**Hon. Speaker:** Yes. Who is the Vice-Chairperson? I keep telling you this and I hope you would pay attention. When you are looking at the review of the Standing Orders, it is important to also look at the sizes of our current committees and propose appropriate adjustments particularly regarding their mandate. There are some committees which seem to have a very wide mandate and obviously, there is need to split them and create more chairpersons. We want more chairmen and chairwomen. You call them chairpersons. That is important. We want as many chairwomen and chairmen in the House.

Hon. Kaunya, your Request for Statement will be channelled through the Office of the Leader of the Majority Party.

Hon. Wambugu, do you also have a Request for Statement?

#### UPSURGE OF UNREGULATED INVESTMENT SCHEMES AND FINANCIAL FRAUDSTERS

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Thank you, Hon. Speaker. Pursuant to the Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the upsurge of unregulated investment schemes and financial fraudsters in the country.

There has been a recent upsurge of unregulated investment schemes, also known as *Ponzi* schemes, and financial fraudsters in the country. These fraudsters and schemes are defrauding many unsuspecting Kenyans of their hard-earned money. The organisers of the said schemes often promise rapid and high financial returns with little or no risk as well as a guaranteed return primarily targeting the elderly, retirees, job seekers, students and persons within the middle and lower income brackets.

The companies and individuals running *Ponzi* schemes are exploiting the regulatory gaps and poor enforcement of administrative measures to con and manipulate people of their hard-earned money. Many of them are desperate, poor and highly vulnerable. The damage these schemes can inflict requires a determined regulatory response to shut them down at an early stage before they gain momentum.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

- (i) How many regulated and unregulated schemes are in existence in the country, if any, and could the Chairperson provide a list of the said schemes and the actions that have been taken against them?
- (ii) What steps is the relevant Government agencies taking to ensure that all regulated and unregulated schemes are fully investigated, forensically audited and perpetrators prosecuted at the court of law and, further, money and funds that were illegally collected from victims are returned to their owners?
- (iii) Could the relevant ministry consider drafting and submitting rules and regulations to the National Assembly for adoption that are geared towards better and sound management of the schemes in the country?
- (iv) What plans, if any, are underway to organise sensitisation programmes on the ills of *Ponzi* schemes as well as financial literacy lessons to encourage the citizens on available Government's empowerment programmes for unemployed persons and any other economically challenged groups for possible safer ways of investments so as to reduce the inclination to invest in such unregulated schemes?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson, Departmental Committee on Finance and National Planning, how long will you take? A chairperson cannot just walk on her two feet without a card.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Speaker. It is in the bag. I was trying to look for it.

Maybe in four weeks' time, we can come back on that because we have an urgent matter from this House that we have to deal with in the next two weeks.

**Hon. Speaker:** Very well. That is reasonable. On responses to Statements, let us first have the Chairperson, Departmental Committee on Agriculture and Livestock, to give a response to a Request for Statement made by Hon. Oku Kaunya.

*(An Hon. Member spoke off-record)*

Are you the Chairperson, Departmental Committee on Agriculture and Livestock? Who is the Vice-Chairperson?

Hon. Waruguru had requested Hon. Kalasinga to ask a Question on her behalf. Hon. Kaunya, we will defer this to next week when, hopefully, both of them or either of them will be present to respond.

The next response is by the Chairperson, Departmental Committee on Finance and National Planning, to a Request for Statement by...

What is this?

*(Hon. Speaker consulted with the Clerk-at-the-Table)*

All these are actually Requests for Statements. They are not responses. The next Request for Statement is by Hon. Kangogo who had written to request for something, but he has suddenly appeared.

#### STATUS OF LAND OWNERSHIP IN EMBOBUT/EMBOLOT AREAS

**Hon. Kangogo Bowen** (Marakwet East, JP): Thank you, Hon. Speaker. I was supposed to request for a Statement yesterday, but I requested that it be deferred to this afternoon.

Hon. Speaker, pursuant to Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding the status of land ownership in Embobut/Embolot area in Marakwet East Constituency which has long been classified as forest land.

Article 40 of the Constitution provides for protection of right to property and, further, Article 60 outlines the principles of land policy which every Kenyan should uphold. In light of the above, the current residents of Embobut/Embolot area have inhabited the area since time immemorial and such occupation has been uninterrupted and continuous. Therefore, by virtue of law, the current occupants have satisfied the dictates and the requirements of the doctrine of adverse possession and are thereby entitled to henceforth assume or acquire legal ownership of the said land notwithstanding any other encumbrances.

It is apparent and on record that the conflicts which have been occurring in the said area over the years have been triggered by land possessory rights and land occupation on the basis of *de facto* assurance facing challenges from land grabbing and evictions which have been undermining the security of tenure and disrupting the uninterrupted and the unchallenged possession.

It is against this background that I seek a Statement from the Chair of the Departmental Committee on Environment and Natural Resources on the following:

- (i) What is the actual status on demarcation and a clear forest outline in Embobut/Embolot area of Marakwet East?
- (ii) What is the actual possession and use of land over the several generations by the residents without any formal adjudication and registration?
- (iii) What measures has the ministry put in place to ensure the current residents of Embobut/Embolot area are granted permanent ownership on the said land to address the issues of insecurity currently experienced in the area?

**Hon. Speaker:** The Chairman, Departmental Committee on Environment and Natural Resources, or the Vice-Chair, Hon. Sophia. Do you have your card?



**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Speaker. We will take two weeks to give a response to the matter.

**Hon. Speaker:** Very well. Hon. Kangogo, I think that is okay. Next Order. We will skip a small item which the Leader of the Majority Party will be addressing later. It is on the Statement from the House Business Committee.

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON SPECIFIED REPORTS OF PETITIONS

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97(1) and following the resolution of the House of 17<sup>th</sup> August 2021 with respect to debate on three specified Reports of Petitions, this House orders that each speech in a debate on Reports of Petitions be limited as follows: A maximum of one hour and twenty minutes, with not more than fifteen (15) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party, and that five (5) minutes before the expiry of the time, the Mover be called upon to reply; and further that priority in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

The essence of this is that we have not been providing for how we transact on debate on petitions because ideally, petitions are disposed of and the response is given to a Member. When it has to be discussed here as the three that are listed on the Order Paper, we need to provide for a time limit. We could go on forever. This is for neatness in prosecuting the matter and giving adequate time to the people who are involved in it. What the House Business Committee considered is that we give the Chair of the Committee that is responding adequate time to prosecute the matter up to 15 minutes and up to 12 Members, each speaking at five minutes, which should cover the Member who raised the issue plus the neighbours and others who are affected. We will have adequately covered the matter with at least 12 Members speaking. It also gives enough time for other businesses to be conducted.

So, it is really for neatness in terms of how we prosecute this matter. Now, it is already going to 4.00 p.m. We only have two hours. Even as we think we have three hours, I urge Members, now that we also have the Motion for Adjournment that has come, to look at the one hour and twenty minutes as the absolute time rather than an entitlement, so that we could, at least, enable the petitioners or the Members who were affected to get the responses in the course of today. Today, going forward, for these three petitions, I would like the House to approve that we limit to not more than one hour and twenty minutes on each one of them.

I beg to move and ask the Leader of the Minority Party to second.

**Hon. John Mbadia** (Suba South, ODM): Thank you, Hon. Speaker. This is basically a Procedural Motion. Matters petitions and discussing reports coming out of petitions to committees is something that is gaining traction in this House. It is becoming very popular. I think this is the right time to agree on how much time to allocate discussions on reports of petitions. The House Business Committee was proposing that we limit it to one hour and twenty minutes and have, at least, 12 Members contribute to such debate.

I do not have much to say. This is a Procedural Motion.

I beg to second.

*(An Hon. Member walked into the Chamber)*

**Hon. Speaker:** Is that Member still walking or is he standing still? Hon. Members, even listening to what the Leader of the Majority Party and the Leader of the Minority Party have said and also in keeping with my earlier Communication on review of the Standing Orders, I think this Motion is a good instance about us rethinking how we treat petitions. If you read between Standing Order No.225 through 226 and 227, reports on petitions are merely supposed to be sent to petitioners. I think it is not a fair way to spend public resources that a Committee of this House would go out there to do investigations and just send the report to the owner. It is like 'return to sender'. I think we need to look at it. Hon. Members, I think these are some of the things that we need to also think through in making proposals, so that, at least, the House gets to know what it is that the Committee has found regarding whatever petition and allocate sufficient time within which to consider those reports.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Before we go to the next Order, the Leader of the Majority Party, can you conclude Order No.7?

## STATEMENT

BUSINESS FOR THE WEEK COMMENCING 28<sup>TH</sup> TO 30<sup>TH</sup> SEPTEMBER 2021

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. Pursuant to provisions of Standing Order 44(2)(a), I rise to give the Statement on behalf of the House Business Committee, which met on Tuesday, 21<sup>st</sup> September 2021 to prioritise business for consideration.

I wish to welcome Members from the long recess and hope they have had a chance to interact with their constituents and take a well-deserved break and are now energised to conduct business in the next four weeks.

The following business has been tentatively scheduled for consideration on Tuesday next week:

1. Committee of the whole House:
  - (a) The National Health Insurance Fund (Amendment) Bill, 2021.
2. Second Reading:
  - (a) The Landlord and Tenant Bill, 2021.
  - (b) The Health Laws (Amendment) Bill, 2021.
3. Committee Reports:
  - (a) The Ratification of the Air Transport Agreement between Kenya and the United States of America.
  - (b) The Sessional Paper No.1 of 2021 on the National Water Policy.

I am informed that there are no Questions scheduled to be answered by Cabinet Secretaries in the coming week. I believe Committee chairs have been collating Questions and coordinating,

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so that we will report on that next Thursday. The HBC will reconvene on Tuesday, 28<sup>th</sup> September 2021 to schedule business for the rest of the week.

I now wish to lay the Statement on the Table of the House.

*(Hon. Amos Kimunya laid the Document on the Table)*

**Hon. Speaker:** Next Order.

## REPORT OF COMMITTEE OF THE WHOLE HOUSE

### THE IRRIGATION (AMENDMENT) BILL

**Hon. Speaker:** Order Members. Debate on this Motion was concluded in the Committee of the whole House. What remained was for the Question to be put. Having confirmed that it is okay to put the Question, I proceed to do so.

*(Question put and agreed to)*

### THIRD READING

### THE IRRIGATION (AMENDMENT) BILL

**Hon. Speaker:** Mover.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to move that the Irrigation (Amendment) Bill (National Assembly Bill No.12 of 2021) be now read a Third Time.

I wish to thank the Members for the effort they put in the prosecution and processing of this Bill in such a short time. We hope that it sorts out our food security issues, especially within the irrigation areas.

I request Hon. Junet Mohamed to second.

**Hon. Speaker:** Hon. Junet.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Hon. Members, having confirmed that we still quorate, I put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**Hon. Speaker:** Next Order.

## BILLS

### Second Reading

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## THE SOCIAL ASSISTANCE (REPEAL) BILL

*(Hon. Amos Kimunya on 21.9.2021)*

*(Debate concluded on 22.9.2021)*

**Hon. Speaker:** Certainly, it is good to behave as if you know where you have entered into. Hon. Members, you know in debates about whether to invite cabinet secretaries into the Floor of the House of Representatives in the United States of America, an argument was put that the Floor of the House is so hallowed it cannot be contaminated with the presence of footsteps of unelected citizens. Similarly, when we attempted to do the same here in the last Parliament, some of you did raise the same issue. So, when you walk in, you should know you are in a hallowed place.

*(Applause)*

Hon. Members, let me put the Question.

*(Question put and negatived)*

*(Loud consultations)*

No, there is no contestation. Next Order.

## THE TAX APPEALS TRIBUNAL (AMENDMENT) BILL

*(Hon. Amos Kimunya on 22.9.2021)*

*(Debate concluded on 22.9.2021)*

*(Loud consultations)*

**Hon. Speaker:** Hon. Sankok and Hon. John Mbadi, can we make a determination on this other Bill? We want to put a Question on another Bill.

Again, Hon. Members, debate on this Bill was concluded yesterday and what remained was for the Question to be put, which I hereby do.

*(Question put and agreed to)*

*(The Bill was accordingly read a Second Time  
and committed to the Committee of the whole House)*

**Hon. Speaker:** Next Order.

**MOTIONS**

## APPROVAL OF NOMINEES TO NG-CDF COMMITTEES

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**Hon. Speaker:** The Chairman of the Select Committee on National Government Constituencies Development Fund. This is with regard to nominees to NG-CDF committees of Nambale, Sirisia and Bonchari constituencies. I hope the concerned Members are present.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Speaker, this time they are present.

**Hon. Speaker:** Okay. Very well.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you, Hon. Speaker, for the opportunity. I beg to move the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following three constituency committees of the National Government Constituency Development Fund, laid on the Table of the House on Tuesday, 3<sup>rd</sup> August 2021 and Tuesday, 17<sup>th</sup> August 2021, respectively -

### 1. NAMBALE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Tryphosa Ngobiro Muyodi	<i>Female Representative</i>	<i>Youth</i> Fresh appointment, pursuant to Sec.43(3)

### 2. SIRISIA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	David Watwati Bunguswa	<i>Male Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)

### 3. BONCHARI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Jared Achando Nyakeya	<i>Male Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)
2.	Joseph Mokua Somoni	<i>Male Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)
3.	Helina Kemunto Morang'a	<i>Female Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)

- |    |                          |  |  |
|----|--------------------------|--|--|
| 4. | Christine Bonareri Mbeki | <i>Female Adult Representative</i>                 | Fresh appointment, pursuant to Sec.43(3) |
| 5. | Hellen Bonareri Ondieki  | <i>Representative of Persons with Disability</i>   | Fresh appointment, pursuant to Sec.43(3) |
| 6. | Charles Ogaro Nyangoto   | <i>Nominee of the Constituency Office (Male)</i>   | Fresh appointment, pursuant to Sec.43(3) |
| 7. | Monicah Mwangi Suleiman  | <i>Nominee of the Constituency Office (Female)</i> | Fresh appointment, pursuant to Sec.43(3) |

Hon. Speaker, this is a straightforward Motion. We are required, in the fulfilment of the requirements of the provisions of the NG-CDF Act and Regulations, to cause the approval of Members of different constituency committees. About 30 constituencies have submitted their proposals for projects. We are pursuing the Treasury to release funds for the first quarter, of which we are almost there. So far, we have received close to the first quarter, about Kshs8 billion. When we attain more than Kshs10 billion, we will have realised it.

This afternoon, I was talking to the Cabinet Secretary and he assured me that in the next couple of days, he will have released the money to attain the first quarter. We are hoping that by December, we will be above 50 per cent, so that every constituency will have received the funds for development. We will make sure that next year, before it gets late, all constituencies will have received their full allocation. So, we ask Members to make sure that they submit their project proposals on time.

With those few remarks, I beg to move and ask Hon. Maoka Maore to second.

**Hon. Speaker:** Hon. Maore.

**Hon. Maoka Maore** (Igembe North, JP): I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Unless Members from those constituencies have objections.

*(Question put and agreed to)*

Next Order!

ADOPTION OF REPORT ON DRAFT ELECTION  
CAMPAIGN FINANCING REGULATIONS

**Hon. Charles Njagagua** (Mbeere North, JP): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Draft Election Campaign Financing Regulations, laid on the

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Table of the House on Thursday, 5<sup>th</sup> August 2021, and committed to the Committee on Delegated Legislation for scrutiny.

Hon. Speaker, these Draft Regulations provide the principles and objects of the campaign financing regulations, including consideration of persons who bear duties under the Act; powers of the Independent Electoral and Boundaries Commission (IEBC) and composition and registration of the right persons as provided by Section 6 of the Act.

The Regulations further provide for campaign expenditure by setting out permissible sources of campaign financing, regulations on loans and other sources of finances for purposes of campaign financing. The Draft Regulations also provide for regulation on *Harambees*, and the powers of persons and commissions in relation to contributions.

They also provide for regulation of campaign expenditures by setting permissible election expenses, carrying of expenses, reporting and disclosure of contributions and expenditure, including preparation of preliminary and final reports for presentation and consideration by the Commission and ratification of such reports.

*(Loud consultations)*

Hon. Speaker, I beg your indulgence. I beg to move:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Draft Election Campaign Financing Regulations submitted by the Independent Electoral and Boundaries Commission on 5<sup>th</sup> August 2021, laid on the Table of the House on Tuesday, 17<sup>th</sup> August 2021 and pursuant to the provisions of Articles 10, 118 and 259 of the Constitution, the Interpretation and General Provisions Act (Cap. 2), Sections 5, 12, 18, 19 and 29 (2) of the Election Campaign Financing Act, 2013 and Section 18 of the Statutory Instruments Act, 2013 –

(a) annuls in entirety the contributions and spending limits for political parties and candidates for the purposes of the general election to be held on 9<sup>th</sup> August 2022, notified and published as Gazette Notice No.8024 of 9<sup>th</sup> August 2021; and,

(b) rejects the Draft Election Campaign Financing Regulations submitted to the National Assembly by the Independent Electoral and Boundaries Commission on 5<sup>th</sup> August 2021.

Hon. Speaker, as indicated in the Objects of Memorandum, the Draft Regulations seek to regulate loans, campaign financing, *Harambees* and reporting by persons seeking to be elected to various political positions in the next general elections.

The background is that in 2016, the IEBC submitted a set of regulations relating to the campaign financing, which did not conform to the Constitution, the Elections Campaign Financing Act and the Statutory Instruments Act, which were hence annulled by Parliament.

The House then rejected the draft Regulations relating to Campaign Financing 2016 as they contravene Section 5 of the Elections Campaign Financing Act, 2013. It resolved that the Departmental Committee on Justice and Legal Affairs introduces relevant legislations to amend the appropriate sections of the Elections Campaign Financing Act, 2013.

On Thursday, 5<sup>th</sup> August 2021, the draft Regulations were laid before this House and committed to the Committee on Delegated Legislation on the very same day for scrutiny. The Committee met the Independent Electoral and Boundaries Commission (IEBC) on Wednesday, 11<sup>th</sup> August 2021 where it confirmed that the draft Regulations, 2020 are the same ones that had been submitted to this House in 2016 without any amendments and, hence, failing to factor in any

changes that might have occurred in between 2016 and 2021. The Election Campaign Financing Act, 2013 which was suspended for the 2017 elections and which, therefore, commenced on 12<sup>th</sup> August, 2017, places a number of statutory obligations on IEBC, in respect of certain statutory instruments.

The Committee further noted that the Commission hurriedly concocted a quick draft with the title reading “2020” and citations with the same regulations of 2016. It submitted them to the National Assembly out of time which not only demonstrates unpreparedness in their race against the statutory timelines, but also offends Section 13(m) of the Statutory Instruments Act, which requires the Committee on Delegated Legislation to check during scrutiny if the Regulations contain drafting errors or other elucidations.

The Committee having gone through and meet the IEBC, picked out certain salient issues. Unlike other regulations that are made under other statutory sections, Section 29(1) of the Election Campaign Financing Act, 2013 requires that the regulations made by the Commission under the Act ought to be read before the National Assembly and approved by the House before they are published in the Gazette. This is an affirmative resolution by the House. Therefore, the latest possible timeline that the IEBC ought to have placed these regulations before us was Monday, 9<sup>th</sup> August 2021, since the elections are on 9<sup>th</sup> August 2022.

On observations, the Committee, upon scrutinising the Election Campaign Financing Regulations, 2022 in accordance with the Constitution of Kenya, the Interpretations and General Provisions Act (Cap 2), the Election Campaign Financing Act, 2013 and the Statutory Instruments Act No. 23 of 2013 observed:

- (i) That, Section 5(a) of the Election Campaign Financing Act requires that the IEBC makes rules to regulate election campaign financing at least 12 months before the next general elections. On the contrary, the IEBC submitted the draft Regulations very late in the day, which will not allow the Committee time to consider them within the set timelines as per Section 13 of the Statutory Instruments Act.
- (ii) The IEBC has not made any rules under Section 5 of the Act as required by the law, neither have they submitted the same to the National Assembly as required by Section 11(1) of the Statutory Instruments Act which stipulates that all statutory instruments must be submitted for scrutiny.
- (iii) The Committee noted with concern the unjustifiable delay in submitting the instruments contrary to Section 13(j) of the Statutory Instruments Act, 2013.
- (iv) The Committee noted the draft Regulations, 2020 are the same ones that were submitted in 2016 without any amendments, hence, failing to factor in any changes that might have occurred in the course of the four years. This not only demonstrates unpreparedness on the part of the IEBC, but also lack of good faith on their part.
- (v) The IEBC has further published un-procedural contributions and spending limits on 9<sup>th</sup> August 2021 in the Gazette since the limit and ceilings were to be informed by the Regulations which have not been approved by Parliament. That again, demonstrates lack of good faith on their part.
- (vi) The IEBC has not demonstrated by way of an attendance list or otherwise any public participation. They just picked the Regulations that were submitted in 2016 and brought them again in 2020 without carrying out any public participation. We all know that elections are very volatile and emotive in this country. So, they went ahead to do so without carrying out any public participation.



- (vii) The IEBC indicated that it had submitted amendments to the National Assembly's Departmental Committee on Justice and Legal Affairs to amend the parent Act in 2019 to enable it make rules to regulate election campaign financing and that this amendment has not been acted upon. Again, we do not act on proposed Bills. We go by what has been assented to by the President. So, they cannot turn around and say they had submitted their proposed amendments to the Departmental Committee on Justice and Legal Affairs. This demonstrates they are just hiding their dirt and rot under the carpet.

Hon. Speaker, therefore, the Committee recommends to the House as follows:

- (i) That we annul Gazette Notice No. 8024 on contributions and spending limits for political parties and candidates for the purposes of the general elections scheduled to be held on 9<sup>th</sup> August, 2022, published by IEBC on 9<sup>th</sup> August, 2021.
- (ii) We reject the publication of the Draft Election Campaign Financing Regulations submitted by the IEBC.

Hon. Speaker, I beg to move and request Hon. Wangari to second. Thank you.

**Hon. Speaker:** Hon. Martha Wangari, Member for Gilgil.

**Hon. (Ms.) Martha Wangari (Gilgil, JP):** Thank you, Hon. Speaker. I rise to second this Report without adding much to what my Chairman has moved. I want to give a background on these regulations. I think this is the problem because the IEBC started with pure mischief to label this House as incompetent or not willing to do its work. We were able to unearth the issues we have raised here and our role in this was very clear. We were to check if there is conformity with the Statutory Instruments Act and the Constitution; to know if they infringed on any fundamental rights and freedoms and if they contained any issues of taxation, among others.

When we held a meeting with the IEBC, it is good to go on record that the first time they wrote to Parliament was 25<sup>th</sup> July. This was received in Parliament by the Clerk on 28<sup>th</sup> July and they did not attach the Regulations at all. They had attached the proposed Bill which they sent to the Departmental Committee on Justice and Legal Affairs. The Clerk wrote back and requested the IEBC to submit the actual Regulations.

It is on 5<sup>th</sup> August that they submitted the Regulations that were published in 2016. We followed them and I remember in the House you requested that we expedite this matter and we called a very quick meeting with IEBC. We carpeted them and asked if they had submitted Regulations of 2016 which were annulled by the House, to act as new Regulations in 2021. The law is very clear on this.

They had a legal team and came with a whole battalion of lawyers who were asked by the Committee why they did so. This is because they had five years to submit these Regulations. So, why did they wait to come running the last minute? These Regulations are very unique. Normally, if regulations are passed at the Committee level, we do not bring them to the House. In fact, we do not need to bring them to the House before publishing. But these ones by their very unique nature have to be brought to the House before publishing. Even if we tried to remedy these Regulations, they were initially faulty and there was no way we could have revived them. I think this House by the time it enacted the Election Campaign Financing Act in 2013, had very good intentions in terms of regulating the campaign monies that are spent by parties and individuals.

However, from the IEBC end, I think it was clear that either they did not want these Regulations or they actually wanted to just play mischief with the Regulations to paint Parliament in bad light to look like we are the ones who are not agreeing with the Regulations. That being said, what it meant then is that by 9<sup>th</sup> August 2021, the IEBC should have already conformed to

all the legalities. It should have brought those Regulations here before publishing them. It should have done proper public participation. The public participation record that was brought to the Committee was actually the one that was done in 2016. By all means, any business in the life of a Parliament or a session actually dies with a Parliament. So, there is no way the environment of elections, knowing how dynamic it is, would have remained static for five years. So, the public participation was inadmissible.

I think we have very clear reasons why we annulled these ones and rejected the publishing because it was done outside the law. We felt that this was a deliberate thing because they had all the time for five years. The IEBC should have done these things and done them right. So, by the powers given by the Statutory Instruments Act, the Constitution and the Campaign Finance Act itself, we actually came to a unanimous decision that these Regulations, one, do not hold water and cannot be remedied. They were fatally damaged from the start. I know many Members want to contribute.

With those remarks, I beg to second.

Thank you, Hon. Speaker.

*(Question proposed)*

**Hon. Speaker:** Member for Emuhaya.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker, for giving me this chance to make my contribution to this particular Report and, at the outset, support it. When this matter came up and was hot in the air at that particular time, it looked like Parliament was, in one way or another, not willing to enact these Regulations and this created an atmosphere that sounded like, in one way or another, Parliament is unwilling or it will be favoured if it did not pass these Regulations, but that was not true.

From the Report, it is now very clear that there were certain omissions that were either done deliberately or not deliberately. For instance, the issue of public participation should now come up clearly to the public and the Kenyans so that, as we go out to the field there, never again shall we be addressed as people who did not want to enact these Regulations and that there was no public participation. Even the IEBC itself attempted to bring the public participation report that had been done in 2016; meaning that this was an unfaithful way of trying to deal with Parliament. Therefore, they should be rebuked for this and they must take note where they are that this is not the way to run the affairs of the people and hence that was not proper.

Secondly, on the issue of the expenditure and other finances related to these Regulations, the IEBC did not put into account that the price consumer index of both goods and services had changed since five years ago. In 2016, the price consumer index was different from what it is now and, therefore, if you base that or whatever tenets they were using to determine the amounts that would be used in every constituency... I remember in my own constituency of Emuhaya, it was put at Kshs5 million or something like that. Now, with the changed consumer price index and the prices of goods, this cannot suffice and, therefore, these Regulations are null and void. That is not limited to the fact that, again, in terms of the procedure that these Regulations were to be introduced in this particular House, they completely missed to meet the timelines that are required in law. Therefore, these Regulations were introduced way late in time that even if we were to undertake to deal with them, we would not be able to handle the damage that was already created by the IEBC itself. This is because they had a period of over five years upon which they were supposed to have introduced these Regulations in this particular House.

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This Report by the Committee finally vindicates Parliament as not blocking these Regulations in any way. Kenyans should know clearly that these are not bad Regulations. They need to be brought in time and handled properly and within law, the Constitution and every other instrument that is required for them to follow so that by the time they are enacted, they are procedural and within the law. However, given what we have been informed and the Report that we have been given, I support that we reject these Regulations and possibly give the IEBC time in future to make proper Regulations.

Thank you, Hon. Speaker. I support.

**Hon. Speaker:** Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. I rise to support the Report of the Committee on Delegated Legislation to annul in its entirety the contribution and spending limits for political parties and candidates for the purposes of the 2022 General Elections in the Draft Election Campaign Financing Regulations.

It is very unfortunate that although Article 88(4)(i) of the Constitution gives the IEBC the mandate to regulate the amount of money that might be spent by candidates and political parties, the IEBC decided to take this matter very casually and disregarded the law. For this House not to be blamed by either the civil society or many other quarters, this Committee, in my opinion, rejected and annulled these Regulations based on four key parameters. The first one is public participation. The second one is failure by the IEBC to observe the timeline provided. The third one was to put the cart before the horse in publishing the gazette notice before the approval of the House. The last principle is the very many embarrassing errors that I have seen in the Report.

Article 10 of the Constitution gives us national values and principles that make it clear that public participation is the core and the framers of our Constitution put it as a central pillar that the people of Kenya, at all levels, must be consulted before any law is made. Did the Independent Electoral and Boundaries Commission consult or did they throw a coin in the air and decide how much a Member of Parliament for Garissa Township will spend? We are not even sure who they consulted when they said that a presidential candidate can spend Ksh4 billion in a presidential election. Clearly, the IEBC, both in their appearance and submission to the Committee, did not conduct any public participation. As a result, the spending limits must fall flat in the face of the law because of not conducting public participation. I am sure one of the reasons why the Building Bridges Initiative (BBI) also fell flat is because of lack of public participation.

Second was the failure to observe timelines. Where was the IEBC since 2017? Why did they have to wait until the eleventh hour to rush the Regulations and pass the statutory timelines provided for in the Statutory Instruments Act? The law requires that Election Campaign Financing Regulations to be passed at least 12 months before the next general elections. In fact, by 9<sup>th</sup> August 2021, these Regulations ought to have been concluded. Today is 23<sup>th</sup> September 2021 and we are discussing Regulations that should have been law a month ago. This piece of legislation should have been enacted one year to the election. This falls flat noting that Section 13 of the Statutory Instruments Act requires that there will be no justifiable reason — and I hope the Chairman of the IEBC is listening to me — that can delay the submission, publication and laying of these Regulations before the House.

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

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

The third principle that they violated - and that the Committee used - was putting the cart before the horse. Election Campaign Financing Regulations should have first been approved by the House, so that they conform to the basis of spending limits. Contrary to the law and to the Act, the IEBC published the spending limits even before this House approved the Regulations. That is un-procedural, illegal and tantamount to putting the cart before the horse. That is one of the reasons why these Regulations had to be annulled.

Finally, in their own submission — and I have read this Report — there were serious and embarrassing errors made by the IEBC. It is embarrassing that a constitutional Commission tasked with conducting elections in this country and to determine the governance structure of our country can make such serious and embarrassing drafting errors. Why do I say so? If you read the Regulations that the Committee looked at, the title reads: “Election Campaign Financing Regulations, 2020” and the citation reads, “Election Campaign Financing Regulations, 2016”. We are now in 2021. This House is being called upon to approve Regulations from five years ago in 2016. I have seen in the Report of the Committee, the IEBC, led by the Chairman and his commissioners, making an admission on *Hansard* of having made serious omissions in making their submissions and had to be reminded to forward the Regulations to the Committee.

Under your leadership, Hon. Deputy Speaker, a former Member of Parliament and the Chairman of the Departmental Committee on Justice and Legal Affairs Committee in the 11<sup>th</sup> Parliament, passed the Campaign Financing Act and threw the ball to the IEBC to prepare the Regulations. Let us make it crystal clear for the benefit of the public that we are not against enacting laws that will help in the governance of free and fair elections. Like other democracies, we will know what has been spent by each candidate and political party. We are not rejecting it. The carriers and owners of these Regulations violated the law themselves in terms of not conducting public participation, failure to observe the statutory timelines, putting the cart before the horse by publishing the gazette notice before the approval by this House and by making serious and embarrassing drafting errors which they submitted themselves.

With those many reasons, I am obliged to support the Report of the Committee to annul in its entirety the contribution and spending limits for political parties and candidates for the purpose of the 2022 General Elections and reject the Draft Election Campaign Financing Regulations. I am sure that the men and women who will come in the 13<sup>th</sup> Parliament will make the Regulations and that law will only apply to the 2027 General Elections. *Inshallah!*

**Hon. Deputy Speaker:** Let us have the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I rise to support the Report of the Committee. The Report is so clear. The Committee has done its work and Hon. Aden Duale has further elucidated the same points. We had a debate on this matter on the Floor of the House. There is nothing more I can add that is not already contained within the Report. There is no way a bad thing can be made to look good. If it is bad, it is bad. However much we try to whitewash it, it will not look good.

It speaks to the bigger issue of the preparedness of the IEBC in terms of giving hope to Kenyans that they are up to the task of conducting free and fair elections come next year. This is a wakeup call to them, especially now that they fully quorate. Let them reconsider, go through each of those steps and start the journey afresh to give assurance to Kenyans. Now that they fully quorate, let them get a Chief Executive Officer (CEO). Perhaps, some of those errors have been because commissioners are also trying to play the part of the management. Let them now put their house in order and give Kenyans a better assurance that the IEBC can be relied upon to conduct those watershed elections.

The elections are coming at a time when we have a transition from an administration that is finishing its term and creating a total vacancy which a new administration will fill. We do not want a situation where people go for elections with doubts as to the capacity and quality of the people at the IEBC. The House has done its job. The IEBC put themselves in the mess and so, let them carry it. We assure the public out there that this House will do its best to salvage the situation, if there is such an opportunity. I am not sure about the timings and the fact that any law would have to go through the two Houses. However, like we said, the IEBC took their time and sat on it. They did not want to do anything. I hope they will not spring surprises and try to blame this House. This House has done its job and will continue to do its job to uphold the law. We do not pass laws in vain or just for the record. The laws we pass here are supposed to be implemented. I sympathise with the IEBC but choices have consequences. They chose to do things in a certain way and they must bear the consequences of their action, lack of action or delayed action.

Hon. Deputy Speaker, we are flogging a dead horse. We could save our time for more quality work in this House, instead, of flogging a horse that is already dead. We could move on with more quality work.

With those remarks, I beg to support the Report.

**Hon. Deputy Speaker:** Thank you, Leader of Majority Party. Hon. Members, because I have been here for long enough, I know that some Members who have made requests are targeting some matters that could be coming later. It would be good for me to be very clear so that I do not remove you from the list and, therefore, miss out when the next Order is introduced. Therefore, I will be asking you, as I give you opportunity, to clarify whether you want to speak on the current business or on the other business that will be coming later.

Let us start with the Whip of the Minority Party, Hon. Junet.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Deputy Speaker. I rise to support the Report of the Committee on Delegated Legislation.

This is one of the attempts of some people who believe that Parliament can pass anything. There are people who think that Parliament does not scrutinise things. They think they can present any regulation or law and it will be passed in Parliament. I have heard the Leader of the Majority Party say that we are flogging a dead horse. I agree with him. This horse died a long time ago, but we are flogging it here because the IEBC has a tendency of shifting blame. You will hear very soon in the streets that Parliament is opposed to campaign financing. People will be saying that politicians do not want to be regulated; they want to steal public money and spend it on elections. People will start saying that Members of Parliament are thieves who steal public money. If the IEBC had brought these Regulations in good time, there would have been no quarrel.

This boils down to the competence of IEBC, and whether it has a properly constituted Legal Department. This is the same IEBC that had an election nullified by the Supreme Court. The Supreme Court then said that there were irregularities and illegalities at the IEBC. The same IEBC has now brought Regulations which are full of irregularities and illegalities. If we talk about them, we will be told that we have other issues and that we do not want elections. How? What do we do now? The Budget of the IEBC is not small money. The amount of money they spend on lawyers alone in terms of legal fees that they pay is in millions of shillings.

The Chair has alluded to the fact that when they appeared before the Committee on Delegated Legislation, they were accompanied by a battery of lawyers. All the lawyers will be paid but, the fact of the matter is that, the law was not followed when the Regulations were made. Kenyans must be made aware that the IEBC never followed the law. If you want to know that the IEBC was inciting Kenyans, before tabling the Regulation in the House as required so that they

can be passed, the IEBC published the figures in the *Kenya Gazette*. What they were trying to do, as Hon. Duale has said, was putting the cart before the horse. They did that deliberately to incite Kenyans that they have given the ceilings. What ceilings? They provided for a presidential candidate to spend Kshs4 billion. Where is a presidential candidate going to get Kshs4 billion from? That is a lie. A presidential candidate should not spend more than Kshs1 billion. Even that is too high.

This is an indication that can worry someone. We are now heading to a general election. If the IEBC cannot get it right in handling a small matter like preparing draft regulations and bringing them to Parliament in good time, I do not know how they will get it right in terms of dealing with the bigger issues of the 2022 general elections. The IEBC must put their act together and give Kenyans credible election results, in line with the Constitution and the Laws of Kenya. Anything short of that, they would be preparing Kenyans for anarchy and chaos.

With those remarks, I support the Committee in annulling these Regulations in their entirety. The High Court says “null and void.”

**Hon. Deputy Speaker:** Is Hon. Gachimu interested in speaking to this debate? He is top on the request list. Hon. Bunyasi, you have the Floor.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Deputy Speaker. I have a few remarks to make. I agree with the conclusion of the Committee that these draft regulations are irregular and, therefore, they are not an instrument we can use in the next general elections. Therefore, the draft regulations should be reviewed.

Hon. Deputy Speaker, capping expenditure in elections is important, but the IEBC should do so procedurally. It is extremely important. Apart from the fact that capping of election expenditure can exclude some people in the communities who may be able to contribute effectively to leadership because they cannot afford it, it also frustrates the efforts of getting affirmative action in place. You cannot get the youth in easily because they do not have money. We cannot get the women in easily. Although we now have women billionaires, they are a minority. That works against them. Certainly, it means the people that society is putting forward to get elected are the ones who have money or access to money. We also know that in Kenya, money does not always come from the right sources. It comes from taxes.

**Hon. Ali Rasso** (Saku, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it, Hon. Rasso?

**Hon. Ali Rasso** (Saku, JP): Hon. Deputy Speaker, I rise under Standing Order No.95.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Why do that in the middle of my speech?

**Hon. Ali Rasso** (Saku, JP): Hon. Deputy Speaker, I have a right to stand under that Standing Order. We are flogging a dead horse. We cannot legislate in vain. What we are discussing this afternoon is an illegality. Therefore, I request that the Mover be now called upon to reply.

Thank you.

**Hon. Deputy Speaker:** Hon. Members, I will put that Question forthwith, but I will allow the Member who is on the Floor to finish his contribution. As he does so, you will be making up your mind whether you want us to go the direction that Hon. Rasso has requested or not.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Deputy Speaker. The illegality is not the discussion. The illegality is the documentation itself. This is ....

**Hon. Deputy Speaker:** Hon. Bunyasi, what Hon. Rasso did is perfectly in order. The only thing you need to do is to finish your contribution. So, focus your mind on what you are doing. The illegality or otherwise will be determined later.

**Hon. Sakwa Bunyasi** (Nambale, ANC): I am guided, Hon. Deputy Speaker. The import of the decision we are making is that we should think seriously whether we are going to proceed forever without regulations. I hope we will find a way in which they can be done legally and brought back.

Let me stop here and omit the other comment that I was going to make and simply say that I support. But I am concerned about the outstanding need to have verifiable spending limits brought into law.

**Hon. Deputy Speaker:** Hon. Members, Hon. Rasso rose under Standing Order No. 95 requesting that we close debate and allow the Mover to reply. He has given his reasons. So, it is up to you to make your decision.

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

**Hon. Charles Njagagua** (Mbeere North, JP): Thank you, Hon. Deputy Speaker. I must thank all the Members who have contributed to this debate.

*(Hon. (Dr.) James Nyikal spoke off-record)*

**Hon. Deputy Speaker:** Order, Hon. Nyikal. Let me just explain. It is not about the base. It is about reading the mood of the House, and you know that, that is the position.

Please, reply, Mover.

**Hon. Charles Njagagua** (Mbeere North, JP): Thank you, Hon. Deputy Speaker. I was saying that I wish to thank all the Members who have made their contributions this afternoon. Hon. Members, it is not lost on us that we agree that election campaign financing should be regulated. However, the IEBC must get its act together. They should not just rush and bring regulations to this House then incite members of the public against parliamentarians.

One Member has pointed out that IEBC, without any colour of thought, gazetted these Regulations before they were approved by the House and everybody was like: "Look! Members must stick to these amounts of money." However, we had neither discussed those Regulations nor the ceilings. As a Committee, we felt that the IEBC was not acting in good faith.

So, without much ado, I hereby beg to reply.

Thank you.

**Hon. Deputy Speaker:** Very well. Of course, I will not put the Question for the reasons that are clear. Therefore, it will be deferred to the next Sitting.

*(Putting of the Question deferred)*

Let us go to the next Order.

## BILL

### *Second Reading*

#### THE TRUSTEES (PERPETUAL SUCCESSION) (AMENDMENT) BILL

**Hon. Deputy Speaker:** Is that by the Departmental Committee on Finance and National Planning? Chairperson, are you prepared?

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): I am very prepared, Hon. Deputy Speaker. The Leader of the Majority Party was gesturing at me, but I am very prepared. So, I will take a brief moment because I believe that he was gesturing because there must be something else that is upcoming.

Hon. Deputy Speaker, I beg to move that the Trustees (Perpetual Succession) (Amendment) Bill, (National Assembly Bill No. 23 of 2021), be now read a Second Time.

The country has, by and large, had a big debate on...

*(Hon. David Ochieng' consulted loudly)*

**Hon. Deputy Speaker:** Order! Hon. Ochieng', I know even with a small stint somewhere, you are a seasoned Member of this House. You have been here long enough. You know that we can only address each other differently. Please, maintain your peace. I am sure you are a very keen listener and a contributor. So, let us proceed and hear the lady in silence.

Proceed.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Deputy Speaker. Hon. Ochieng' is gesturing in a manner like he wants to whip somebody. I do not know who that person is.

As I was saying, the country has been in a situation where we have been looking for ways and means of ensuring that there is enough capital or money circulating within the country. One of the ways through which you can have money around and no capital flight is by ensuring that we make laws that facilitate the establishment of trusts. Our current system of registration of trusts is long and tedious. You can file for registration of a trust and it can take three or five years before it is registered. That has discouraged many of our people from venturing into this, otherwise, very important area.

This Bill seeks to amend the Trustees (Perpetual Succession) Act Cap. 164 in order to enable accumulation or generational of wealth for the benefit of multiple generations. In the current system, wealth does not last beyond a single generation. If you have wealth, it is only likely that your children will probably exhaust it before it gets to your grandchildren. The Bill makes provision and defines the various types of trusts, including charitable trusts, non-charitable trusts, purpose trusts and so on. Additionally, it makes new provision for enforcers of a trust.

The Bill proposes to amend the provision on incorporation of trustees to recognise that trusts are registered with the Principal Registrar of Documents and not the Cabinet Secretary (CS). The CSs are very busy and have a lot on their desks. If you make registration of trusts a matter that has to go and receive consent of the CS, then you are likely to take the three years that trusts are taking to be registered.

The Bill provides for creation of trusts with specific purposes, notwithstanding the absence of a beneficiary. It also provides for express revocation process where such trusts contain express powers for revocation of trusts, otherwise, deemed irrevocable where such express power is not provided.

In addition, there are instances where the person who creates the trust and transfers the property to the trustee, who is called the settler, would want to set up a trust which he or she is a beneficiary. The Bill proposes to include the settler as one of the beneficiaries of trust property



provided that they are living. The current situation is such that if you are the person who has created the trust, you cannot be a beneficiary of that very trust. This Bill is changing that.

It may be a necessity to inform the House how a trust works. Firstly, a trust is simply a legal entity through which property or assets such as cash, real estate or other investments can be protected, invested and set aside to provide for specific people or causes that you care about, either when you are living or dead. In summary, a trust holds assets and property in a fiduciary relationship by one party for the benefit of another.

The reason why we are keen and interested is because if we provide a favourable environment for creation of trusts here in Kenya, you will not find people getting their wealth and properties outside of the country in order to protect them for their future generations. We will be able to retain this wealth here in Kenya and encourage all of us here to set up trusts. People imagine that trusts are only for the rich people. Anybody who has anything to bequeath can set up a trust and leave it to future generations. So, trusts should not be seen as if they are only for billionaires and multi-millionaires.

The Committee carried out public participation on this Bill and I would like to mention this because, many times, there is litigation as to whether public participation was conducted. We received memoranda and presentations from 10 stakeholders, namely: Sisule and Associates Advocates, Anjarwalla and Khanna Advocates, the East Africa Philanthropy Network, the Kenya Community Development Foundation, the Region Management Limited, Ashitiva Advocates, Oraro and Company Advocates, Klmakia Magara and Partners Advocates, Robol Law Office, Kemunto Moturi and Associates Advocates and ENS Africa Advocates.

The majority of the stakeholders noted that trusts form the engine for wealth accumulation and that there is need to reinvigorate their participation in the socio-economic development of the country through registered trusts. The legal framework to re-engineer the administration and management of wealth held in trust for generational transfer is important as it guarantees perpetuity in wealth at both the family and institutional levels.

In considering the Bill, the Committee observed that the amendment will simplify and remove bureaucracy and the tedious process involved in setting up a trust as I had already mentioned. This will result from the removal of powers for registration from the CS and vesting it with the Principal Registrar of Documents.

The Bill also goes ahead to define various types of trusts such as charitable trusts, family trusts, non-charitable trusts, *et cetera*. This is so that if you have a course you believe in, you can set up a trust for example for cancer research or any other course that you believe in, like malaria research. If it is in athletics, you can set up a trust to support such.

As I conclude, allow me to express my special thanks to Members of the Departmental Committee on Finance and National Planning, staff of the Committee, the stakeholders who gave us their views, the Speaker and the Clerk and this House for giving us the opportunity to present these amendments.

With those many remarks, I beg to move and ask Hon. Mboni, the Member for Kitui Rural to second.

**Hon. Deputy Speaker:** Hon. Mboni, I cannot see your card here, but I will give you that microphone, anyway.

**Hon. David Mboni** (Kitui Rural, CCU): I am on. Thank you, Hon. Deputy Speaker, for giving me this opportunity to second the Bill.

All of us have seen a situation whereby some families were very rich but when the head of the house passed on, those families are really suffering. It is because of mismanagement of the

wealth which the head of the household created. Maybe, they do not even understand how to manage the businesses and such wealth. Therefore, this Bill tries to cure that. One reason to set up a trust is actually to protect wealth so that it can benefit the generations to come. One important proposal in this Bill is that one can create a trust and can also become a beneficiary of it. One can create a trust, transfer all assets and businesses to that trust, and also become a beneficiary. One advantage of this is that you can assess if your trustees can really manage your wealth. We have seen cases whereby families have gone to court because they feel that the trustees are mismanaging their assets and businesses.

So, with those few remarks, I beg to second.

**Hon. Deputy Speaker:** Very well.

*(Question proposed)*

I am trying to see the Members who want to speak to this. I know the rest are waiting for the other one. Hon. Gichimu, again? I think Hon. Sankok is waiting for the other one also. I think Hon. Majimbo Kalasinga is also waiting for the next one. Hon. Oduol Odhiambo, do you want to speak to this one?

*(Hon. David ole Sankok stood up in his place)*

You are out of order. Sit down. Hon. Dida Jaldesa, is it this one? It is the next. Hon. Akuome Adipo, next one. Hon. Duale Dahir, next one. Hon. Bunyasi, next one. Hon. King'ola Makau, next one. Hon. Passaris Rosanna, next one. Hon. Wario Gufu, next one. Hon. Rasso, Member for Saku is also in for the next one. Hon. Members, those are the Members who have made requests. It seems that there is no Member who wishes to contribute on this one at this point in time. Hon. Members, you do not at one point say you do not want to speak and then on the other say you want to. It means we have only two Members who want to speak, from where I sit. I see the Hon. Passaris, do you want to speak to this one on public trustees? Then, it will be Hon. King'ola then we will ask the Mover to respond. So, Hon. Passaris.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Deputy Speaker.

The Succession Act in Kenya is the only place where children who are born out of wedlock, and who are the majority of children in this country of ours, are looked after by the law. The Constitution says that there is no illegitimate child. When somebody puts a trust in place, it is normally with the intention to ensure that they lock out the children that they never provided for when they were alive. It is a shame that men are extremely irresponsible in our country. They are irresponsible in the sense that they father children and blame the women for having gotten pregnant. I can assure you, other than the Virgin Mary, there is no woman who gets pregnant alone. So, when these women get pregnant, the men feel that they are not supposed to be responsible for that child who was born out of wedlock, and that it is the woman who should have protected herself not to have the child. Even if you have the most stringent birth control, it is impossible for woman to have 100 per cent surety that she will not get pregnant. If men do not want to have children, they can very well go and have a vasectomy. But, of course, when you tell men to have a vasectomy and be part of the family planning process which this country is in dire need of, they are scared because they think it will alter their manhood. What I can tell them is that it does not alter their manhood. If anything, they can enjoy themselves without feeling burdened by having children.

So, when we talk about a trust, when people form a trust, it is because they want to trust certain people with their estates or to deny certain people access to their estates. When you have an Act, I believe we are trying to amend it so that we can make sure that the children are well provided for even within the Trustees Act. If you have a trust like the Karume Trust for instance, you choose people that you think are upright in society. You give them the mandate to look after the estate. Unfortunately, without strong laws, the trustees can very well misuse and abuse the estate of the people who had those trusts. The trustees can actually end up charging so much money for managing the trust. In the end, the trust becomes theirs. What happened with the Karume family is very distasteful. You will find that the family members who were supposed to be the beneficiaries of this trust never got access to it. They never managed to enjoy the fruits of their grandfather's hard work. It is because he trusted a few people. So, there should be laws that also protect against unscrupulous trustees.

At the same time, we should make sure that a trust does not go against the Constitution and creates illegitimacy of children born to certain powerful rich men who basically do not provide for those children. When I stand here, we know that we have so many single mothers. We know that we have so many widows. We have seen widows being locked out because, maybe, they are illiterate; maybe they do not understand the law, maybe they cannot access the wealth of these men that they were married to or men that they cohabited with or men who looked after them through a quiet parenting responsibility during the tenure of their life. We need laws that look at our society. We cannot borrow laws without understanding the psyche of the Kenyan society. I know that there are quite a number of Members of Parliament here who, when it comes to looking at the laws, they worry about what would happen in case they drop dead. Will our burials be stopped because we have affiliated and not provided; we have affiliated and not acknowledged those women publicly? So, those women show up on the day of the funeral because they did not think you were going to die. But people will die.

So, I feel that as long as we have irresponsible men who do not want to cater for their children because they think it is the woman's responsibility, we need stringent laws that would ensure that a child is not only provided for when the man dies, but also when the man is alive. I believe this amendment will ensure that, as far as our Constitution is concerned, there is no illegitimate child. Single parenting is a crisis. Women cannot be single mothers while at the same time the man is alive and earning an income and he appears in court and denies his level of income and he does not take care of his children. He only asks the woman why she got pregnant. It takes two to tango. It takes two to make a child. We need to make sure that a succession trust protects the interests of its beneficiaries.

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

**Hon. David ole Sankok** (Nominated, JP): You know, Hon. Deputy Speaker, at times, we talk from a point of total insincerity. I wish sometimes you can restrict contributions to only those who have no conflict of interest.

**Hon. Deputy Speaker:** What is the conflict of interest here?

**Hon. David ole Sankok** (Nominated, JP): That some men will think that they will fall dead or they do not care enough. Hon. Passaris is misleading the House. When a woman is sent fare, why not save the money? The man also had a burden in that relationship. So, the women should also carry the burden of being pregnant. Let us declare conflicts of interest.

**Hon. Deputy Speaker:** I am struggling to see your point of order. Actually, it is a point of argument. You have had your time to contribute. Hon. Passaris can continue.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Hon. Deputy Speaker, I would like to one day invite Hon. Sankok to come with me to talk to widows who have had succession trusts drawn but have not benefitted. There are also PWDs who probably become disabled in the marriage or a disabled child who was thrown out and not provided for, even in legal wedlock. The history of men in society has been to undermine the rights of women. I want Hon. Sankok to know that women are responsible when they give birth. They look after their children.

**Hon. Deputy Speaker:** No, Hon. Passaris, do not address Hon. Sankok. I think his problem was when you talked about vasectomy. He started looking very jittery. Proceed.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Historically, Hon. Deputy Speaker, there used to be a law called the law of affiliation where if there was a product out of the affiliation between a man and a woman, they both took equal responsibility. That law was scrapped. Eventually, men were convinced that the only time they can be responsible is when they are dead and they leave the women in a lot of hardships. Here, we are talking about trustees. When a man or a woman has money to leave for their children and they appoint trustees, if we do not have laws to protect the estate to provide for the children, we will end up with many children that are not able to access the wealth. We have seen cases like those of the Koinange family that are still in court. The only people that benefit are the lawyers. So, we need laws to ensure that beneficiaries of trusts of hardworking parents, whether men or women, are well governed so that beneficiaries can access the money and continue living the lifestyle that was intended for them by their parents.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. King'ola.

**Hon. Patrick Makau** (Mavoko, WDM-K): Thank you, Hon. Deputy Speaker. I have considered this amendment although, of late, the Departmental Committee on Finance and National Planning has been in the spotlight for bringing amendments that are not friendly to Kenyans. Trusts in the past have done well. Some have been misused. Some trustees have not been transparent or honest with beneficiaries. I agree with Hon. Passaris that it is true some beneficiaries are left out or struck off the beneficiary lists. This amendment allows a person to establish a trust while he or she is alive. That is one of the best amendments I have ever seen from this Committee. Anybody in this House is a potential appointer of a trust. It is important we pass this amendment so that living people can appoint trustees, see how they run the affairs and how they invest the wealth so that, as he exits, he knows the credibility of the trustees.

I come from Mavoko where there are so many self-help groups applying for land from the Government. The Government has requested that all those several groups should come together and form a trust. Why? Because the Government seems to trust trusts more than self-help groups. Going forward, this should be encouraged. You and I should appoint trustees or establish trusts whose performance we can monitor so that we do not have issues like those of the Njenga Karume family that has been mentioned here several times. I encourage the passage of this law as it is going to help the generations to come.

I thank you. I support the amendment.

**Hon. Deputy Speaker:** I see another one Member interested: Hon. (Prof.) Adhiambo.

*(Loud consultations)*

Well, the Members who wish to speak, because they are only two, can speak briefly.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): On a point of order.

**Hon. Deputy Speaker:** What is your point of order, Hon. Dida Jaldesa?

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Hon. Deputy Speaker, I rise under Standing Order 95 to move that the Mover be called upon to reply. Put the Question.

**Hon. Deputy Speaker:** No! You have no capacity at all to order the Speaker. You only make requests. Now that you have ordered the Speaker, I will proceed to give opportunity to Hon. (Prof.) Jaqueline Oduol and thereafter I will dispense with your point of order, just to make sure that you cannot order the Speaker. Had you requested, I would have put the Question now.

**Hon. (Prof.) Jaqueline Oduol** (Nominated, ODM): Thank you very much, Hon. Deputy Speaker. I would like to thank the Departmental Committee on Finance and National Planning and its Chairperson. This amendment serves a very clear purpose. I am aware that Hon. Jaldesa and a number of Members are keen to speak to the next Motion and so, I will try not to take too much time.

I support this amendment because it truly serves the purpose of what legislation should ideally do; looking at the kind of problems and challenges that we face as a society. We should seek to provide legislative frameworks so that we do not leave decisions and actions to the whims of individuals. A trust can serve many purposes. It can include estate planning, tax planning and medical planning.

Hon. Deputy Speaker, I particularly wanted to speak about the purpose of charity frameworks. In our country, we have lost the sense of responsibility; the Ubuntu spirit that we previously had, where we would be concerned with certain issues. It could be widows, orphans or any other group that was disadvantaged and experiencing hardships in life. We have lost that framework, by which we could organise and help out people who were in need. We have now found ourselves in a situation where we are training our youth to look outward. Our youth now assume that help must come from donors, whom they usually view as foreigners. I support this amendment because it is helping us to have a very clear framework of not only managing and investing our money and property, but also dealing with issues that concern our families and ensure that there is a way of contributing to matters that affect our societies during our lifetime and thereafter.

I support this amendment because it gives us a very good framework. I appreciate that we would want to make sure that trusts help to protect children and widows. I also hope we want a country where we would teach our children values. As much as we would not want to allow men who father children to go scot-free and not necessarily to be held countable, it is time we also ensured that our girls and young women do not go overboard. In my experience as a teacher, I know of cases where young girls, and sometimes older women, decide to have children without the knowledge of the fathers of those children, only for those women to subsequently turn around and start to cry foul.

Hon. Deputy Speaker, I have a few more months to speak to these matters in this House. I am here to represent women. I come from the quota of marginalised women, but it behoves us all to look at gender in terms of the way injustice is sometimes perpetrated against a person of either gender. I would like to go on record that we must not, in any way, allow children to suffer by letting their male parents go scot-free. However, we must also stop the culture of young girls and women sometimes scheming to have children with men, without their consent or knowledge, and then creating a very big issue out of it.

I congratulate the Committee because this is a good framework. As we implement the law, we will be sure of having room to take into account and contribute, particularly, to charity.

With those remarks, I support.

**Hon. Deputy Speaker:** Hon. Members, I have to dispense of this matter because I really have no choice. Hon. Jaldesa approached the House under Standing Order No.95 and moved that the debate be cut short for the Mover to be called upon to reply. It is now up to the House to make its decision.

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

**Hon. Deputy Speaker:** Mover, please, reply without donating any minutes.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Deputy Speaker, how did you read my mind?

**Hon. Deputy Speaker:** Well, it happens all the time and you know that the Standing Orders are fairly clear that when you cut debate, you cannot donate time. You can only do so when replying after the lapse of the time allocated to the debate.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): I was hoping to...

**Hon. Deputy Speaker:** What is your point of order, Hon. Millie Odhiambo?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Hon. Deputy Speaker, I thank you for your direction. However, in these extraordinary times, you need to give exceptions. I have just come from Homa Bay with Hon. Kaluma and Hon. Eve. It is about the Lake tragedy. I was hoping to speak to this debate. I know that our Standing Orders do not allow donation of time by the Mover in these circumstances, but you have discretion under Standing Order No.1.

**Hon. Deputy Speaker:** Unfortunately, Hon. Odhiambo...

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Otherwise, I support.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Millie, let me just explain so that you understand. I am sure you are very keen in following the Standing Orders. Standing Order No.1 is only used in a situation where a matter is not provided for in any other Standing Order; where the Standing Orders do not specifically state what should be done. In this specific one, when debate is cut short, it is clear that no Member will be allowed to contribute because it was done not in the normal manner. I really sympathise with your position, Hon. Millie. I know that since yesterday, you have been pursuing the matter of the Homa Bay boat tragedy, and it is a serious issue. Unfortunately, my hands are not very open on this one. By default, you have said you support the Motion. The only thing that is missing is to tell us why you support it. Unfortunately, we may not have an opportunity to hear that.

Proceed, Committee Chair.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Deputy Speaker. What Hon. Millie was whispering to me when she came in is the fact that registration of trusts is still domiciled with the Cabinet Secretary for Lands. So, the proposal was that we do not just move it away from the Cabinet Secretary to the Registrar of Documents, but we move it away from the Ministry of Lands. You register a trust through a Trust Deed, and that is why trusts are domiciled there. However, these are matters we can look into during the Committee of the whole House.

I want to thank the Members who have contributed to this Bill. They have raised important issues, including the Njenga Karume case that Hon. Passaris, Hon. Makau, Hon. King'ola and Hon. Professor were speaking to. The matter centred on trustees who go rogue. One of the

amendments we are making is also tightening the loose ends as far as trustees are concerned to ensure that trustees do not become rogue to an extent of having a situation like that being experienced in the management of the estate of the late Njenga Karume. That is what is moving people away from registering trusts. As I said while I was moving this debate, trusts are not necessarily for wealthy people. But people are discouraged from registering trusts even for courses they believe in because of the ambiguity of law, which makes registering a trust so tedious. That discourages everybody. People think that registering a trust in this country takes three to four years. People save their money abroad, knowing that it is actually capital flight. We need that money in this country. The Government needs domestic capital to borrow from. People keep their money outside this country because we have not provided a safe environment for keeping our money locally. So, we have a problem of capital flight. That is what this Bill is trying to address.

Hon. Deputy Speaker, I thank you for giving me this opportunity. I also thank the Members who have contributed to this debate. I also thank the Members who sat here and listened to the debate even though they were not able to contribute, like Hon. Savula. I am sure there will be another opportunity for you to contribute. Just read the Report. If you have progressive views, we can debate and incorporate them in the Bill during the Committee of the whole House.

With those remarks, I beg to reply.

**Hon. Deputy Speaker:** Very well. As you put it rightly, the likes of Hon. Millie Odhiambo and Hon. Savula will still have a shot at this Bill. Whatever you think are your concerns, you still have the Committee of the whole House. So, let us go to the next Order.

*(Putting of the Question deferred)*

## MOTION

### REPORT ON PUBLIC PETITION REGARDING INSECURITY MARSABIT COUNTY

**Hon. Deputy Speaker:** This one is to be moved by the Chair of the Departmental Committee on Administration and National Security who informed me that this matter will be handled by Hon. Oku Kaunya, if he is in. Do we have a Member of the Committee who will be moving this particular one?

Hon. Members, I had indication from the Chair that Hon. Kaunya will be moving this one. Is there any Member from that Committee who has instructions to move it? It is very unfortunate. I can see quite a number of Members, including Hon. Jaldesa who was making a request to cut debate. This is because they might have wanted to contribute to this particular one and it seems that will not be the case. So, probably we will go to the next Order.

**Hon. Ali Rasso (Saku, JP):** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Yes, Hon. Rasso.

**Hon. Ali Rasso (Saku, JP):** On a point of order, Hon. Deputy Speaker. We have sat here the whole afternoon contributing to issues of concern with regard to our people and according to Article 95 of our Constitution. The issues of insecurity, and that is what we will proceed to discuss at 6.00 p.m., really concern the people of this country. The Departmental Committee of Administration and National Security...

**Hon. Deputy Speaker:** Hon. Ali Rasso as you stand, let me confirm. I knew it would be moved by Hon. Oku Kaunya and seconded by Hon. Mucheke. Let me know if Hon. Mucheke has

changed his role to move it. Are you prepared so that we can resolve the issue which Hon. Rasso is raising? Can you move it? Hon. Rasso to save time... So, let us proceed. Hon. Mucheke, please, move it.

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): Hon. Deputy Speaker, I did not have instructions to move, but I was to second. Since there is no other Member of the Committee here, maybe, I will appoint someone else to second and then I can move it.

**Hon. Deputy Speaker:** Just proceed and move it as you get somebody to second it because, probably, it is brief. Just move it Hon. Mucheke. We will sort out the other issues.

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition regarding insecurity in Saku Constituency and the larger Marsabit County, laid on the Table of the House on Wednesday, 11<sup>th</sup> August 2021.

The Public Petition No. 30 of 2020 regarding insecurity in Saku Constituency and the larger Marsabit County was presented to the National Assembly on 12<sup>th</sup> August 2020 by Hon. Col. (Rtd) Dido Ali Rasso, MP, Saku Constituency on behalf of 106 petitioners from Saku Constituency and the larger Marsabit County. Upon presentation, the Petition was committed to the Departmental Committee on Administration and National Security for consideration and report to the petitioners through the House in line with the provisions of Standing Order No.227(1).

This Report contains the Committee's proceedings on the consideration of the Petition. While considering the Petition the Committee heard from several witnesses and stakeholders, including; Hon. Dido Rasso, MP, Saku Constituency, who presented the Petition on behalf of the petitioners, Hon. Chachu Ganya, MP, North Horr Constituency, H.E. Mohamed Mohamud Ali, Governor Marsabit County, Dr. Fred Matiang'i CS Interior and Co-ordination of National Government and Hon. (Amb.) Ukur Yatani, CS National Treasury and Planning and former MP North Horr and former Governor Marsabit County.

The witnesses and stakeholders testified before the Committee in sittings held in Parliament Buildings and during the public hearing held at Anglican Church of Kenya (ACK) Hall in Marsabit County on 14<sup>th</sup> November, 2020. While hearing from the witnesses and stakeholders, the Committee was guided by existing procedures and modalities of operations of the National Assembly derived from the Constitution of Kenya, Acts of Parliament, Parliamentary Standing Orders, conventions, practices, rulings and directives of the Hon. Speakers.

This Report contains details of witnesses and stakeholders' testimonies as well as observations, findings and recommendations. The insecurity in Marsabit County is historical and the quest for everlasting peace and stability has been elusive for years with lives being lost, including those of peace makers, Members of Parliament Hon. Dr. Bonaya Godana, Hon. Titus Ngoyoni, Hon. Mirugi Kariuki, Hon. Abdi Sasura and Hon. Guracha Galgallo who lost lives in the year 2006 in a helicopter crash while travelling to Marsabit Town to broker peace. May their souls continue resting in everlasting peace.

Having inquired into the matter of insecurity in Marsabit County as prayed for by the petitioners, the Committee found the following to be the significant causes of insecurity in the county:

- (i) Political supremacy and tribal animosity, especially amongst the Borana and the Gabra communities;
- (ii) Land and boundary disputes;



- (iii) Skewed distribution of national and county jobs and resources;
- (iv) Scramble for water and pasture for livestock;
- (v) Cattle rustling;
- (vi) Possession of unlicensed firearms by civilians;
- (vii) Presence of militia in Marsabit County;
- (viii) Inadequate policing of the county due to its vastness and poor infrastructure;
- (ix) Disarmament of National Police Reservists; and
- (x) Long porous and unprotected Kenya-Ethiopia border.

Consequently, the Committee recommends as follows:

- (i) The National Government and the Marsabit County Government should ensure fairness and equity in the distribution of resources, including employment opportunities to all residents of Marsabit County, with deliberate affirmative action to minority ethnic groups in the county.
- (ii) The CS for Interior and Co-ordination of National Government should expeditiously investigate the claimed mass issuance of national identification documents to illegal immigrants from Ethiopia in Marsabit County in general and Sololo Sub-County and Sagante Ward in Saku Sub-county in particular,
- (iii) The CS for Interior and Co-ordination of National Government should take immediate action to flush out illegal immigrants from Marsabit County.
- (iv) The CS for Interior and Co-ordination of Government and the Inspector-General National Police Service should, as a matter of urgency, crackdown on all militia camps within Marsabit county including: Ambalo, Badan Rero, Elle Bor, Elle Dimtu and Kubi Qallo.
- (v) The CS for Lands should institute measures to ensure land adjudication, demarcation, registration and issuance of title deeds in Marsabit County, starting with the disputed areas.
- (vi) The CS for Lands and CS for Interior and Coordination of National Government should immediately ensure the internally displaced persons in Kosso Banchale, Salesa and Isacko Umuro are resettled.
- (vii) The CS for Interior and Co-ordination of National Government and the Inspector-General, National Police Service should disarm and recover all illegally owned firearms in Marsabit County in particular and generally across the country.
- (viii) The CS for Interior and Co-ordination of National Government should as a matter of urgency ensure the disarmament of National Police Reservists in Marsabit County is concluded and their roles taken up by the National Police Service personnel.
- (ix) The CS for Interior and Co-ordination of National Government and the CS in charge of Defence should ensure the borders of Kenya are adequately secured and more particularly the border of Kenya with Ethiopia to prevent the entry of illegal firearms and aliens into the country.
- (x) The CS for Interior and Co-ordination of National Government and the National Cohesion and Integration Commission should roll-out programmes and activities to promote peaceful co-existence and reconciliation of the various communities in Marsabit County.

- (xi) The CS for Interior and Co-ordination of National Government should institute legislative and other measures to forestall cattle rustling in Marsabit and across the country.
- (xii) The Director of Criminal Investigations should expeditiously investigate claims of ethnic incitement and hate speech disturbing peace in Marsabit County with a view to having the perpetrators prosecuted.
- xiii) The national Government and the County Government of Marsabit should take necessary action to ensure development of transport and communication infrastructure in Marsabit County in order to improve on policing.
- (xiv) The Cabinet Secretary for Interior and Co-ordination of National Government should strengthen national security agencies in Marsabit County, especially the National Police Service's Specialised Units to ensure their presence is felt all over the country.
- (xv) The Kenya National Commission on Human Rights should investigate claims of inter-ethnic killings in Marsabit County and report to the National Assembly within 90 days from the date the Report is tabled before this House.
- (xvi) All Government Ministries, Departments, Commissions and Agencies required to act on this Report should report to the National Assembly within 90 days from the date the Report is tabled before the House

The Report was unanimously adopted by the Committee at its sitting held on 24<sup>th</sup> May 2021. I wish to thank the Speaker of the National Assembly for invoking Standing Order No. 256 exempting this business from the provisions of Standing Order No. 227. I thank all the Members of the Committee, the offices of the Speaker and the Clerk and the Committee secretariat for their tireless efforts.

Lastly, I wish to acknowledge the effort by the late chairman of this Committee, the late Hon. Paul Koinange who spearheaded the collection of evidence from witnesses even in the most volatile parts of the country in search of peace. In his honour, I urge all the stakeholders in the peace-making process in Marsabit County and the country at large to embrace peaceful co-existence.

With those few remarks, I beg to move and request Hon. Maoka Maore to second. Thank you.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Deputy Speaker, I wish to second this Report. I want to remind those who are questioning the regional part of it that I actually happen to be one of the people who have problems whenever there is a problem in Marsabit or Isiolo. They are my immediate neighbours.

I want to second this by stating that it is true we have had a long period of disquiet in this region specifically this county. It is not just the 2006 disaster that happened. If you remember, we lost even the other provincial team of Ishmael Chelang'a and the other team in 1997. It is usually the conflict between the two ethnic groups actually of the same tribe but subethnic within the country.

If you look at the issues that were being deliberated by the Committee as the causes of insecurity, you will realise that this should have been solved 50 per cent by devolution. Things like pasture, resources and employment were devolved to counties. So, I do not know how we will be able to enforce fairness given that when the leadership takes position, they may not wish to be fair to everybody. Even those who are being served may want to take over everything. That one is difficult to enforce, but for now what we need to deliberate on is this constant factor of violence

in the county of Marsabit noting that the National Police Reservists in the rest of the country were disarmed. So, the story of the guns existing in Marsabit County should be a shame to the national Government, which should ensure there is no overflow of the illegal guns from neighbouring Ethiopia. I remember towards the end of 1997 we had quite a lot of issues. Police officers across the border were being kidnapped. It is the same behaviour now and it should alert the national Government to put in place adequate measures. For instance, the Government should ensure that *Nyumba Kumi* initiative is active in this county because of the flow of illegal guns there.

There is something that is not documented here. There is an overflow of *bhang* from Ethiopia to Nairobi. I know in the last seven months we have had a serious problem in my own constituency trying to bar the substance...They have even managed to influence a very big chunk of the security until all of it actually was overhauled. So, it is not just a Marsabit affair. It is a national problem. We want action to be taken. When you say you are flushing illegal arms, that should not even be in a report. It should be done. When you talk about land issues or demarcations, that one should be done so that the people who are in a certain area will know where their land is. There is a pastoral mentality where people feel that where there is grassland, it does not have an owner and so *ni malisho tu unaweza kulisha*. That one is a culture that needs to be tamed as we enter into the 21<sup>st</sup> Century. When you have your livestock whether it is cows, camels or goats, it is an investment and not a cultural trophy to be fought over.

As I conclude seconding so that other Members can give input, all the things that are actually condensed in this Report should be done in order to attain lasting peace. I do not remember a time this country went into mourning other than in 2006 when we lost our colleagues in one morning. I was with them. It is not just about asking people to have an enduring legacy in honour of them. Those who are killers have no shame. They have no morals. The Act should be enforced.

The Government should make sure that there are no incidences of insecurity in any part of this country. When one part is in trouble, all of us are in trouble.

Thank you, Hon. Deputy Speaker. I beg to second.

*(Question proposed)*

**Hon. Deputy Speaker:** I will give the first shot to Hon. Ali Rasso, Member for Saku.

**Hon. Ali Rasso (Saku, JP):** Thank you, Hon. Deputy Speaker for this opportunity. First of all, I thank you and your office for causing this particular Report to be tabled and for facilitating the Departmental Committee on Administration and National Security to visit Marsabit to see first-hand for themselves.

Due to the urgency and gravitas of some of these insecurity issues, had we got enough Members in the House today, we would have eliminated so much. The Motion that follows this one was tabled by Hon. Sankok and is also about insecurity in this country. As somebody who has worked in the security sector for many years, I am convinced that unless there is a change in attitude... It is as if Kenya is an animal farm where some regions and people are more important than others. As Hon. Maoka Maore just said, if some of the things that have been recommended would be implemented, 90 per cent of this problem would be solved.

I do not want to go bit by bit into what has been tabled by the Committee. I thank them for this Report. At some point, we will table an amendment to the recommendations that they have given because we have a better understanding of issues than the Committee itself. Our problem as Marsabit—and it is important that it goes on the record of this House—is that we have two centres of power. We have somebody sitting in Nairobi making decisions on behalf of the people of

Marsabit and we also have the Governor on the ground. That has caused paralysis in terms of decision-making and also making the Governor unable to move forward to address issues of insecurity.

Over the last three days, four people have been killed. They are Mr. Matta Waqo, who was the Chairman of the Peace and Reconciliation Committee in Marsabit; Mzee Issac Golo, a businessman who was gunned down in Marsabit Town and two other young men who were killed just around Marsabit Town. If those killings and displacements and the effect they have on people of Marsabit do not create any tension in the psyche of Kenyans, I do not know what will.

There are few issues that we must bring forth. One is the issue of inequality that is precipitated by the national Government where all resources from the national Government that are directed to Marsabit County, as well as employment opportunities, go to one constituency. That does not in any way give us the privilege to say that the county should do the same. The county and the national Government must provide equity and equality to the people of Marsabit.

Over the last two months, two sub-counties were created in Marsabit. That has created a lot of disquiet because sub-counties are about sharing resources and employment yet others are still waiting. Since 2017 when sub-counties and small administrative units like locations, sub-locations and divisions were created, to date, they are yet to be gazetted and operationalised. Yet, sub-counties can just be created and everything is done for them. The people of northern Kenya are watching. The Jubilee Government is almost perpetrating inequality, discrimination and marginalisation of people who supported it.

I finish by thanking the Committee for this Report. It is a fairly good Report. I do not want to go into the literature, but I want to say a final thing. If the national Government in Nairobi thinks that Mr. Ukur Yatani, the Cabinet Secretary for the National Treasury is Marsabit and Marsabit is CS Ukur Yatani, they will get everything wrong.

**Hon. Deputy Speaker:** Okay. Let us have Hon. Jaldesa Dida. I would like to warn you, Hon. Jaldesa, that you have about three minutes. You will contribute for three minutes. Some of your minutes will be carried to the next Sitting.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Deputy Speaker for your kind consideration. I would have wished to speak to this matter and finish my ten minutes...

**Hon. Deputy Speaker:** You will. Whatever you do now, you will have a lot of time remaining in your bank.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Deputy Speaker. I would like to start by saying that I wish the late Hon. Paul Koinange was still alive. May God rest his soul. Clearly, you can see the lack of interest and commitment portrayed by the leadership of the Committee. We were in panic because there was nobody to table the Report on behalf of the Committee until my sister, Hon. Halima, came in to save the situation. That clearly tells you that there is lack of seriousness and that the lives of the people of northern Kenya do not matter in this country.

I went through the Report. I differ with my brother, Hon. Ali Rasso, when he says that it is a fairly good Report. I took a lot of time to go through this Report page by page during the recess. In my view, the Report is shallow, vague and did not answer the prayers sought by the petitioner. The petitioner was very specific in his prayers. First, he wanted the Government to solve the boundary dispute, especially around Dile. His prayers were for the recovery of the stolen Government guns of the NPR by people who are known.

The Report was very biased. I got an opportunity to read...

**Hon. Deputy Speaker:** What is your point of order, Hon. Member for Marsabit County?

**Hon. (Ms.) Safia Sheikh** (Marsabit CWR, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity...

**Hon. Deputy Speaker:** No, I have given you an opportunity for your point of order...

**Hon. (Ms.) Safia Sheikh** (Marsabit CWR, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity.

**Hon. Deputy Speaker:** I have given you and an opportunity to raise your point of order. What is it?

**Hon. (Ms.) Safia Sheikh** (Marsabit CWR, JP): It is not a point of order.

**Hon. Deputy Speaker:** Let me hear you. I will probably pick something from you.

**Hon. (Ms.) Safia Sheikh** (Marsabit CWR, JP): Hon. Deputy Speaker, Kenyans are losing lives.

**Hon. Deputy Speaker:** You will make a request. I gave you a chance for a point of order. I do not want you to contribute because we do not have time. It is now Six O'clock. If it is some point of order, I will take it but if it is a contribution, you will definitely have an opportunity to speak to it when we resume on Tuesday. I know you are interested in speaking to it.

Hon. Jaldesa, time is not on our side.

**Hon. (Ms.) Rehemah Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** You will have the remainder of your time when debate resumes. The Member for Marsabit will also have an opportunity to contribute on this particular Motion. I know it is an emotive thing and many Members from that region would want to speak to it. I also know that Hon. Wario Gufu wants to speak to it. He will have his time.

Hon. Members, we now go to the next Order because it is time bound. This is what we agreed at the beginning of this Sitting. The next Order is the matter about which Hon. ole Sankok had risen at the beginning of this Sitting asking for an Adjournment Motion on a matter of urgent national importance to discuss insecurity in Laikipia County.

Hon. Sankok, you will have the Floor. You have a maximum of 10 minutes but you can use less time so that your colleagues can have time to also comment on the matter. For the rest of the Members, it will be five minutes each.

Proceed, Hon. Sankok.

## **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33(1)**

### INSECURITY IN LAIKIPIA COUNTY

**Hon. David ole Sankok** (Nominated, JP): Hon. Deputy Speaker, I start by thanking the Office of the Speaker for approving this Motion for Adjournment to discuss an urgent matter of national interest in terms of the insecurity we are experiencing in Laikipia. It is not only in the past few weeks that we have had this problem, rather it has been perennial and recurring. The State agencies seem not to be very keen in solving the issue once and for all.

Hon. Deputy Speaker, we are facing insecurity not only in Laikipia but also in Saku and parts of the northern Kenya region. We are also being ravaged by COVID-19. We have also been attacked by drought. From rumours, the Cabinet has not sat for the last eight months. It is only God who will protect Kenyans. That is why we look upon God to come and protect us. The Cabinet is supposed to meet weekly, being the highest security organ in our country.

Cattle rustling and historical land injustices are the causes of all the insecurity we are experiencing in Laikipia. Let me talk about cattle rustling. It is high time this House pronounced

itself on cattle rustling because it is a crime that is sanitised culturally for it to sound a bit ruthless. Through cattle rustling, crimes against humanity are committed. These include murder, displacement of people and robbery with violence. However, we sanitise this dangerous practice by giving it a cultural tug so that we do not deal with it in accordance with the Penal Code.

The way our security agencies responded to the insecurity in Laikipia was wanting. The Regional Commissioner, Mr Natembeya, said that the bandits were superior to the Kenya Defence Forces (KDF). He went on to say that the bandits had M16 Rifles, whose shooting range is 3.5 kilometres, literally scaring away police officers from pursuing the bandits. So, police officers maintain a radius of 3.5 kilometres between them and the bandits. Was Natembeya aware of where the cattle were being taken or was he a beneficiary? Why scare away our security forces from pursuing the bandits if you do not know where the cattle are being taken or you are not a beneficiary of such crime?

What are the residents of Laikipia supposed to say having cried to the Government to go and protect them, only for the Government to say that its forces are inferior to the bandits and that they do not have enough arms to deal with the bandits? What will the terrorists say? They will say that Kenyans are vulnerable and are open to attack. The Regional Commissioner was addressing the world through the media. Those are things they should have discussed off-camera.

Another cause of the insecurity in Laikipia that should be addressed once and for all is land historical injustices. There are big chunks of land that were migration corridors for livestock searching for water and pasture. Because of historical land injustices, that land was harnessed and put into the hands of big ranchers. To solve this matter, we have to know how the land was acquired. Land in Kenya can only be acquired through two means. One, you are allocated land because you are a member of a group ranch and, of course, your neighbour next door must be aware of the amount of land you have. If every resident or Member of the group ranch was allocated 10 acres, then you should have something like 12 acres or 20 acres at most. You cannot have 90,000 acres, like the owner of Kedong' Ranch in Narok, yet your neighbours have 30 acres each. Of course, land can also be bought. You can buy land the size of former Nyanza Province – there is no problem – but there must be evidence of that purchase, like sale agreements and land transfer documents.

The response to the insecurity in Laikipia is wanting. Cabinet Secretary Mating'i is on the *Hansard* record. He came to this august House and claimed that the Deputy President has 15,000 acres of land in that area, thus inciting the masses in Laikipia. If it is true that the Deputy President of the Republic of Kenya has donated the land to the pastoralist and herders, why is the land not demarcated and allocated to the beneficiaries that the Deputy President allocated it to? It is because Cabinet Secretary Matiang'i knew very well that he was lying. You can lie on the streets but you will not be allowed to come and lie on *The Hansard* of this august House. Mr. Matiang'i must come and apologise and tell us if it is true that the Deputy President has 15,000 acres of land in Laikipia. If it is true, let him produce all the documentation and allocate that land to the people the Deputy President has donated to.

We have lost lives. Hon. Sara Korere is here. She literally risked her life when she went through a hail of bullets to rescue a person with a hearing disability. He was deaf and could not hear the bullets being shot left, right and centre. Literally, with her people, she endured a hail of bullets and rescued three persons with disabilities. One of them is Gitai Musa, who called me. He is blind. The other one is deaf and another one was in a wheel chair. Such are the leaders we need in this country.

Hon. Deputy Speaker, I know you are very brave. You can endure a hailstorm but a hail of bullets...

**Hon. Deputy Speaker:** Stick to your line of argument and leave me completely out of it. I know the Motion has drawn a lot of interests and the Hon. Members want to contribute. It is high time the Government solved the issue of insecurity in northern Kenya, Laikipia and parts where pastoralists live in this country once and for all. The Government has neglected us through the Sessional Paper No. 10 of 1965. We have been marginalized. The pastoralist regions are taken as an appendix which has no function, but they exist nonetheless.

This country has not seriously addressed the issue which affects 80 per cent of the land mass under the hands of pastoralists. It is like we are not part of Kenya. It is high time we told them that we are part of Kenya. How can we lose all these lives yet there is no Cabinet meeting held? Also our President, whom I respect so much and I am loyal to, is mute on it! The whole of northern Kenya is ravaged by drought yet they are mute and there is no Cabinet meeting.

I beg to move and request Hon. Sara Korere to second.

**Hon. Deputy Speaker:** No. There is no secondment on this one because...

**Hon. David ole Sankok** (Nominated, JP): I request all the Members to support me on this one.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have Hon. Leshoomo. We will have many Members speaking to this. She will be followed by Hon. Majimbo and then we will come to other Members. I can understand where the real interest is.

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Asante sana, Mhe. Naibu Spika, kwa kunipatia nafasi hii. Kwanza, nashukuru Mhe. Sankok kwa kuleta hii habari ya Laikipia katika hili Jumba. Hata ninapomshukuru, mambo ya Laikipia siyo ya leo wala jana. Mambo ya Laikipia yamekuwepo. Vita vimekuwepo. Mazungumzo ya Jumba hili hayatatatua shida hiyo. Kile kitatatua jambo hili ni watu kukaa chini na kujua shida ya Laikipia kwa sababu unaweza kufikiria ni jamii mbili tu ndizo zinasikia uchungu; Pokot na Samburu. Hii ni kwa sababu gani? Kila kabila la Kenya liko Laikipia, lakini shida ambayo iko Laikipia ni shida ya kawaida.

Kila mara ikiwa imebaki mwaka moja kabla ya uchaguzi, lazima shida itokee Laikipia na watu kuumia; wenye hatia na wale ambao hawana hatia. Hii ni kwa sababu ya nyasi. Tunaambiwa kuwa nyasi ndiyo inaleta shida. Watu huwa wanaenda kutafuta nyasi Laikipia. Kuna watu wamenunua mashamba huko. Hakuna Mkenya ambaye hajanunua shamba Laikipia. Hata Wasamburu wengi wamenunua shamba Laikipia. Lakini ile shida iko na ile inatushangaza kabisa ni kuwa ng'ombe wanauliwa na ni wanyama ambao hawaongei. Wale ambao wanachunga ng'ombe ndio wanafaa kufungwa kama wamewaingiza kwa mashamba ya watu ili wale nyasi. Hii ni bora kuliko kuuwa ng'ombe kwa kuwapiga risasi na hali hawana hatia. Hiyo ni kumaliza mwenye anategemea hao ng'ombe.

Ninavyoongea sasa hivi, kuna mzee mmoja ameishi Laikipia kwa miaka 35 na ng'ombe wake, karibu 35, waliuawa juzi. Hiyo inaumiza mtu kwa sababu hana chanzo cha mapato isipokuwa hao ng'ombe.

Mwaka wa 2009, Laikipia ilikuwa imeoza kabisa na tulianzisha *Peace Caravan* na kwa miaka 11, vita hivi havijawahi kutokea hadi juzi. Bunduki haiwezi leta amani Kenya. Ni lazima watu wakae chini na kujua shida iko wapi kwa sababu shida ya Laikipia sio juu ya nyasi tu. Hakuna mtu anafurahia mtu mwingine kuuawa ama kufukuzwa kwa shamba lake. Hakuna mtu anafurahia hilo. Hakuna mtu pia anayefurahia ng'ombe ambao ni mali ya mtu kuuawa na abaki bila chochote. Hakuna mtu anafurahia kitendo hicho. Kwa hivyo, kila mtu ana shamba huko na watu wamenunua

mashamba huko. Kama mtu amenunua ama amenyakua shamba ya Serikali hawezi kuenda na kusema: “Nimepeana shamba; kujeni basi mchukue ama mgawanyiwe.” Tunagawanyiwa na nani?

Kwa hivyo, ikiwezekana, kama viongozi wa Laikipia, Samburu, Isiolo na Pokot, tunafaa kukaa chini sisi sote na kujua tatizo liko wapi na tulitatie, kwa mfano, kwa kukabiliana na Serikali kama ndiyo inatuletea shida ya kupigana na bunduki. Tunavyoongea hivi kama watu wa Samburu, Isiolo na Laikipia, haiwezi kusaidia. Kwa hivyo, ninahimiza viongozi wote tukae chini na tupate kujua taabu ya Serikali hadi kutumia risasi na ndege kupiga watu.

Hivi sasa, vita vinavyoendelea Laikipia vinaleta shida nyingi kwa sababu...

**Hon. Deputy Speaker:** Okay.

Mhe. Kalasinga, muda wa kuchangia ni dakika tano kwa kila mtu.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD - K): Thank you, Hon. Deputy Speaker, for this time to contribute. Kenya is not a failed State. Kenya is a country that has a lot of respect both regionally and globally. Such issues that we see now, which are very unfortunate, is because the security apparatus which are supposed to face issues on the ground are busy facing cameras and addressing the nation on television.

Kenya has a lot of specialised units that should be dealing with this and we spend a lot of money in paying for these units. One of them is Anti-Stock Theft Unit (ASTU), which has all the trainings. They must inform this country what they have failed to do. It pains us when we see the security apparatus addressing the nation and, in the background, we have gunshots. What is going on? Besides this, we also need to know how effective our security apparatus are in those regions. They must face culprits and not citizens. It is a shame to us because this thing is global. Now, every information is available worldwide especially when you see a mother carrying two children with some sheep and goats. It is painful in such a century where we expect such issues to be handled properly.

When we look at this, I am also wondering where these perpetrators are getting their courage from. If you see a tortoise sitting on a branch of a tree knowing very well that a tortoise cannot climb a tree, then you must know that somebody placed it there. We want to know, if this issue of insecurity is not being handled, who owns this? This is because maybe it is something that we have.

Finally, why do we have such issues mostly when we are going towards elections? We must handle these things once and for all because, next year, it will be mixed up and we can get serious issues if we do not look at this one and handle it properly.

When I was at Egerton University, we used to go to Thompson’s Falls in Laikipia for love making. Now, you cannot go to that area, and tourists cannot come. If these things continue in this country, we shall scare tourists with such kind of issues.

**Hon. Deputy Speaker:** Hon. Majimbo, surely, I did not get what you used to go and do at Thompson’s Falls.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD - K): Thank you, Hon. Deputy Speaker. If I may come back a bit, Laikipia has the best sceneries for tourists. One of them is Thompson’s Falls. It is a place that you can go to and enjoy. But now you cannot go there because of the skirmishes.

**Hon. Deputy Speaker:** Hon. Majimbo, I think you have very fond memories of the falls, but, please, relax.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Thank you, Hon. Deputy Speaker. I will complete this by saying that we must be serious. As much as *Mheshimiwa* says that people must sit, communities can sit. But if interests do not unite, then the country must sit. We must see the Cabinet sit and purpose like what happened in Mt. Elgon. Now there is peace in Mt. Elgon.



**Hon. Deputy Speaker:** Thank you. Hon. Moitalel ole Kenta, Member for Narok North. Then, I will give chance to two Members from this other side.

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Deputy Speaker, what is happening in Laikipia is deeper than what we think. In fact, it all emanates from the historical land injustices that were brought up through the 1904 and 1911 agreements. Those agreements were so unfair. They were pushed down the throats of the Maasai people. They are agreements that made them lose everything that was theirs. In fact, I do not know which Maasai was able to interpret things when they made the agreements. I do not know which Maasai was able to read at that time. So, it is like saying there was no meeting of minds. There was not what we call a readers' *ad idem*. There was no meeting of the minds; there was no consensus *ad idem*.

Hon. Deputy Speaker, what is paining us most is the profiling of the Samburu people and the Maasais of Laikipia as illegal grazers on their own land. I believe that if the Kenyan people love the Samburus and the Maasais, they should have also ensured that they bought their lands when they were buying from the land buying companies for their kinsmen. In fact, in the 1962 Lancaster Conference, the Maasai people were forced to walk out. Their leaders were told to walk out because they were told any Kenyan can settle anywhere. Yet, the agreement was very specific: that, at any time, when the British decided to leave the land, the land would revert back to the Maasais as long as they still existed as a race. The land never reverted back to the Maasais. A lot of money was actually brought from Britain. It was supposed to compensate those people. It was supposed to settle them. Other people were settled. So, that bitterness still persists today and it will not end any time soon.

When I saw the killing of innocent people, I think it was a Pokot who was being shot like an animal, and the forces there were treating him like a wild animal, I realised that Kenya is at the brink of collapse. If we are not going to handle this thing in the right way, we are not going anywhere. We are just hardening our stands and I think the outcome will be terrible. You know, a few years ago, more than 49 policemen were killed. The firepower that was taken that time was very minimal compared to this time. What was so special about Laikipia this time that they took all their firepower, including the military, such that they even shot the livestock of the Maasai people, and the Samburus using artillery? Why would the Cabinet Secretary prove his manhood by destroying a community and their livelihoods? I think there is something wrong and it is something that we must not accept.

My last plea is, and it is a plea to the pastoralist communities wherever you are: We have to look out for one another. If we do not look out for one another, you will kill yourselves. You will finish yourselves and everything that God has given you will go to other people. So, you must come together. I plead with the Samburu people, the Laikipia people, please, as Hon. Leshoomo has said, come together and talk because nobody else will talk for you. Do not let politics divide you. I represent Narok North today; tomorrow I will not be there. You cannot push your personal interests to create a situation whereby a community will be finished. So, I just request and plead with everybody concerned, let us bring our people together. There are people with land there and they have their *shambas*. They also need the protection of the law. They are protected by the Constitution. So, you do not need to graze animals on their land. But when we saw other people attacking livestock passing through the market there, maiming livestock and killing people, how do you expect them to react? Then you blame them. How do you expect the Samburu and the people of Laikipia to react when you are waylaying their cows, cutting them and doing all those things? Do you think they will just wait, see and just watch? Peace must be reciprocated and it must be from all sides.

All I can say is that, I plead for peace. But more than anything else, I plead for the unity of these two communities. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Korere.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Deputy Speaker. I want to thank my brother, Sankok, for bringing this Motion.

I also want to take this opportunity to send my heartfelt condolences to the families and the people of Laikipia who have lost life and property in this mayhem. I want to speak as the representative of the people of Laikipia—not the Maasai, not the Samburu—not anybody but the people of Laikipia who voted for me irrespective of their race, tribe and anything. It is very sad when, in this time and era, Members of this House stand to chest thump about their communities and make it look like there are lives that are more important than others. As I speak, I have lost more than 30 people from March last year to date. They are people who have been killed in cold blood murder. When the Member for Samburu, a Member I respect so much, was speaking about Laikipia, I just wondered. From where I sit, if they really come to Laikipia to look for pastures, you cannot tell me, when there is no food in your house, you go to your neighbour's house with a gun and bullets and kill everybody so that you take their food. That is not acceptable. The lie we are peddling here about Laikipia is very unfortunate because every time there is a problem in Laikipia, leaders from Samburu, Isiolo and Baringo hop hop everywhere speaking about Laikipia. They should let Laikipia be ruled by the people of Laikipia. If they want us to cooperate, they must come with respect.

It is quite unfortunate that, when we had these skirmishes in Laikipia, a very senior administrator in the Rift Valley, one George Natembeya, comes there and tells the nation that the M16 rifles that are used by these bandits are from the foreign troops training in Laikipia. That is a very reckless and useless statement from an administrator who is good for nothing, if I may say. If Mr. Natembeya really wants to be elected in Trans Nzoia, he must not use the issues of security around the Rift Valley to play to the gallery, talk so much, and do a lot of nothing. It is quite a shame that there is local intelligence and they cannot gather any intelligence, process it and use it to deter these attacks. The Government must come there when 10 people have lost life. It is quite shameful. As we sit in this House, these guys are still sitting in their offices, taking tea paid by the taxpayers' money and nobody has held anybody accountable for this. If I may say, I want to plead with the Members of this House, for these senseless killings in Laikipia, Marsabit, Isiolo, that somebody should be held accountable.

*(Applause)*

If the CS for the Ministry of Interior and Coordination of National Government is not ready to hold his people accountable, then Matiang'i himself must carry the burden. We cannot mince our words on that.

As I wind up, there is a land called Kirimon in Laikipia. It is the Samburu people living in Kirimon. They are not criminals. They are law abiding citizens. This land belongs to the defunct Livestock Marketing Division (LMD). This land should be regularised, registered as a community land and these people resettled there.

Finally, on the issue of vernacular radio stations, it is so shameful that some tribal chauvinists are jumping from one vernacular radio station to another and everybody is shouting hoarse about their community.

**Hon. Joshua Kutuny** (Cherangany, JP): Thank you, Hon. Deputy Speaker. I appreciate Hon. Sankok for rising to the occasion so that the House can address the issues of insecurity in Laikipia. Some of us have been around for a long time. I was in the 10<sup>th</sup> Parliament and I remember sitting on the same matter. The House adjourned to discuss insecurity in Laikipia. I remember the House rising to the occasion to discuss insecurity in North Eastern. It is time to speak the truth. With the promulgation of the Constitution and establishment of counties, if you look at this issue, it is politically instigated. Cattle rustling has been commercialised. Someone should not tell us that whatever is happening today is a criminal activity. In the 10<sup>th</sup> Parliament we formed an *ad hoc* Committee chaired by Hon. Boaz Kaino. We went all over Africa, including Chad and Ethiopia where there is rampant cattle rustling. We wanted to address this issue. We made recommendations. Those recommendations were shelved. The report has never been implemented.

There is no tribe in this country that perpetuated more cattle rustling than the Nandi community. And we fought the British for 11 years at that time. What changed the community? It is education. It is the infrastructure that was established by the Government. If you go to North Eastern, pastoralist communities get money meant for county governments but the people do not have water closer to them. How much do the county governments get? Billions of shillings. Put together, the money that Marsabit, Laikipia and Garissa get is almost half the budget of this country. But they are not modernising agriculture so that people can leave cattle rustling and invest in modern farming. In fact, these counties have special funds. But have they used the same to bring education closer to the people? No. So, what are we saying here? It is the same issue. What happens towards elections?

People sponsor violence so that they can weaken a particular person. And there are government administrators and police officers who team up with the criminals. Where do you take 1,000 herds of cattle? If you steal 600 goats and sheep, where do you take them to in this country? If you drive away 500 cows, be it at night or in the day, the footprints will form on a road and you can locate where the cows have been taken. But we are being told they disappear.

There are two issues that we need to address. We need to address the issue of the politics towards elections and commercialisation of cattle rustling by the security apparatus in this country. That is the only way forward. I want to call upon the leadership of this country... I know Mr. Natembeya is a very committed Kenyan. Members have cast a lot of aspersions on his commitment to restore peace in that region. But I want to tell you that as a person from Trans Nzoia, he is committed.

On the issue of Mr. Natembeya trying to use politics on the other side to try to perpetuate his succession in Trans Nzoia, that is a story for another day.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Savula.

**Hon. Ayub Angatia** (Lugari, ANC): Thank you, Hon. Speaker for giving me an opportunity to also contribute to this Motion for Adjournment on insecurity in Laikipia County.

The core business of Government is to protect the lives and properties of its citizens but that is not what is happening in Laikipia and other parts of the country. Listening to my colleagues' contributions on this matter, there seems to be no synergy between national security intelligence and the operation on the ground. What my colleagues from that region have said is that the Government's response is reactionary rather than proactive.

The level of deployment of security personnel and equipment in any area is informed by the prevailing security status of that area. At night, they deploy about 100 police officers in Nairobi's Eastlands estates to just roam in bars and harass people and extort money from members

of the public on the road over observance of COVID-19 protocols. Police officers erect roadblocks on Thika Superhighway when there are sensitive matters that the Government is supposed to deal with in Laikipia and other parts of the country.

Hon. Savula's daughter or son goes to a good private school in Nairobi, where all the facilities are provided. Can you expect a student in Laikipia, where the schools have been closed because of insecurity, to face the same national examination with your daughter or mine? Who will pass the examination? There must be equity. Give these pupils enough time to study. Protect the environment, beef up security in schools and the surrounding environment, and protect parents and students so that we can have a competitive environment when it comes to national examinations.

Lastly, let us not play politics with issues of insecurity. Hon. Sankok has alluded to the fact that there are 15,000 acres of land that have been donated by the Deputy President of the Republic of Kenya and that Hon. Matiang'i gave this House misleading information, which was recorded on *The Hansard*. Let the Deputy President speak for himself. What we need is to reduce the number of police officers assigned to Cabinet Secretaries. You find a Cabinet Secretary with three chase cars and five or 10 police officers. Why are police officers protecting a Government employee?

In fact, the focus of the security apparatus in the country should be more on civilians than on Government employees. At the airport, some areas have been secluded and called VVIP for use by Cabinet Secretaries, who are very junior Government officials. In the USA, a Cabinet Secretary is not an equivalent of a Congressman. In Kenya, you find that a Cabinet Secretary has houses in Laikipia, Kitengela, Karen and Loresho, all of them being guarded by police officers. It is high time we limited the number police officers guarding Cabinet Secretaries. They are not more senior than the representatives of the people seated in this House.

Thank you.

**Hon. Deputy Speaker:** Hon. Wilson Sossion.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Deputy Speaker. I rise to support the Adjournment Motion brought to the House by Hon. Sankok on insecurity in Laikipia. Insecurity is not only in Laikipia but in the entire country.

It is important to note that there is a ravaging drought in this country right now in addition to the more challenging security situation in pastoral areas like Laikipia. We need a more decisive action on this considering the importance of Laikipia as a rich agricultural county. It is also a serious tourist circuit of this nation. So, the security apparatus of this country should never tolerate any form of insecurity whatsoever within Laikipia County because of its importance in terms of the economy of this country.

I think we need to address where the issues exist squarely and how the responsibility of security rests upon the State. The Constitution of this country allows security apparatus to ensure that property and lives are protected. At this age of civilisation in this country, we should not be having matters of cattle rustling and insecurity of whatever nature. If it is the land question around the elections time, there is the Ndung'u Land Commission Report that should address historical injustices about land and compensation. Has the Government put it on the shelves and ignored it? If the historical land injustices are one of the causal factors they must be addressed.

Allow me to touch on a very critical part that has been mentioned. The Cabinet of the Republic of Kenya headed by the President is obligated to meet every week. At this stage, the Cabinet has not met for eight months. I am not wrong to say that the Cabinet and the President have abdicated their roles. Who has the responsibility for the day-to-day and weekly oversight of the security of the country? These matters are reported to the Cabinet. What we are seeing in this

operation... In fact, it is unfortunate we are blaming Natembeya and the rest. They are operating under crisis.

I think the highest responsibility of security of the people of Kenya and country lies with the Cabinet. Why is it that the Cabinet has not met for eight months? Who is superintending the national security if the Cabinet is not meeting to deliberate on these matters? I think we cannot hide these matters forever. I am not wrong to say that on the part of Government, from the presidency onwards, there is a high degree of negligence in terms of security and Kenyans could be on their own.

We know that State House is a public institution. The Cabinet room there is created for the Cabinet to meet from time to time. It is known they must meet weekly. I think Parliament should stop debating security matters in this House and debate the dysfunctional presidency in this country. It is important we do so because we want a functional presidency that gives us assurance of security in this country. Is Kenya on autopilot in terms of security issues? This put to question the Annual Report that the President tables in this House. How authentic is it if the very organs supposed to superintend on daily basis are not functioning?

We need to dig and move deeply, so that the presidency and Cabinet can play their role and assure Kenyans of their security. The people of Laikipia, and by extension the pastoralists communities, do not deserve any form of insecurity. One life is far too many to be lost because of insecurity whether by cattle rustling or negligence...

**Hon. Deputy Speaker:** Hon. Lekumontare.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Deputy Speaker. I want to say something about the Laikipia issue, which I think is a very serious one. As leaders from Samburu, we have an interest there because our people live there. We cannot go away from Laikipia. Laikipia belongs to all of us. We cannot keep quiet when our people are suffering and being killed as if we are lesser Kenyans. The Government of Kenya is listening to one side. If the Samburus have a problem there, then the people who are wrong should be taken to court. Why are cattle being killed? That is a serious issue. We have never seen a government destroying the economy of some people in this country.

Hon. Deputy Speaker, if you look at what is happening there in Laikipia...

**Hon. (Ms.) Sarah Korere** (Laikipia North, JP): On a point of order, Hon. Deputy Speaker.

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

**Hon. (Ms.) Sarah Korere** (Laikipia North, JP): Hon. Deputy Speaker, I just want to inform my colleague.

**Hon. Deputy Speaker:** No. If it is information, you know the process.

**Hon. (Ms.) Sarah Korere** (Laikipia North, JP): Hon. Deputy Speaker, let me put it this way. I do not think it is in order for the Member to actually say they have interest in Laikipia. I will invite him to come and vie as an MP or anything in Laikipia so that he can come and represent his interest.

**Hon. Deputy Speaker:** Hon. Members, we only have about 15 minutes. I want to give the Floor to three Members. It will be wrong for us to raise issues now. Let Members vent what they have. You have been heard, Hon. Korere. So, let us have the Member.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Hon. Deputy Speaker, it is bad to play with the lives of people because of politics. Hon. Korere should know that. I think...

**Hon. Deputy Speaker:** Hon. Members, you see where the problem is. Hon. Korere, let us relax. Let Members contribute and please, Hon. Lekumontare, do not mention names.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Deputy Speaker. I think we all know what transpired there and yet we have kept quiet for a very long time. I think if the Government wants to solve that problem, it should listen to all of us. If you see what is happening now, the leaders from Laikipia want to get Samburus out of Laikipia, which is not possible. I think that should be known. The problem is that people have lost their lives. We have seen in social media people being killed by Government officers. I think it is wrong to say that all the Samburus are killing people in Laikipia. If there are people killing others then they should be taken to court.

Thank you, Hon. Speaker. I think we have to deal with that.

**Hon. Deputy Speaker:** Okay. Let us have Hon. Dahir. Hon. Members, let us keep our cool. I understand how emotive this matter is.

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you very much, Hon. Deputy Speaker. First of all, I want to thank Hon. Sankok for bringing...

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Bomet, Hon. Joyce, what is your point of order? I do not want to lock you out.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Deputy Speaker. I just wanted to ask whether it is in order for the Members of this House... This is an issue that has been brought here, at least, for us to debate and get a solution.

Hon. Deputy Speaker, remember the whole country is watching this House. They are waiting for us to give a better solution to the problem at hand. The moment we fight again in this House, we show a bad picture to those people we are trying to... So, is it in order?

**Hon. Deputy Speaker:** I get what you are saying but you have seen every Member has kept quiet. By the way, this is an emotive issue. We cannot run away from it. Lives are being lost. Members also have a right to vent their frustrations, but let us relax. It will be much better if this matter is resolved.

Proceed, Hon. Dahir.

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you, Hon. Deputy Speaker. First of all, as I said, I thank Hon. ole Sankok for bringing this Motion for Adjournment.

It is the responsibility of the Government to protect lives and property. I do not come from Laikipia but I have been watching the news very keenly. It saddens me to see the loss of lives and property. The cyclic occurrence of this conflict in Laikipia is similar to what has been happening in many parts of Kenya, particularly in the pastoralist community. Every time there is this kind of issue, people must realise that there must be some form of injustice.

From what I have gathered on my own, there is the issue of historical land injustices. The Government of Kenya has the responsibility to address that issue head on. Even those ranchers, whether they are white settlers, other Kenyans or absentee landlords, they will not enjoy living there if there are people who are not happy. The Government must address that issue head on.

The Government of Kenya has very many specialised forces. Sometimes we see them wasting their time on non-issues. For example, recently in this city and in Mombasa, there have been abductions of people in the city centre leaving families in suspense. Those security personnel should have been deployed earlier and should have used proper intelligence. I feel that the intelligence agencies have failed this country. We should have been able to know the conflicts which are coming up, prevent them and make sure that they do not occur.

There has been loss of livestock, houses were burnt and schools were closed. The Government went and did some activities, but I believe that there is need to address the root cause

of those conflicts. We appeal to the Government, the people of Laikipia and other tribes in Kenya to sit down together and talk to one another. Let the Government also open up. There are tracts of land which are not being utilised and some people are categorised as causing insecurity. The pastoralist community will look for pasture and food. Sometimes when they do that, conflicts will arise. Those issues will recur because of historical injustices.

I appeal to the Government, the Cabinet Secretary for the Interior and Coordination of National Government and the President because we are very sad. The President has remained mum on many issues affecting Kenyans. We would like the Head of State to wake up and call the security agencies and the Cabinet to order, so that we can address this perennial problem.

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

**Hon. Deputy Speaker:** As we wind up, let us have the Hon. Member for Samburu West and see if we can save some time for Hon. (Prof.) Oduol. Please, let us maintain our cool. I know how emotive this matter is. Let us not mention names.

**Hon. (Ms.) Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Speaker for giving me this opportunity. I thank my colleague, Hon. Sankok, for bringing this very important Motion.

It is a matter of national interest. We have seen what is happening in the country even through the media. We have seen the security apparatus move in strongly to Laikipia to resolve this matter. We have also heard politicians from Laikipia and other areas speak. It is important to note that everybody in this House has a right to speak and state their views on this matter. That is why it was brought to the Floor.

On matters of Laikipia, from the outset, as a peacemaker and someone who has worked for peace in Laikipia before, every life matters regardless of tribe, community or property. However, it is important that we put facts on the table when we speak about matters to do with Laikipia. We need to understand the genesis of this problem. It is important to note that what brought issues at Ol-Moran is the security apparatus who went to a market and took two pastoralists from the Pokot community. They are not here to speak today. They took two Pokot tribesmen in broad daylight at the market. There have been extrajudicial killings of the Pokot people in Laikipia. Their voice has also to be heard in this House and we have to put it clear.

The next day was a market day and even people from Samburu County went to the market in Tiaty Constituency. From there, the Pokot also said their people were killed and they revenged. That is the genesis of the Laikipia conflict that has got us to where we are now. It is important we put the facts on the table. It went on and on.

The Government apparatus also has a way of inciting communities against each other. When you see the Samburu leaders speaking, and I am one of them; or the Pokot, Kikuyu or anybody else, it is because they have to lay the facts on the table. I want to do one or two things for pastoralists in Laikipia and across the country. There are three misconceptions that exist. One is that pastoralists are not supposed to live in Laikipia or that they do not own land in Laikipia. As was mentioned, there was a man who was walking with his title deed. When did it come to a point where we walk with title deeds on our land the same way we used to walk around with our *Kipande* during colonial times? When the police were shown the title deed, they tore it and killed 36 cows belonging to that old man.

So, those are the things that anger people and we have to put them on the table. We should sit down as leaders and also speak to our young men that it is wrong for them to go and invade land belonging to small-scale farmers. I do not agree with that as a leader. However, the Government has to agree. We read newspaper headlines claiming that the Samburu people living

in Laikipia are illegal inhabitants. It goes on to say that pastoralists should not be in Laikipia when there are people who are *bona fide* residents of that area. They were born and raised there. Other people came and bought land in Laikipia. That is one misconception.

The second thing is that we have an area which has grass in Samburu – a place called Marti – but because of insecurity, pastoralists cannot go there. Every time we go to Matiang’i’s office and discuss these matters, he says that he will come to Samburu North and we will discuss it. We want to see the same force being taken to Samburu North to ensure that we have security there. We cannot have peace in some parts of this country and lack of it in others.

The issue of Marsabit is very unfortunate. I want to tell the leaders who are here that the other day a teacher from Samburu was killed in Marsabit. We are approaching the election year. Our teachers are pleading with the TSC to remove them from Marsabit because they are young.

**Hon. Deputy Speaker:** Unfortunately, your time is over. The two remaining minutes is what Prof. Oduol will have.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you very much, Hon. Deputy Speaker. It is my humble submission that I understand that this is a very important Motion. I thank Hon. Sankok. I also want to indicate, even as I speak within this short time, Hon. Lesuada, I understand and appreciate how you were affected.

I acknowledge that as an outsider, looking upon Parliament to intervene... This is a pattern that I have seen especially around the time we get to elections. In this exceptional time, it is extremely important for Members of Parliament to speak in a united voice. We need to address this problem. This level of insecurity or violence is unacceptable. As it has been said, every Kenyan matters.

Secondly, I sit in the Select Committee on National Cohesion and Equal Opportunity and we got a chance to visit Samburu and Isiolo. We intended to also go to Laikipia. I appreciate and congratulate Hon. Sankok, but I hope that we will not leave this matter of such magnitude to be discussed in this way because we need statistics and information.

As I conclude, I want to indicate that I have just returned from the first Global Parliamentary Summit on Counter-Terrorism and Violent Extremism. In the Inter-Parliamentary Union (IPU), this is a major concern. In the whole world, we find that inequality and sometimes inefficient and ineffective ways of getting the three arms of Government to work in an accountable manner has been a problem. So, it is extremely important to address these issues because it was sad to see, for example, the way the citizens in Samburu were expressing some fear in terms of the manner that they were engaged with the security agencies.

I do appreciate and support this.

Thank you.

### ADJOURNMENT

**Hon. Deputy Speaker:** Order, Hon. Members!

The time being 7.01 p.m., this House stands adjourned until Tuesday, 28<sup>th</sup> September 2021, at 2.30 p.m.

The House rose at 7.01 p.m.



