

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 23<sup>rd</sup> July 2019

The House met at 2.30 p.m.

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM THE EGYPTIAN HOUSE OF REPRESENTATIVES IN SPEAKER'S ROW

**Hon. Speaker:** Hon. Members, I wish to introduce to you a delegation of Members of Parliament from the Egyptian House of Representatives seated in the Speaker's Row. The delegation comprises of the following:

1. H.E. Dr. Ali Abdel Aal - Speaker of the Egyptian House of Representatives and Head of Delegation.

2. H.E. Mr. Tarek Abdel Hamed Radwan - Chair of the African Affairs Committee of the Egyptian House of Representatives.

3. H.E. Mr. Hassan Ahmed Mohamed Hassan – Member.

4. H.E. Mr. Alaa ElDin Hasan Mazen – Member.

5. H.E. Mr. Ismail Aly Nasr ElDin – Member, and

6. H.E. Ms. Mona Mounir Rizq - Member.

The delegation is accompanied by Dr. Alaa ElDin Nagy and Dr. Ashraf Abdel Aziz Abdel Kader.

Hon. Members, the Hon. Speaker is on an official visit to Kenya and has been in the country since 21<sup>st</sup> July 2019.

On my own behalf and that of the House, I wish to once again, as I did yesterday when I held bilateral meetings with the Hon. Speaker, welcome H.E. Speaker Ali Abdel Aal and his distinguished delegation to the National Assembly of the Republic of Kenya and wish them fruitful engagements and a pleasant stay in the country.

Thank you, Hon. Members.

#### APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)

**Hon. Speaker:** Hon. Members, you will recall that on Thursday, 4<sup>th</sup> July 2019, I communicated to the House that the Senate had rejected a Motion to consider the National Assembly amendments to the County Governments (Amendment) Bill, Senate Bill No.11 of 2017. The consequence of the Senate's decision is that the Bill now stands referred to a

mediation process as contemplated under Article 112 and 113 of the Constitution and Standing Order No.149 of the National Assembly Standing Orders.

Hon. Members, in accordance to the provisions of Article 113 of the Constitution, I wish to notify the House that I have appointed the following Members to represent the National Assembly in the Mediation Committee on the said Bill:

- (i) The Hon. Amos Kimunya, EGH, MP.
- (ii) The Hon. George Peter Kaluma, MP.
- (iii) The Hon. Didmus Barasa, MP.
- (iv) The Hon. Edward Oku Kaunya, MP, and
- (v) The Hon. Halima Mucheke, MP.

Hon. Members, the Members are advised to liaise with their Senate counterparts so as to expeditiously embark on the process of developing a version of the Bill that may be agreeable to the two Houses within the timelines set out in Article 113(4) of the Constitution.

Thank you, Hon. Members.

*(Several Hon. Members entered the Chamber)*

Let the Hon. Members making their way into the House, do so quickly and take seats.

#### GUIDANCE ON CONSIDERATION OF FIVE BILLS FROM THE SENATE

**Hon. Speaker:** Hon. Members, as you may recall, on 25<sup>th</sup> June 2019, I conveyed to the House a Message from the Senate regarding the passage of the Impeachment Procedure Bill (Senate Bill No. 15 of 2018); the Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018); the Prevention of Terrorism (Amendment) Bill (Senate Bill No. 20 of 2018); the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 27 of 2018), and the Tea Bill (Senate Bill No. 36 of 2018).

Hon. Members, following First Reading of the five Bills on 26<sup>th</sup> June 2019, I did undertake to pronounce my opinion with regard to the Money Bill-effects of the Bills pursuant to Standing Order 143(2) which provides:

“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.”

Now, therefore, I have made the following determination on the said Senate Bills:

- (i) The Impeachment Procedure Bill (Senate Bill No. 15 of 2018); the Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018); the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 27 of 2018); and, the Tea Bill (Senate Bill No. 36 of 2018), do not fall within the meaning of a “Money Bill”. As such, they may proceed for Second Reading in the same manner as a Bill originating in the National Assembly as provided for under Standing Order 143(3).

Consequently, the Impeachment Procedure Bill (Senate Bill No. 15 of 2018) and the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill stand referred to the Departmental Committee on Justice and Legal Affairs; the Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018) stands referred to the Departmental Committee on Labour and Social Welfare; and the Tea Bill (Senate Bill No. 36 of 2018) stands committed to the Departmental Committee on Agriculture and Livestock for consideration.

- (ii) The Prevention of Terrorism (Amendment) Bill (Senate Bill No. 20 of 2018) is a Money Bill within the meaning of Article 114 of the Constitution. The Bill, therefore, stands referred to the Budget and Appropriations Committee for consideration and advice on the manner in which the House ought to proceed with it, pursuant to the provisions of Articles 109(5) and 114 of the Constitution, read together with Standing Order 143.

Hon. Members, the House is thus accordingly guided. I thank you, Hon. Members.

Next Order.

Hon. Members, I have the following two Messages, one being a Message from the President. It is Message No. 10 of 2019.

### MESSAGES

#### NOMINATION FOR APPOINTMENT AS CHAIRPERSON OF BOARD OF DIRECTORS KENYA FISH MARKETING AUTHORITY

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order No. 42, I wish to convey a Message from His Excellency the President relating to nomination of a person for appointment as Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

In the Message, His Excellency the President conveys that, in exercise of powers conferred by Section 201(1)(a) and (2) of the Fisheries Management and Development Act (No.35 of 2016), as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates Mr. Ochieng Mbeo for appointment as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority. In this regard, His Excellency the President seeks the approval of this House on the nominee for appointment to the aforementioned position.

Standing Order No. 45 requires that, upon receipt of notification of nomination for appointments, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration. Pursuant to the provisions of the said Standing Order, and Paragraph (3) of Standing Order No.42 (Messages from the President), I hereby refer the Message to the Departmental Committee on Agriculture and Livestock to undertake the necessary approval hearings.

The Committee is required to table its Report in the House within 14 days from the date on which the notification was given. Consequently, I wish to guide the Committee and the House as follows:

- (i) That, the Committee should notify the nominee and the general public of the time and place for holding the approval hearings in good time. The notification should therefore be made on Wednesday, 24<sup>th</sup> July 2019; and,
- (ii) The Committee should thereafter commence the necessary approval hearings and submit its Report to the House on or before Thursday, 1<sup>st</sup> August 2019.

I thank you, Hon. Members.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): That is a product of the Handshake.

**Hon. Speaker:** Hon. Members, that is noise.

*(Laughter)*

The second Message is from the Senate.

APPROVAL OF THE MEDIATED VERSIONS OF BILLS

**Hon. Speaker:** Pursuant to the provisions of Standing Order No. 41, I wish to report to the House that I have received two Messages from the Senate conveying its approval of the mediated versions of the Irrigation Bill (National Assembly Bill No. 46 of 2017) and the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018), respectively.

The first Message reads in part, and I quote:

“The Senate, by a resolution passed on Wednesday, 10<sup>th</sup> July 2019, approved the mediated version of the Irrigation Bill (National Assembly Bill No. 46 of 2017).”

The second Message reads, and I quote:

“The Senate, by a resolution passed on Wednesday, 17<sup>th</sup> July 2019, approved the mediated version of the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) in the form developed by the Mediation Committee.”

You will recall that this House had approved the mediated versions of the Irrigation Bill, 2017 and the Land Value Index Laws (Amendment) Bill, 2018 on Wednesday, 3<sup>rd</sup> July 2019. This, therefore, concludes the bicameral approval of the Bills and paves way for me to present them to the President for assent, in accordance with the provisions of Article 113(3) of the Constitution.

I thank you, Hon. Members.

What is your point of order, Hon. John Mbadi?

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker.

My point of order is on your first Communication from the President on the appointment of Ochieng Mbeo as the Chair of the Board of Directors of the Kenya Fish Marketing Authority. Remember, this House passed a law called the National Cohesion and Integration Act.

*(Several Members walked into the Chamber)*

**Hon. Speaker:** Order, Members! Members making your way in, please, allow us to transact business in the House with minimal interruptions. Hon. Members, even the handshakes are too loud! Do not overemphasise. There is a Member who shook another’s hand so loudly that it sounded like he was drumming.

**Hon. John Mbadi** (Suba South, ODM): I wonder whether that is a genuine handshake.

The issue I wanted to raise is that I remember we passed, as a House, the National Cohesion and Integration Act which gave Parliament the powers to, literally, recruit commissioners. The courts found that unconstitutional. It was brought back to this House and we made an amendment which set in motion the process.

On this Communication, I know there is an Act of Parliament which we passed that conditions the appointment of the Chairperson of this Board to parliamentary approval, but the practice in this country is that board chairpersons are never subjected to approval of Parliament, largely for State corporations.

I was wondering about that so that we do not discriminate this nominee, not that Mr. Ochieng Mbeo may not pass the vetting process... He has interest in fishing since birth. I know him as someone who is concerned about fishing and if the vetting is done objectively, I know he

will qualify and will be appointed. I was wondering why we should subject one board chairperson to vetting by Parliament yet other parastatal board chairpersons do not go through the same. It can be argued that this is discriminatory.

Hon. Speaker, if you can use your powers, you can ask for an exemption to be made and respond to the President that, probably, that was a mistake and we will correct it in law. If anything, the courts asked us not to follow our law but redo it. That is my concern that we are going to subject this great Kenyan, Ochieng Mbeo, to a process that no other board chairperson has ever gone through.

Thank you.

**Hon. Speaker:** Hon. Members, I know you have been a way for two weeks and you may not have refreshed your memories on the Standing Orders. Hon. John Mbadi rose in his place on a point of order. Therefore, while seated, you cannot claim to have points of information or points of order. I know that because of the two weeks recess, you may have had a lot of problems with the villagers. Please, just refresh yourselves.

Hon. John Mbadi, the law must be followed as it says. Indeed, this particular law was enacted by your good selves in the last Parliament, in 2016. More importantly, I recall that Hon. John Mbadi took active part in the confirmation of the Chairman of the Board of the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) in the 11<sup>th</sup> Parliament. So, I am sure the two of them must apply *mutatis mutandis*. So, since it is a law that we passed for ourselves, it will apply until such time that we will amend it. There is nothing to worry about the nominee for the time being. I cannot assume powers that I do not have. Under that law, you provided that it is only the President who will have the authority to nominate and appoint with the approval of the National Assembly. That is the specific provision in that Act. Since it is so fresh, we can still revisit it and a few others. For the time being, let us follow the law as it is.

Next Order!

### PAPERS LAID

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker.

*(Hon. Jimmy Angwenyi shouted)*

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): He is making noise.

**Hon. Speaker:** Hon Jimmy Angwenyi, you cannot be the oldest Member in the House and you are the one who shouts the loudest. In fact, the Member for West Mugirango, Hon. Kemosi, is saying that you are making noise.

Hon. Washiali, please proceed.

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House today, Tuesday July 23<sup>rd</sup> July 2019:

Special Report of the Auditor General on Pending Bills of the 47 County Governments as at 30<sup>th</sup> June 2018.

Legal Notice No. 102 of 2019 relating to the Crops Act (Coffee) (General) Regulations and the Explanatory Memorandum from the Ministry of Agriculture, Livestock, Fisheries and Irrigation.

Legal Notice No. 103 of 2019 relating to the Public Finance Management (Parliamentary Catering Fund) Regulations, 2019 from the Parliamentary Service Commission.

Legal Notice No. 108 of 2019 relating to the Private Security (General) Regulations and the Explanatory Memorandum from Ministry of Interior and Co-ordination of National Government.

Legal Notice No. 109 of 2019 relating to Adjustment of Excise Duty Rates and the Explanatory Memorandum from the Kenya Revenue Authority.

The Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2018 and the certificates therein:

- a) Kenya Vision 2030 Delivery Secretariat.
- b) Kenya Leather Development Council;
- c) State Department for Interior.
- d) Local Authorities Provident Fund.
- e) National AIDS Control Council.
- f) Youth Enterprise Development Fund.
- g) Machakos University.
- h) Western Kenya Rice Mills Limited.
- i) Mwea Rice Mills Limited.
- j) Kipchabo Tea Factory.
- k) State Department of Early Learning and Basic Education Vote 1063.
- l) School Equipment Production Unit, and
- m) Equalisation Fund.

The Report of the Auditor-General and the Financial Statements of the Youth Enterprise Development Fund for the year ended 31<sup>st</sup> December 2017 and the certificates therein.

Thank you.

### ORDINARY QUESTIONS

**Hon. Speaker:** The first Question is by the Member for Kesses. Sorry, I have received a written request for deferment of the Question from the Member in writing just as I have received a request for deferment from the County Woman Representative for Kirinyaga County. So, those two Questions will not be called out.

*Question No. 310/2019*

MEASURES TO ADDRESS DELAYS IN INSPECTION OF  
GOODS AT THE PORT OF MOMBASA

*(Question deferred)*

*Question No.328/2019*

STEPS TO END LAND CONFLICT IN SOUTH NGARIAMA

*(Question deferred)*

**Hon. Speaker:** The first Question will be by the Member for Homa Bay Constituency.

*Question No. 324/2019*

CRITERIA FOR REMUNERATION AND RANKING OF STATE AND PUBLIC OFFICERS

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I beg to ask the Chair of the Salaries and Remuneration Commission the following Question:

Could the Salaries and Remuneration Commission (SRC) provide details and explain:

(i) The criteria used to set and review remunerations and benefits for all categories of State and public officers?

(ii) The criteria used in the ranking of all categories of State and public officers?

(iii) The remunerations and benefits such as housing benefits, accommodation or house allowances, mortgages, transport facilities or arrangements, car loans and sitting allowances, set and approved by the Commission and gazetted, accorded to or enjoyed by all categories of State officers and public officers in the country?

(iv) The remuneration and all benefits, set and approved by the Commission, gazetted or otherwise, accorded to or enjoyed by Chief Administration Secretaries, Board Members and Chief Executive Officers of State Corporations/Parastatals in the country?

I thank you.

**Hon. Speaker:** Hon. Kaluma, I am informed that you desire a written reply. Is that the indication?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes, Hon. Speaker. This is a matter which all Kenyans need to be informed of. That is why the Question asked, gazetted or otherwise. We want a written response preferably, so that Kenyans can know the truth on the matter called wage bill and the targeted debate of only a section of the public service. Getting mere transport facilitation for a Member of Parliament is a problem and it is being debated for eternity. This Parliament approves people who leave here with over three cars. So, I am saying gazetted or otherwise because if you go to the Gazette notice, they never capture everything that the SRC has allowed public servants and State officers to get across the country. While the law requires that all decisions of the SRC should be gazetted, a lot is being paid outside there which Kenyans may not know, and are the matters building to our wage bill which are not gazetted. For instance, you have not seen a Gazette notice setting the pay for the Chief Administrative Secretaries, but we all see them in better terms than us. We want the Commission to come out using the benefit of the publicity of the institution of the representatives of the people here, to not just set out in detail what all categories of State officers and public servants are paid, so that we can provide a solution which is objective on this matter, but also to justify, so that when you say a nurse is earning this against a teacher, SRC must tell us what their justification is. When you say people in the commissions take Kshs40,000 and their chairs take Kshs50,000 per sitting, they must justify why the Kshs5,000 given to the Members of Parliament becomes an issue, so that the nation can know and objectively at the end, helping the country as their representatives, we can provide a solution about this thing we call wage bill and other issues as we help SRC to save on wastage and rationalise and harmonise pay which is their core objective.

I thank you, Hon. Speaker and request for a written response.

**Hon. Speaker:** Very well. I think both; a transcribed copy of what Hon. Kaluma has said in addition to the request is to be transmitted to the SRC, who are directed to provide a

written response to Parliament and specifically to Hon. Kaluma within 14 days from the date of today.

The next Question is by the Member for Kasipul, Hon. Were.

*Question No. 326/2019*

DELAY IN CONSTRUCTION OF RACHUONYO TECHNICAL TRAINING INSTITUTE

**Hon. Charles Ong'ondo** (Kasipul, ODM): Thank you, Hon. Speaker. I hereby rise to ask Question No. 326 of 2019 to the Cabinet Secretary in the Ministry of Education.

(i) What has caused delays in the construction of Rachuonyo Technical Training Institute in Kasipul Constituency?

(ii) Are there any measures in place to ensure that the said institute is completed on time for the benefit of the people of Kasipul Constituency and Kenya as a whole?

I thank you.

**Hon. Speaker:** Very well. Question to be responded to before the Committee on Education and Research. Next Question is by the Member for Kangema, Hon. Muturi Kigano.

*Question No. 327/2019*

ACTION TAKEN TO RECLAIM WET AND RIPARIAN LANDS

**Hon. Clement Kigano** (Kangema, JP): Hon. Speaker, I rise to ask Question No. 327 of 2019 directed to the Cabinet Secretary in charge of Environment and Forestry.

(i) What steps has the Ministry taken to implement environmental policies as outlined in the Ramsar Convention on Wetlands and Waterfowl Habitats, ratified by Kenya in 1990, to promote the conservation of wetlands?

(ii) Why has the National Environment Management Authority (NEMA) continued to allow the intrusion and destruction of wetlands in the country through indiscriminate infills, construction and establishments of structures on water springs and riparian lands, such as land between Kanyagia and Kiambu Roads, land in Embulbul-Ngong Township area, Kigwa Springs, land near the Northern Bypass flyover, as well as the wetlands at Mjini Stream that runs parallel to Murang'a Road in Murang'a Town?

(iii) What action is the Ministry taking to reclaim wet and riparian lands and protect them from further encroachments?

**Hon. Speaker:** Very well. The Question is to be responded to before the Committee on Environment and Natural Resources. Last Question by the Member for North Horr, Hon. Chachu Ganya.

*Question No. 327/2019*

PLANS TO SUPPLY ELECTRICITY TO MARSABIT COUNTY

**Hon. Chachu Ganya** (North Horr, FAP): Thank you, Hon. Speaker. I rise to ask Question No. 327 of 2019 to the Cabinet Secretary for Energy.

(i) What plans the Ministry has to supply power to Marsabit County, in line with the Government policy to promote industrialisation and the other Big Four agendas?



(ii) When will the Ministry construct a power substation and transmission lines from Isiolo to Marsabit County?

(iii) What budgetary measures has the Ministry put in place to ensure the above projects are started and completed in timely manner?

I thank you, Hon. Speaker.

**Hon. Speaker:** The Question is to be replied before the Committee on Energy.

Hon. Members, before we move to the next point allow me to recognise the presence of, in the Speaker's Gallery and in the public gallery, pupils and students from the following institutions: Dayspring Academy, Juja Constituency, Kiambu County; St. Joseph Freinademetz, Kasarani Constituency, Nairobi County; Kibichoi Primary School, Githunguri Constituency, Kiambu County; Victoria Primary School, Kisumu Central, Kisumu County; Sir Dixons High School, Embakasi West, Nairobi County; and Kiwaiguru Primary School, Githunguri Constituency, Kiambu County. They are all welcome to observe the proceedings of the National Assembly, this afternoon.

The next point is to be raised by the Member for Trans Nzoia, Hon. (Ms.) Nangabo.

## NOTICE OF STATEMENT UNDER ZERO HOUR

### PLIGHT OF PENSIONERS IN KENYA

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Thank you, Hon. Speaker. Pursuant to Standing Order 43, I wish to raise a matter regarding the need to streamline the pension system in the country. A timely call for saving for retirement is to plan for your future expense. It is believed that approximately 11 per cent of Kenyans rely on pension schemes after retirement. Therefore, the remaining 89 per cent of the employees have no pension plan, placing pension savings in the country below the expected threshold. I am also concerned that many pensioners and their next of kin will not know how much was saved over a period. Furthermore, following up of the benefits, especially by the next of kin, is a big challenge and it takes a long period. Some cases even take more than 12 years to resolve, leading to loss of lives and property. I therefore urge the Government, through the Ministry of Labour and Social Protection, to address this matter so as to enable retirees to enjoy their time after serving the country in different capacities. It is against this background that I seek your indulgence to raise this matter during today's Zero Hour.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, the request by Hon. Janet Nangabo is for the House to debate the matter she has raised about pensions and pensioners and matters incidental thereto during the Zero Hour. Since she had persuaded me that it is a matter that can be debated at that time, I direct that the House shall adjourn at 6.30 p.m. to allow Hon. Janet Nangabo to move for debate of that matter at Zero Hour. Remember, it cannot be debated for more than 30 minutes. So, it will be at 6.30 p.m. Hon. Janet Nangabo, today you have to be in the House at 6.30 p.m. If you will not be here then the matter will be spent. You have to be here to move debate on that issue. It is so ordered.

What is your point of order, Hon. Janet?

## POINTS OF ORDER

## DISAPPROVAL OF PUBLIC DEMONSTRATION BY THE SENATE

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Speaker. First, I am happy to come back from the recess. It was a bit long. I am grateful to God that I am back safely from the recess. While we were away, I came across a matter of national importance that I thought I should bring to your attention when the House resumes at the first sitting. While we were away, I saw a group of legislators demonstrating on the streets of Nairobi, especially Members of the Senate. When legislators who are elected by the people to legislate, play oversight role and represent them demonise their role and leave their Chamber of debating and decide to demonstrate on the road like the way Non-Governmental Organisations and civil society, who do not have a Chamber to debate, do; it is really worrying.

Yesterday I met a group of demonstrators who were demonstrating on issues of insurance: the Kenya Insurance Brokers Association. The other day it was the senators. Among the senators who were demonstrating were nominated ones who do not even vote. Even if you take the Division of Revenue Bill to the Floor of the House, they are not allowed to vote by the Constitution. What are you demonstrating about when you cannot even vote in your House?

This is a matter we must condemn as a House. As a legislator, I cannot entertain my colleagues in this House going out on the streets to demonstrate on a matter concerning a Bill. We have passed over 300 Bills here; you disagree with one and then you go to the streets to demonstrate. The only demonstrations that are allowed are those that relate to disputed presidential elections results. Other demonstrations cannot be allowed in this country.

*(Laughter)*

The Division of Revenue Bill is a legislative agenda. It is not a street matter. It is a matter that goes through a legislative process, including publication of the Bill, First Reading, Second Reading, public participation, Committee of the whole House after which it goes to the second House, which also goes through that process followed by mediation, if necessary. There is a process that is outlined in law on how that Bill is considered. Demonstration is not part of the process. In the Standing Orders of both the National Assembly and the Senate, as well as in the Constitution, there is no provision which says you can deal with a Bill through a demonstration. I have seen the first of its kind in the whole world. Is it out of idleness? Is it lack of proper counsel from the relevant departments of the Senate, like the Legal Department? To make matters worse, the Speaker – I do not want to mention names – was part of the demonstrations. That is demeaning the Office of the Speaker. I cannot expect you to do that. The day you do that, I will bring a Motion to discuss you in this House. I know you cannot do it. Given the way you handle this House, you cannot even entertain Members to demonstrate, leave alone you demonstrating.

In conclusion, we are now going to court again. I do not want to discuss a court matter because, even though I am not a lawyer, they normally say that it is *sub judice* to discuss a matter that is before court. But one thing I am sure of is that the court has no role to play in dividing revenue between the two levels of Government. That is a legislative agenda. Otherwise, the courts may one day say the Judiciary must also get Kshs50 billion. What will you do? If they take the responsibility of dividing money between county governments and the national Government and they rule that the Judiciary must get Kshs50 billion in the next financial year,

how are you going to stop that from happening? Because you have allowed them to divide money between the two levels of Government, why can they also not divide between the three arms of government: Parliament, Executive and Judiciary? They can say Parliament should get only Kshs10 million. So, I stand here to condemn that act of demonstration. It is uncouth. It is unacceptable. It is lack of decorum. It is demeaning the status of the Senate, whose position in the Constitution is very low in the first place. Now they have taken it lower than it is in the Constitution.

With those few remarks, I condemn the action in the strongest term possible. I must go on record. Thank you, Hon. Speaker, for giving me this opportunity.

*(Applause)*

**Hon. Speaker:** Hon. Members, the point raised by Hon. Junet is one that very narrowly breaches our own Standing Orders. Two wrongs do not make a right. In this country, there is freedom of association, freedom to demonstrate, freedom to picket or even to lie on the roads or do anything. Let us not try to curtail the freedom of other Kenyans to walk around on the streets doing whatever they may desire to do, as long as it is not injurious to other Kenyans and other road users. The danger of this kind of discussion is that it is likely to touch on the conduct of Members of the other House without a substantive Motion. You can disagree. Indeed, Hon. Junet, you can condemn, but you may not deny Kenyans the right to do certain things if they decide. It is okay. Of course, at the end of the day common sense still ends up prevailing. Maybe these matters will be resolved amicably within the two Houses.

Chair of Budget and Appropriations Committee (BAC), do you want to weigh into this? Please, only with regard to the issues touching on the Budget.

GUIDANCE SOUGHT ON INTRODUCTION OF DIVISION OF REVENUE BILL  
IN SENATE AND NATIONAL ASSEMBLY

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. Without seeming to in any way support those who are demonstrating, it is every Kenyan's right to demonstrate. If there are people who chose to legislate through demonstrations, we must give them the benefit of the doubt that maybe there is a process of legislating through demonstrations.

Hon. Speaker, I wanted your guidance because in line with the provisions of Article 119(5) of the Constitution, as I walked into the Chamber, I noticed from a television set along the corridors that in the other House, there was a Bill that was being debated that was titled: "The Division of Revenue Bill".

To the best of my knowledge as Chairman of the BAC, we are not only its originator but we are its owners. We have the Bill published, but it is yet to be considered by the Committee. We are in the process of awaiting views from members of the public after which we will table a Report and have the Bill debated in this House. However, I have seen another Bill and have read in the media that there is a Bill purportedly published by the Senate that is also titled: "The Division of Revenue Bill."

Considering the provisions of Article 109 (5), and if you allow me, I will read it to the House, it states thus:

“A Bill may be introduced by any member or committee of the relevant House of Parliament, but a money Bill may be introduced only in the National Assembly in accordance with Article 114.”

Therefore, Hon. Speaker I would seek your guidance as to how, if the time comes, such a Bill coming from the Senate, with the provisions of Article 114 of the Constitution is in actual fact a money Bill that has not originated from this House.

So, I seek your guidance as to how we are likely to treat that matter even when the Bill is referred to this House. As I said, the only eligible Bill to be called the Division of Revenue Bill 2019 has been published by the National Assembly and hopefully if the House Business Committee (HBC) allows in the course of next week after we are done with getting views from the public and we table our Report, it should emanate from this House.

I, therefore, seek your guidance as to how we should treat any other piece of paper purported to be a Bill that is titled: “The Division of Revenue Bill” but has not originated from this House. With that, I seek your guidance.

**Hon. Speaker:** Hon. Members, before we proceed, allow me to recognise students from St. Thomas Kabulwo High School from Keiyo North Constituency, Elgeyo Marakwet County. They are welcome to observe the proceedings.

Hon. Members, like I said earlier, I am sure you are all actively aware of our Standing Orders, particularly 87(5) and also Standing Order 89. Some of the comments will touch on matters which are active in courts and two wrongs do not make a right. If you look specifically at Standing Order 87(5) and for avoidance of doubt I need to read it out:

“It shall be out of order for a Member to criticise or call to question, the proceedings in the Senate or the Speaker’s Ruling in the Senate but any debate may be allowed on the structures and roles of the Senate or Parliament.”

So, Hon. Members, let us not call to question any proceedings that may be there. The issues that Hon. Junet referred to did not happen in the House. Those were proceedings on the streets and so Hon. Junet may be at liberty to go to court and call them to question. However, even if we were to look at the provisions of Article 109 (5) if you read it together with Article 114, you will realise that there is a specific exemption when you read Article 114. It also says, when you are defining money Bills: “Except any Bills referred to in Article 218” The Bills referred to in Article 218 are mainly the Division of Revenue Bill and the County Allocation of Revenue Bill, those two. So, for the time being, let us just wait. Let us not be anticipatory so that we deal with the matter when it finally lands before us. That is a better way to go as opposed to calling to question what is happening in the other House when our own Standing Orders specifically forbid it.

This is because, when we call to question what is there, what happens when the matter comes up here? So, let us not go that route. Also remember some of those issues are quite active in court. I have been informed that a few volunteers from the legal profession from this House are willing to go and canvas the various issues, some of which Hon. Junet alluded to particularly when it comes to county matters. There are Members of the other House who have no vote when it comes to matters concerning the county. They are there to relax. Hon. John, Mbadi, do you want to say something?

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, before you gave us the wise counsel, I wanted to urge the Chair of BAC to hold his horses and not anticipate what is not before the Floor of this House.

I wanted to add as well that this matter is so sensitive and controversial that caution needs to be exercised at this point. This matter of dividing revenue is so contentious, political and has caught the attention of this country. As a House and leaders of this country, it is important that we approach it with some kind of sobriety otherwise we will lose it. So, let us be cautious, exercise our responsibility and powers according to the law and wait for the time to deal with it. If we start exchanging and throwing words at the Senate especially on the Division of Revenue Bill, we are going to lose it again. This country is not ready again to see a prolonged fight over the Division of Revenue Bill.

Finally, I support that there are exceptions to the definition of a money Bill if you read Article 109 of the Constitution. There is a reference to exception about a Bill mentioned in Chapter 12 or Part IV.

Hon. Speaker, my argument has always been and remains that, that particular provision refers to a Bill and there are two Bills in Article 218: The Division of Revenue Bill and County Allocation of Revenue Bill. If the reference is to a Bill, my understanding should be County Allocation of Revenue Bill. Since the Supreme Court had pronounced itself in form of the advisory opinion, we can treat it that both Bills are referred to and that either House can originate the Bill. However, let us deal with it when that time comes.

Thank you.

**Hon. Speaker:** Hon. Members, let us exercise restraint on this matter because there will be occasion. When I look at the Order Paper I can see Order No.9 refers to the Division of Revenue Bill. The issues which Hon. John Mbadi has raised as he concluded are obviously matters that can be canvassed. I am sure he knows I have sympathy to that particular line of thought. I think we may not be able to exhaustively deal with the matter now because it is not before us. With regard to the issue raised by Hon. Junet we have already settled it. We can only express our displeasure at seeing people exercise their right but, we can never deny them their right to do so. We must protect their right to do whatever it is they may want to.

Hon. Otiende Amollo you also wanted to weigh in on this.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I wanted to intervene before you gave the clear directions as you have done. Perhaps, it bears mention on the matters in the Supreme Court which I watched the Chief Justice give his directions today. I think he suggested that the parties should come back and have an understanding. What this speaks to is that perhaps it suggested a process beyond the one initially contemplated in the Constitution and the Standing Orders. I believe the Chief Justice indicated that the matter will be mentioned again in two days.

Therefore, I want to urge that we leave it at this and we should take initiative. I think ultimately for the sanity of Parliament as a House it is better that the issues between the Senate and the National Assembly are solved away from the Judiciary. This is because if we establish a precedent of the Judiciary solving our issues then, we cede a significant portion of our own authority which is granted by the Constitution.

Thank you.

**Hon. Speaker:** Of course, recalling the power vested in each one of you to make and unmake laws. This is a power that has been given to you to legislate. So, I do not know whether we want to cede that power to some other arm of Government. I agree with you, Hon. Amollo. Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Speaker. We are one of the three arms of Government. I want to emphasize what Hon. Amollo has said. To me, we are

behaving in a manner that over time we will fundamentally have a weakened Parliament. As an arm of Government we cannot appear to be running to another arm of Government to solve issues which are so clearly provided and prescribed in the Constitution.

My gratitude is that on our part we have not gone to court. I think we would only urge our brothers in the Senate to avoid rushing to court over issues which concern Parliament. The truth of the matter is that we have one Parliament with two Houses. Personally, I have never imagined a situation where either House of Parliament went to court against the other. What concerns me and the only issue which has not been addressed is that the Chair of the Budget and Appropriations Committee has indicated we have published another Division of Revenue Bill.

As I can remember we had transacted the matter of the Division of Revenue Bill and enacted it. Hon. Speaker, I am acutely aware of the provisions of Article 93(2) of the Constitution which states that in as much we are two separate Houses of one Parliament, those two Houses have respective roles. Those respective roles are then specified in Article 95 and 96 of the Constitution. I want to draw your attention as a matter over which you have given guidance to the provisions of Article 95(4) (a) read against the provisions of Article 96(3) of the Constitution. If you look at the provisions of Article 95(4) (a) the matter of division of revenue is expressly located in this House. If you look at Article 96(3) of the Constitution the matter of county allocation of revenue is located in the Senate.

Hon. Speaker, I want to thank you because under your leadership since we started this Parliament under the new Constitution, I have never seen this House on any single occasion other than in giving the approvals contemplated under the Constitution, seek to transact the matter of the County Allocation of Revenue Bill. When this House exercises its legislative mandate, the Constitution says the National Assembly enacts legislation in accordance with the Constitution. The Senate participates in the lawmaking function relating to Bills concerning counties. So far, we do not have a statute defining this participation whether by the Senate or the members of the public.

Are we redoing the Division of Revenue Bill because the Supreme Court another time said on an advisory opinion that this can be transacted between the two Houses against the clear stipulation of the Constitution? In my view we would be ceding much of the authority. I do not think the people of Kenya were fools. There is a reason as to why the Division of Revenue is the only law mentioned by name under Article 95 of the Constitution. My thinking is that this is such a serious Bill to expose to the possibility of disagreement between the two Houses.

Are we going to wait for the courts to promulgate a new Constitution for Kenyans in terms of what they have already made constitutional or how do we move? Is it that by approaching it in the manner I see suggested in Order No.9 we are transacting another one? It would be like we have ceded the authority which only the people of Kenya have and exercised in making this Constitution to the courts. Article 95(4)(a) of the Constitution is so clear that the Division of Revenue Bill is here.

Are we going to subject the country to the situation in which we are because one House of Parliament is extending its range of legislation beyond the limitations and restrictions which the people of Kenya put? I think in as much as some of these matters could be in court, there is a way in which as a House we must speak clearly. To me we have transacted the matter of Division of Revenue. In as much as I could be contemplating debate, I am personally opposed to redoing what we have done by enacting the Division of Revenue Bill. We are *functus officio*. As a House we should not bend to the encroachment of our constitutional mandate by all bodies

because we will not be able to do much. I request for directions at that opportune moment when that second Bill is moved.

Thank you.

**Hon. Speaker:** Hon. Members, I think we may not be able to conclude this matter in this sitting. The Bill referred to by Hon. Kaluma as having being dealt with by this House was subjected to another process provided for in Article 112 and 113 of the Constitution which is the mediation process and it collapsed. Hon. Peter Kaluma if you recall even in the last Parliament I expressed my reservations about a situation in which the Division of Revenue Bill can be subjected to the uncertainties of mediation given its very pivotal role of vertical division of revenue between the two levels of Government. Indeed, this is provided for in Article 95(4) (a) of the Constitution.

Since the others have decided to take it to the Judiciary, maybe we should not address it here. Let us, perhaps, get a few of us to go and make those representations. This is because, indeed, in subjecting the Division of Revenue Bill to the vagaries of mediation with the possibility of a Mediation Committee not being able to agree, or not being able to develop a version that is agreeable to both Houses is also, in its very essence, killing devolution. The counties, under Article 224 of the Constitution, are required to prepare their budgets on the basis of a Division of Revenue Act. We would want to respect the advisory given, but as you have rightly stated, Hon. Kaluma, the advisory has that weakness. It is that advisory that has taken us to where we are now. It advised that the Division of Revenue Bill be considered by the two Houses with the potential for that kind of failure, which is where we are now. Some people have gone out there to cry that the National Assembly is killing devolution when it is merely saying, "We are dividing revenue". There is a recommendation from the Commission on Revenue Allocation under Article 206 of the Constitution. However, again under Article 208 of the Constitution, whoever it is that receives that recommendation is mandated to deviate. It is a recommendation and not a binding decision. It is a recommendation from which, given the circumstances of the whole economic situation, whoever makes the decision is mandated to deviate if the situation demands that there is that deviation.

I think these are matters that need to be canvassed at a different forum because we will be speaking to ourselves here. So, Hon. Members, I would suggest that we let the matter rest there and allow that other forum to present itself where these arguments can be advanced. Of course, I am always acutely aware that I have no vote. So, it is you Members who make the decision. Let us go to the next Order.

## MOTION

### REPORT ON THE INQUIRY INTO THE PROPOSED KENYA AIRWAYS' PRIVATELY INITIATED INVESTMENT PROPOSAL TO KENYA AIRPORTS AUTHORITY

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the proposed Kenya Airways' Privately Initiated Investment Proposal to Kenya Airports Authority, laid on the Table of the House on Tuesday, 18<sup>th</sup> June 2019.

*(Hon. David Pkosing on 3.7.2019)*

*(Debate concluded on 4.7.2019)*

**Hon. Speaker:** Hon. Members, debate on this Motion was concluded and what remained was for the Question to be put, which I hereby do.

*(Question put and agreed to)*

Next Order!

## BILLS

### *First Readings*

THE DIVISION OF REVENUE (NO. 2) BILL

THE COMPETITION (AMENDMENT) BILL

THE INSURANCE (AMENDMENT) BILL

THE FINANCE BILL

*(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Departmental Committees)*

**Hon. Speaker:** Hon. Members, I wish to inform the House that the business appearing as Order Nos. 13 and 14 has been deferred on account that there has been an invitation from the public to present views to the Budget and Appropriations Committee between today and tomorrow. Therefore, that business may not be considered until Thursday. There is public information in the media for presentation of views on the Division of Revenue (No. 2) Bill. So, business appearing as Order Nos. 13 and 14 is deferred.

We move to the next Order.

## MOTION

### INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST

THAT, this House adopts the Report of the Departmental Committee on Lands on the Inquiry into a Complaint by Kamiti Anmer Forest Squatters Association regarding allocation of Land LR. No. 8390 in Kamiti Anmer Forest, laid on the Table of the House on Tuesday, 18<sup>th</sup> June 2019.

*(Hon. (Ms.) Rachael Nyamai on 27.6.2019)*

*(Resumption of Debate interrupted on 27.6.2019)*



**Hon. Speaker:** Hon. Members, including those who have finished their business for today and are taking off, this Motion had been moved. For the information of Members who may be desirous of contributing, this is the Report of the Departmental Committee on Lands on the Inquiry into a Complaint by Kamiti Anmer Forest Squatters Association regarding allocation of Land LR. No.8390 in Kamiti Anmer Forest, laid on the Table of the House on Tuesday, 18<sup>th</sup> June 2019.

The Motion was moved by the Chair of the Committee, Hon. (Ms.) Nyamai and seconded by Hon. Kimani Ngunjiri. Therefore, the Motion is available to any Member desirous of contributing. I hope everybody who has their cards is desirous to contribute. Let us start with Hon. Murugara.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker. I rise to support the Report of the Departmental Committee on Lands concerning the complaint by the associations that are listed in this Report. I have gone through this Report and I do confirm that in my own estimation and opinion the Departmental Committee on Lands has done a good job, first and foremost, in establishing the reasons behind the complaint.

While it is very clear that the persons who have complained were and some of them are squatters, there are valid reasons as to why they became squatters. This was not out of their own volition or out of desire to acquire land that belongs to the Government. It is borne out of reasons which were beyond their control and they found themselves occupying part of this forest and settling there including developing their own homes and facilities which they have continued to enjoy.

The Committee has come up with recommendations on how best to resolve the matter. I am in total support of the recommendations of this Committee. First and foremost, it is important that the process by which these citizens acquired this land is regularised under the law. This is why there is a recommendation that part of this forest has to be degazetted and then declared as land available for alienation by individuals forming these groups. There is also a recommendation that within a given period of time, the ministries of lands and physical planning and interior and coordination of National Government act speedily to ensure that any irregularities that are involved as regards the membership of these groups are resolved and the problem is brought to an end.

It is vitally important to note that land is a very emotive issue in this country. Matters touching on land are very sensitive and, in fact, are a matter of life and death. Therefore, it is important that when questions touching on land are brought before this House, the Executive arm of the Government or even before the Judiciary through the Environment and Land Court, they are expeditiously disposed of and the citizens are given their rights as enshrined in the law.

With regard to this particular complaint that was brought before the House, I have a complaint regarding citizens of my constituency, Tharaka. They came up with a petition and brought it before this House stating that they were displaced from their lands in the years between 1995 and 1998. To date, most of them are internally displaced persons (IDPs). They are squatters on available public land.

The Government, in spite of being persuaded through the Commission led by one Zachary Ogongo, has not settled the citizens of my constituency. It is a matter that I have constantly revisited. Even today, I was before the Departmental Committee on Lands. It is important that those members of the public from my constituency of Tharaka, who used to occupy a sub-location known as Macabini and who now live in public areas and have problems are considered by the Government. They should either be resettled in the lands they used to own

or in any available public land. That is the only way their rights can be enforced especially today where Kenyans live as squatters in their own country. This should be dissuaded and discouraged. People should be accorded their fair rights.

As I support these recommendations, I urge the Committee and the Government to ensure that my constituents - who are affected by similar circumstances - are also resettled and their problem is resolved once and for all.

With those remarks, I support this Report and urge that it be adopted by this House.

**Hon. Speaker:** Member for Rarieda, do you want to contribute to this? I can see your name.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Not on this one.

**Hon. Speaker:** Member for Ndhiwa, do you want to contribute to this? I am trying to look at the screen. Member for Baringo County, do you want to contribute to this? Very well.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Speaker. I concur with my colleague about the displacement of his constituents. This is something that is happening countrywide. When there are displaced people who are allocated land that is part of the forest cover, somehow it does not take long before they are asked to get out of the forest because degazettement of that land has not been done. It is important not to cheat the public. It is good if we have agreed to give land to people who have been internally displaced to follow the due process and allow them to legally have the land so that they do not face problems. When people are left in that manner and are not sure when they will be displaced again, they cannot develop economically. If you go to that area, you will realise that they are not even building permanent houses. These issues are all over.

There is an issue in Baringo County, and Baringo South specifically, in a place called Mochongoi. People there are always worried because they do not have title deeds. That area was previously Government land. They were given that land but they stay there with uncertainty. They are not sure of what will happen next. When they hear that the Government wants to re-afforest, they think that will happen sooner or later.

As my colleague has said, let us consider helping these people once and for all. From 1992 to date is quite a long time to leave somebody in uncertainty. A child who was born then is now an adult and does not even know where their home is and does not have a permanent home. The National Land Commission (NLC) is soon being constituted. When they get into office, they should consider settling our people once and for all. When the resettlement is effected in Kiambu, it should also be done for the people of Baringo County.

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

**Hon. Teddy Mwambire** (Ganze, ODM): Thank you very much, Hon. Speaker. I stand to demonstrate my support of this Report.

Even though people have been complaining of the nature of doing business during the KANU regime, this Report has very clear information showing that the then Government followed the due process in making sure that all the residents and complainants got land from the forest. In this Report, I went through how the then Provincial Commissioner handled this issue by taking it to the County Council of Kiambu and how the leases were registered then. This is a clear illustration that the landless were being considered so as to solve this problem.

The House should adopt this Report so that these residents get somewhere they can call home, settle and be productive.

With those few remarks, I support the Report and call upon my colleagues to make the same considerations so as to solve the challenges we have had.

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

**Hon. Jude Njomo** (Kiambu, JP): Thank you, Hon. Speaker. I rise to support this Report by the Departmental Committee on Lands. First, I would like to thank them for how they have handled this case. I remember when it came to this House and was forwarded to the Committee. They took their work very seriously. I even remember that I joined them when they went to collect views from the public in Kamiti Anmer.

Kamiti Anmer is in my constituency. This is a piece of land that has really caused headaches for the residents of Kiambu for a long time. Before this land was given out to the squatters, it was a forest known as *Kamiitu*. It was the destination where thugs would take their stolen property, including vehicles stolen in Nairobi, for dismembering. It was a centre for activities of thugs and thieves who were stealing from Nairobi. They were causing a lot of insecurity in the area. When former President Moi decided to give out this land to the squatters in Kiambu in the 1980s, he was solving two problems: First, getting rid of the “workshop” that was being used by thugs to dismember vehicles, thus causing anguish to people in Nairobi and Kiambu. Second, resolving the squatter problem in Kiambu. It was a cause of celebration for Kiambu and Nairobi people.

The Kenya Forest Service (KFS) left the forest and the land was subdivided and given to the squatters. After a couple of years, the KFS went back and claimed that the land was theirs simply because when they were ordered to forfeit ownership of the land to the squatters, they did not follow the due process and the laid down procedures to hand it over to the people of Kiambu. They used the same loopholes to claim that the forest was not degazetted in the proper way. That is why I would like to thank the Departmental Committee on Lands because they traced these events and found out that the squatters had no problem and had done what they were supposed to do, but the KFS was on the wrong. They wanted to use the loophole they had created to claim back this piece of land.

Therefore, I would like to support this Report and urge other Members to support it because it will solve a serious problem that has been going on in Kamiti, Kiambu County. Squatters have already built houses on the pieces of land that were allocated to them. They have sunk boreholes and established a cemetery. The National Government Constituency Development Fund (NG-CDF) Committee of my constituency has built a school from class one to eight. How can we then say that this is a forest? How can we say that it does not belong to the people of Kiambu? I would like to urge Members to support this Report so that the squatters who were allocated this piece of land can enjoy what they were given by the Government of the day.

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

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

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Speaker for giving me an opportunity to support this very important Report by the Departmental Committee on Lands. I had an opportunity to share with some of the members of this association when they came to Parliament. I learnt that these particular people were displaced from the Rift Valley following the tribal clashes of 1992 that related to the general election of that year. They lived at Kirigiti Stadium until 1995. After having stayed there with their families for three years, former President Moi issued an Executive order through the District Commissioner (DC), which was communicated to the Kiambu County Council. Subsequently, these people were moved to this new land, which was part of the forest.

There was no degazettement of the forest. That is why this Committee has said that this particular land should be degazetted as a forest for several reasons. One, there is adverse

possession of land. These people have lived there for over 12 years. Two, the Government has already developed that particular area. You have heard that the local Member of Parliament has constructed schools using money from the NG-CDF. Three, there are people who are already buried within their compounds, where they have settled for a long time. Four, it is no longer a forest. Therefore, the only honourable thing to do is to have it degazetted so that these people can be formally allocated their respective pieces of land. They have already been given title deeds, but they can only be valid when de-gazettement happens. Although they exist and they are in the names of the respective members of the association, we need to come up with an Act so that the title deeds can have no further queries in law and that their validity can be ascertained.

The Committee did a very good thing to consider this Petition, go into its details and think about the plight of Kenyans. We hope that this will never happen again in this country. For quite a number of years, there have been clashes after elections and people are displaced and they do not go back to their land.

Following the 2008 post-election violence, people have never gone back to land for which they have title deeds. I believe Kenyans are free to settle in any part of the country. An act of goodwill has happened. This House has no business reversing goodies which are already guaranteed by our Constitution for the benefit of Kenyans. We have seen one of the worst cases of election violence in this country. We have been to the Hague and back. Through this particular lesson, people should not be displaced again in this country. It has not just happened in the Rift Valley and Central regions of this country; it has also happened in the Coast region and many other parts of the country. People wait for an opportunity of election violence to displace others from lands they have settled on and farmed all their life.

I thank the Committee for the good proposals it has made. I believe their recommendations will be implemented with immediate effect, bearing in mind that we expect new persons to occupy offices of the National Land Commission (NLC), which has this mandate. The new Commission is the one which will de-gazette that particular forest. It is the one with the force of law right now. Having approached Parliament without taking the option of going to court, I believe Parliament will be perfectly in order to adopt these recommendations and make sure that affected Kenyans are settled and their rights are no longer violated. After the House settles this matter, if this human rights abuse continues, then they still have the option of filing a petition at the High Court for their rights to be enforced.

As Parliament, once we adopt this Report, I believe we will have done very well, so that these particular people can be assisted to live peacefully on the land for which they already have title deeds.

I thank you, Hon. Speaker. I beg to support the Motion.

**Hon. Speaker:** Hon. Members, indicate if your request is for contributing to this Motion or is with regard to other businesses so that I may not give you time. This is because I can see that you still have some hangovers from the constituencies.

Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I rise to support this Report and commend the Departmental Committee on Lands for taking time to understand the situation in this particular settlement. I had a chance to visit this particular settlement, and a number of things are very clear.

One, there is no reverse to the settlement in that area. Two, a lot of public and private investments have already been made in that area. Therefore, it is good that the Committee recommends that quick action be taken to settle the people who are already there. If that is not

done, we will definitely have conflicts in that particular settlement. This is an example of a delayed decision and action on the part of the Government. Things would have been done in an easier manner. If a quick decision would have been made when the settlement was started, we would not be in the situation we are in now of trying to know the owner of the land and trying to settle these people. The settlement will not be easy now because other people have come in. Therefore, to get the right people to settle will not be an easy exercise. We would have avoided that had we settled them in the past. This situation is similar to many other cases of land that we have in the country. Delayed decisions and actions that are not taken have resulted in a lot of complications.

In my constituency, we have the South Ngariama Settlement Scheme where many people have been settled for long, but action has not been taken. People are still waiting for legal occupancy documents, and in the process some other people have also come in to grab both private and public land, therefore, complicating the situation. It is evident that when we finally move in to issue title deeds to these people, there will be a lot of complications and the matter will move from being a land issue to security. I, therefore, urge that the speed with which the Committee moved with to come up with this Report, should be used to come to my constituency and come up with a report on the South Ngariama Settlement Scheme and look at Mwea Ranching Scheme.

For many years, there have been conflicts in that land relating to both Embu and Kirinyaga counties. This is an issue I have always believed we can easily settle or sort out and come up with a settlement formula that will avoid conflict. Any continued delay, as we move forward would see more occupancy of the land taking place and people from elsewhere have come in and settled there, therefore, making it hard to sort out the problem.

I hope and wish that our good Committee that has done a good job in coming up with this Report will move into similar schemes that show indicators of conflicts so that we can avoid loss of lives, resources and properties, both public and private investments of our Government using public resources.

I, therefore, urge that we all support this Report and ask the Departmental Committee on Lands to move onto the next case because there are many issues relating to land in the country which, if not sorted out will only result in loss of lives and property that can be prevented today.

I support the Report.

**Hon. Vincent Tuwei** (Mosop, JP): I wish to contribute to the next Order.

**Hon. Speaker:** Hon. Ngunjiri.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much, Hon. Speaker. I rise to support the Report by the Departmental Committee on Lands. I especially want to congratulate them for the speed with which they have come up with the Report. It is quite commendable. I also want to congratulate them especially for the recommendations they have made, which I have looked at.

There is an issue that has been raised by some of my colleagues on the delays. This is a 1992 issue. It is a case that goes back over 25 years. Sometimes, one worries that even as allotment letters are being done, who is going to get the letters? Are we actually talking about the same people who were supposed to get the land in 1992? This should also serve as an indictment to Government. Sometimes delays in executing a decision from the time it is made ends up causing more harm than good. If this had been done immediately it was determined, we would not have the situation like we have now of four groups laying claim to the land. I am sure in each

of the groups there are some genuine people, but you would find that the group that was a focus of the decision in 1992 could have moved into something different.

It is also important for us to flag the issue of insecurity that the Committee has identified. If they continue delaying the process, they are creating an environment that could generally lead to a lot of insecurity within Kiambu County.

Finally, there is something we are not discussing. It is a fundamental issue we need to think about as a House, even as we adopt this Report. We have very many cases of IDPs being allocated land after issues related to political violence. At what point are we going to draw the line?

In Nyeri Town, we are still hosting IDPs of various post-election violence incidents up to this moment. The decision to allocate land to IDPs is something we need to think about because it looks like we are affirming the act of displacing people from their land. As a House, we need to think very seriously about the Government's decision that after every election, where people have been internally displaced, the Government then allocates land to them and moves them to somewhere else. What happens to the land that they occupied before? Are we affirming a crime? The people who displace people commit a crime. As a House, it is also important to discuss this issue. If we allocate land to people who did not have land before, then we need to ask ourselves why we are doing that. Why are we allocating land to people who did not have land before? If we allocate land to people who had land before, we have to ask ourselves what happened to their land. The Report introduces an issue we need to think about as Kenyans and as leaders who have been elected to represent people. We must look for an opportunity to discuss about how long or where we will draw a line that says you cannot displace people anymore because they will be moved by Government and allocated places to stay thereafter.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Member for Nandi, Dr. Tum Chebet.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Hon. Speaker, I stand to support this Motion. In the said Kamiti land, there are homes and facilities we cannot disrupt because of school-going children. So, there is need to honour what the former Heads of State did. I am told that this land was given by former President Moi. There are many other lands like the Mau Forest. We need to settle people in that area so that children are not disrupted in school.

I support the Motion because people have used their money to develop that land. Kenyans should enjoy where they are staying and their children should go to school. The Government has to take care of the children. There is a rule which says that when one stays on any land for 12 years, the land belongs to him. Therefore, those people are entitled to the land. They need not be disrupted.

The issue of squatters in the country has to be looked into in the near future so that our people stay peacefully wherever they are.

Thank you, Hon. Speaker.

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

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker for giving me this opportunity to comment on this Report which I support.

As we have always said in this august House, land is an emotive issue which needs to be looked at critically. Let me thank the Committee for coming up with this Report. It came out boldly to ask the Government to degazette that piece of land so that the people who have been occupying it can enjoy living there without any problems. In as much as we say we want to improve the forest cover in our country and also have public land conserved, there are some

areas where we have to look at the interest of the people who occupy the land. We need to look at the interests of the citizens of this country, who need to be accommodated in our country's land, so that they can live happily in their motherland.

If one has been given a piece of land and has developed it... We heard *Mheshimiwa Njomo* say something. I would say that it is very immoral for the KFS, or the Government to say that they want to evict these people. They were not evicting them from forests rather it was from the houses which they have put up. The people have been living there and have even buried their kin there.

These issues cut across the country and they often happen when somebody somewhere, in Government circles, sleeps on the job. They are supposed to do things firsthand. If, indeed, the land was allocated, all the necessary documentation should have been done from the word go and everybody ought to have got a title deed. We also expect degazettement to have been done and that officers at KFS are in a position to identify the boundaries. So, whoever was there at the time part of the forest was being hived off to the residents of Kamiti should have gone back to the drawing board. People need to enjoy their rights without any harassment.

As I said, this matter cuts across the country. There are many other lands with a similar problem. For example, we have a chunk of land in Meru County called Nyambene Conservancy part of which was hived off by the former county council. They needed to enlarge the game park. We have been arguing that we have the Meru National Park which is already so huge and diverse that even if you brought all the animals in Kenya there, you would never fill it. But somebody went out of his way to get another big chunk of land where people had already settled. The place is our main grazing area and yet they wanted to make it part of the national park. They should degazette that part of the forest so that people are allowed to graze their cows and farm the land because it is just next to the Ewaso Nyiro River - it is a very fertile land. Let the Ministry of Lands and Physical Planning go back to the books and act upon the recommendation of the Departmental Committee which did this good job. It should also address similar complaints arising from other parts of the country. We do not need to hear of such complaints in the future. That can only be done if we harmonise land documentation in this country.

I support.

**Hon. Speaker:** Hon. Mwashetani, the Vice-Chair of the Committee.

**Hon. Khatib Mwashetani** (Lungalunga, JP): Thank you, Hon. Speaker for giving me this opportunity. I rise to support this Report which has been tabled by the Departmental Committee on Lands.

This issue came before us as a complaint then we picked it as a Committee. We decided to go to the ground to interact with the affected people. We managed to interact with the squatters who were there. Basically, it is an association of squatters that brought the Petition before us. The complaints have been raised by four groups, that is, Kamiti Forest Squatters Association, Kamiti Anmer Development Association, Muungano Kamiti Group Association, and Kamiti Development Welfare Group.

When we went to the site, we realised that the area is very much populated. I think we are talking about just 15 per cent of the 300 acres that is not occupied. There are investments which have been done in the place. For instance, there are schools and hospitals on that land. If we do not act fast, we will affect so many people who are living there.

There is Executive order which was issued in 1994 by the President then. However, there has been delay in effecting it until today. So, there is need for the Ministry to move very fast to degazette the land so that the IDPs can benefit.

As a Committee, we came up with a recommendation that the Ministry of Environment and Forestry should move very fast to degazette this land for the purpose of distributing it to the beneficiaries. I am sure the Report which has been compiled by the Ministry of Lands and Physical Planning has the list of all the beneficiaries. I believe the complainants are going to benefit.

I support.

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

**Hon. Peter Masara** (Suna West, Independent): Thank you, Hon. Speaker. I rise to support the Motion because issues about land are very emotive in Kenya. As you know, land is very scarce. The population increase in this country, but land remains the same size. Therefore, Kenyans who were given land by the former President should be given an opportunity to enjoy their peace and investment in such land. Going forward, we need to strengthen the laws which exist concerning issuing of public land either to individuals or public institutions. That way, we will avoid future conflicts on issues of land.

In my area, you will find that there are lands which were earmarked for public utility, but they were taken by other people. There are also lands which were given to institutions which initially belonged to Government. That has brought a lot of issues in my area. To avoid more confusion and conflicts, we need to strengthen the institutions which were put in place to govern land.

Thank you, Hon. Speaker for giving me the opportunity.

**Hon. Speaker:** Sorry, Hon. Members. You know when you contribute for two minutes it is very difficult to know whether you were saying anything.

Hon. Member for Igembe South. Is it about this one?

**Hon. John Paul Mwirigi** (Igembe South, Independent): It is about this one, Hon. Speaker.

**Hon. Speaker:** Let me just tell you that you have up to 10 minutes. Do not be brief.

**Hon. John Paul Mwirigi** (Igembe South, Independent): I rise to support the Motion and the Report from the Departmental Committee on Lands.

The directives given by the President to Ministries are supposed to be implemented. It is unfortunate those directives are not implemented by the people who are supposed to implement them. There are many cases where the President has given directives to Ministries, but they fail to implement those directives.

From the findings of the Committee, His Excellency the former President, Hon. Daniel arap Moi directed that the land be degazetted so that squatters are settled there. That was not done as the former President had directed. Cartels, as we can see from this Report, colluded with the NLC and were given title deeds. So, the people the President intended to give land were left out. Therefore, it is good that when a directive is given by a president, it is taken seriously. If the former President's directive is not followed, we will lose a lot of money that was invested in construction of chief's camps, schools and churches on that land, because the Ministry of Lands failed to follow the directive. This is one example of what happened in this Republic. Many directives are given, but they are never implemented and that creates conflict among people. It is good that when we have such a Report, the concerned Ministry takes it seriously and implements the recommendations.

There are four outfits claiming ownership of this land. It is high time the NLC implemented the directive of the former President without favouring the people they colluded with. Investigations should be done and if found that they colluded with specific rich people who



intend to have this land, then they should be held responsible and accountable for mishandling a public resource. It will be good for the Ministry to move with speed and degazette that land so that the squatters are resettled there.

My constituency borders Meru National Park and there is a big land that is enclosed by the Kenya Wildlife Service (KWS), at a place called Athiru Gaiti. Since the year 1998, people from that area keep asking the Government and the KWS to give them back their land, but that has not happened. When you have something of this sort and the Ministry is supposed to give a certain directive, it is good, if they act accordingly so that people are served well. It is the people who gave them that mandate. If it was not for the citizens, they could not be serving in those positions. So, it is good to provide services to Kenyans so that they are in a good position to invest their resources.

With those few remarks, I beg to support the Committee's Report.

Thank you.

**Hon. Speaker:** Member for Luanda Constituency.

**Hon. Christopher Omulele** (Luanda, ODM): Thank you, Hon. Speaker, for giving me this opportunity to speak to this particular Report. I have noted that the majority of my colleagues here have spoken in support of the Report. But I have taken note that although it is good and prudent to provide land and settlement for our people, we must do that recognising that land use in this country is a problem. We have situations in this country where we had many wars and battles over land. People have been displaced from their places of residence during election times and the subsequent governments have made attempts to settle such people like the ones that are being settled in this particular case.

On the issue my brother, the Member for Nyeri, raised about people who were displaced, where they were displaced from is still part of this country known as Kenya whose Constitution says that every Kenyan is entitled to settle anywhere within the boundaries of the Republic of Kenya. If these people have been displaced from where they lived by other Kenyans, and that land still exists, what is so difficult for the Government and this Committee to follow up and find out where that land is and who is occupying it today? Why can we not restitute these people to their land that they were displaced from? These are the questions that we must ask ourselves.

We have a doctrine in law where you abet a crime after the crime has been committed. Displacing someone from his legitimate land is a crime in itself. If we let such criminals get away with land that they have dispossessed from people violently within the boundaries of a country known as Kenya, a country we all love and swore to protect, we shall be failing. The Committee has done a good job, but I expect, as Kenyans, to ask ourselves these questions. These people who carry *pangas* during elections in the pretense that they have lost or for whatever reasons, to displace others must be brought to book.

The Departmental Committee on Lands has the duty to follow that matter to the root of the displacement and restitute the affected people to where they belong. I am saying so because this country is becoming a desert. We are cutting down trees every day and yet in every international forum we go, we pretend that we are committed to reforestation. Here we are saying that we cut down forests and allow people who have invaded a forest to continue staying on that land because they were displaced from somewhere else. We are not answering the critical question of where these people were displaced from before. If these people were displaced, who are those who displaced them? Are we saying that there are some super Kenyans who can displace one, take their land and then the Government takes care of the displaced people without

dealing with the one who displaced them from their original land? That is a situation that we should not engender in this country.

Even as the Report suggests and recommends that these people who have been displaced should be settled, I expect this committee to have come up with a roadmap to say how we shall recoup the land for forests that these people have taken up. We should re-afforest another equivalent piece of land and as they occupy this land, find a way that they will use this land and ensure there is afforestation. Most of my brothers and sisters seem to believe that if one is a squatter on a piece of land and buries some of his relatives on it, then by virtue of burying people on that land, it should continue to be in their possession. I do not believe in that. We have put ourselves in a catch 22 situation. From the time human beings started existing on this earth, they have been buried all over. Even on this parliament grounds, we do not know which people were buried here a million or 100 years ago. If those people were to come and say, we buried our grandfathers here, it would mean that we will have to remove a whole city. This business of saying that we have buried our grandfathers and our children on this land and therefore we must take and continue staying on it, does not make any sense. We must move away from that kind of argument as fast as possible.

Hon. Speaker, I was speaking to my brother here and I was telling him that probably the former President recommended that these people should be resettled on this land. That recommendation was made and the people who carried out all those recommendations were Government officers. The question that this Committee should have asked itself, from the time the former President issued that directive is, how did the people who receive that directive carry out that mandate? Did they do a proper analysis and find out how they were going to carry out that resettlement and under which law did they do it? The law has always existed. The law on resettlement of people, de-gazettement of claiming land from forests, converting it into human settlement has always existed. The lands officers who settled these people on this land must be held to account. If they did not follow the law, I expect to see in this Report that so and so did not follow the law and that officer should be held to account. We must hold these people to account. The directives that were issued by the former President should be in this Report. That is why I do not agree that the committee has done a thorough job.

As a country, we must hold people to account. If you are given a directive, go and resettle, divide a certain piece of land and divide it and you fail to follow the law, the Committee must say, Omulele or Hon. Mboko who was the Registrar of Lands at this point in time, received this directive from the President who had authority, but did not follow the law. Therefore, the person to be held liable is this person. They have not done that in this Report. That is why, I am saying the Committee has not done a good job and we should not be afraid.

We must not be afraid to knock down buildings just because people have built on the wrong land. People are taking up forest land and we cry every day that we do not have sufficient water in this country or we do not have sufficient forest cover in this country and they tell us they have built a school, a beautiful house, a market or hospital on this land and, therefore, they cannot take it down. I do not think that is the kind of attitude we should have if we want to develop our country in an orderly way. There is an office within this land system that is called a planning office. There is a Physical Planning office within the lands system. I would have expected the committee to have called the Physical Planners for Kiambu to come and say how they have planned this land to be used. We cannot continue creating slums all over and justify by saying that since we have buried our ancestors and built houses on this land we should be allowed to continue staying on it.

With those remarks, I disagree.

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

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Speaker. I take this opportunity to support the Report from the Departmental Committee on Lands on a complainant which was presented by the Kamiti Anmer Forest Squatters Association regarding allocation of land LR. No.8390 from Kiambu County. I am cognizant of the fact that this Committee tabled concrete evidence and that we invited all the relevant stakeholders starting with the Ministry of Lands which comprised the physical planners, the surveyors, the registrars and everybody who was concerned. We also took the petition and invited these petitioners starting with the Kamiti Squatters, the Kamiti Development Association, Muungano Kamiti Group and the Kamiti Anmer Development Welfare Group to come and present their petition and their pleas. This Committee went to Kiambu County to conduct public participation and listen to the pleas of the complainants.

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

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Jessica Mbalu) took the Chair]*

Due to the Post-Election Violence (PEV) which occurred in 1992, the second President of the Republic of Kenya gave a verbal directive that he wanted these squatters to be resettled at the Kamiti Forest, which still stands as a forest as of today, because the official degazettement has not taken place. Therefore, as a Committee, we feel that we have a duty to conduct and as a House, we have a duty to conduct and as a House, we owe the people of Kiambu and the squatters of the Kamiti Anmer Forest a duty to make sure that this parcel of land is not taken away by cartels, but the people who deserve to be resettled as Internally Displaced Persons (IDPs) and the evictees from the 1992 PEV from the Rift Valley are resettled on the 300-acre parcel of land.

Like I have mentioned, this land still belongs to the Kenya Forest Service and is yet to be degazetted. The fact that there are unscrupulous business men who went ahead to obtain more than 149 title deeds irregularly and have taken over that parcel of land while these IDPs are struggling to make their ends meet and to call themselves Kenyans like His Excellency Daniel Toroitich Arap Moi would have desired. Now that this public pronouncement was made, this is a culture that has continued because anytime as a committee dug deeper into the issues of historical injustice, we realised, like in Laikipia, we have the issue of the Kwambori Squatters, where the first President of the Republic of Kenya gave a verbal directive that they should be resettled. Until recently, the National Lands Commission (NLC) handed over that parcel of land to the KDF and these people are still languishing in poverty in Nanyuki Town. For us to be in a position to make sure that we bring these problems to an end, we want to ask that if this parcel of land like we confirmed, has been developed by members of the public and government agencies who have continued to invest a lot of money in them by building public schools and hospitals... It is only right that the 300 acre parcel of land is degazetted from the Kenya Forest Service and released to the concerned persons so that we reduce poverty and encourage these people to continue living a decent life.

The four lobby groups which petitioned this House agreed to consolidate their list. They have come up with the allotment list and they are only waiting for the Government. Sixty days

after we adopt this Report, the Ministry of Lands, the NLC and the Ministry of Interior and Coordination of National Government will work in haste to ensure that these people receive their parcels of land. We have heard issues of Kihiu Mwiri in Kiambu County and other parts of Murang'a County where land matters and other emotive issues which are raised by land owners have been of security concern. People have been losing their lives through illicit groups and others going to the extent of killings their loved ones because of land.

Therefore, I want to urge every single Member of Parliament seated here – I know at some point they will continue bringing petitions to this committee – to agree so that we adopt this Report unanimously so that in the next 60 days, the people of Kiambu, the Kamiti land owners, the four lobby groups, can receive their title deeds once the KFS de-gazettes that parcel of land.

I thank the Committee Members for being very supportive. I would like to remind them that it is in the interest of the Committee to see that we resolve that all land issues are brought to our attention, starting with the historical land injustices. For purposes of people who may think that we have not done our duties with due diligence, we want to confirm to you that we have sat with the Ministry of Lands and the KFS. We cannot take over the role of the Executive. We must allow them to also do their job. The CS for the Ministry of Environment and his team appeared before this Committee and gave us their commitment that once this House adopts this Report, they will be kind enough to de-gazette this forest so that the people of Kiambu and the petitioner can start enjoying the decree which was made by the then President.

I will also be quick to mention that there are a number of times that public pronouncements made by our leaders make our people suffer. Unscrupulous traders and cartels, and people who sit at our land offices, always wait for statements to be made by us, legislators or people who sit in the Executive, without doing due diligence to see that the process is completed. For that reason, there is always a gap to benefit the cartels. If you want to say “No” to cartels in Kiambu and in the Republic of Kenya, we want to ask you: Return this parcel of land by adopting this Report to restore the confidence of Kenyans in this House so that they can appreciate that we are doing our job and that our sole job is to protect the interests of Kenyans.

Thank you.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Let me have the Member for Seme, Hon. Nyikal Wambura.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me opportunity to contribute to this debate. I start, like everybody else by congratulating the Committee for the work they have done, although there is an area where I think they fell short. Generally, they have done a good job. What is most important to me is that there seems to be laxity in our systems of governance, where things can hang on for years, nothing is done and eventually people just decide to sort it out because a big problem has arisen. People are fighting and others are going to court. Nobody looks at why things were not done before.

This land was given out by the President of the Republic of Kenya in 1994 to people who were displaced without finding out where they were displaced from. The Provincial Administration, under PC Musyoka then, gave the correct directives and informed the Ministries that should be involved – land and forestry – that these people should be settled on that land. Obviously, the people moved in to settle and when they were settling, the Ministry of Lands was aware; the physical planners were aware; the Provincial Administration then, whose roles have since been taken over by the Ministry of the Interior and Coordination of National Government,

were aware. Then schools and hospitals were built. These are institutions that are planned, registered and approved by Government officers. They are being built on this land and nobody looks at the legal status of the land and the people staying there. Because of that laxity, interest groups started to struggle. You started with one group of displaced people and now they go into three or four groups. I am sure when these groups were formed; they were definitely registered and assisted or advised by the then Provincial Administration. Nobody knows how all these groups, now in dispute over the land, have come into being. Again, they were registered by Government officers. Then the local registrar of lands issued title deeds to some 149 people. While this was being done, legally the land had not been alienated and had not been de-gazetted by the forest department. How does that happen? The forest officers and this officer himself were there. When titles were being given, what process was being followed?

Therefore, my point is simple. Although the Committee has made a good recommendation by saying that people should be given back the land and all the processes followed, which I support, I think there is some major recommendation that has not come, together with the other two recommendations. It is important to go down in history and find out, step by step, which officers neglected their duties and made this matter go to the stage at which it has now reached. Wherever these officers are, they still hold responsibility. I am sure that at the Land Registry in Kiambu, where this matter was going on, there were officers who had underhand dealings. The records are there and they can be found. There are always land committees that should meet. All this can be found. Therefore, even as we commend the Committee for doing a good job and giving us the two recommendations for resettlement, I think it should still follow up this matter. It should go deeper and identify individuals who should take responsibility for this mess. If we correct mistakes without finding out who made the mistakes and sanction them, we will have a lot of these cases. If we take serious action on one group – like taking people to court, if necessary, or dismissing them from their jobs – people will start to work seriously and we will have less of such cases.

With those remarks, I support the Report.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Hon. Kipkurui, the Member for Mosop, are you on intervention?

**Hon. Vincent Tuwei** (Mosop, JP): Yes. Hon. Temporary Deputy Speaker. Having seen the mood of the House and having discussed this matter for a while, I find that the House is in concurrence and I would wish to move that the Mover be called upon to reply, under Standing Order 95.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Hon. Members, the Member for Mosop is in order to move under Standing Order 95 for the Mover to be called upon to reply. So, I put the question.

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

It is now time for the Mover to reply.

**Hon. Rachael Nyamai** (Kitui South, JP): Hon. Temporary Deputy Speaker, I would like to reply. First of all, I would like to thank the Members of the Departmental Committee on Lands for the dedication they normally accord to the work we do. It is one of the Committees that are receiving many petitions. I would like to thank them for being there when we visited Kamiti and for making themselves available for all the meetings where we interacted with various

stakeholders, including the Ministry of Education, the Ministry of Environment, KFS, the Ministry of the Interior and Coordination of National Government, among others. I would also like to thank them for the time that we took before we wrote this Report and for the interactions that they had with the documents. I would also like to thank the Members of this House who have supported this Report this afternoon for taking their time to read through it, even though some of them are not Members of the Committee. I thank the Members of the Committee who have found it necessary to sit in this House to make contributions.

Hon. Temporary Deputy Speaker, this matter is straightforward because the communications from various institutions within the Ministry of Lands and Physical Planning then and also the Government of the day, are clear that the intention was there to settle the squatters. This is a matter that needs to be settled once and for all as this place is a source of insecurity. People get murdered at Kamiti and vehicles get dismantled. The Ministry of Interior and Coordination of National Government was clear that they would like to handle the matter. So, I would not like to repeat the discussion by Hon. Members here.

I take this opportunity to thank the secretariat staff of the Departmental Committee on Lands and also the legal team of Parliament for the support they gave us when we were handling this matter. We would not have done it the way we did it if we did not have their guidance.

With those few remarks, I thank all the Hon. Members who have contributed. It is possible the House may adopt this Report so that this matter of Kamiti Anmer and the anguish the squatters have gone through will be brought to an end.

Thank you, Hon. Temporary Deputy Speaker. I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, I confirm that the House is not properly constituted for us to put the question to this Report. So, I order that the Question to the Report will be put in the next sitting as it shall be indicated in the Order Paper.

*(Putting of Question deferred)*

Next Order!

## MOTIONS

### PROMOTION AND POPULARISATION OF RATIFICATION OF PROTOCOL ON FREE MOVEMENT OF PERSONS

THAT, this House notes the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularise the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, laid on the Table of the House on Wednesday, November 21, 2018.

*(Hon. Katoo ole Metito on 19.3.2019)*

*(Debate interrupted on 19.3.2019)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, from the record we have, this Report was debated and what was remaining was for the Mover to reply.

So, I call upon the Mover to reply. Chairman Departmental Committee on Defence and Foreign Relations, Hon. Katoo, you have the Floor.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you very much, Hon. Temporary Deputy Speaker. Indeed, this Motion has been on the Floor since March this year. Members have ventilated and debated on it. As I reply, I would like to briefly inform the House that this Motion is about the promotion and popularisation of a protocol which is on the free movement of persons and its implementation roadmap.

This is an African Union (AU) proposed protocol because it has not yet come into force. According to the agreement in the AU, it will come into force when 15 states ratify it. This Report is about a conference that I and another Member of my Committee plus representatives from the Ministry of Foreign Affairs and the Office of the Attorney General attended in Dakar, Senegal. It was of two African economic blocs; The Economic Community of West African States (ECOWAS) and the East African Community (EAC). Fifteen members from ECOWAS and the six members from the EAC amounted to 21. It was a lobby to see whether those 21 states would achieve a quorum of 15 for the ratification of the protocol.

So, just to put the record straight, there is no protocol before the House because the Executive has not yet brought it here through the right procedure. So, we are just reporting for Members to be aware that there is need to popularise the ratification of this protocol on the free movement of persons and its implementation roadmap.

Hon. Temporary Deputy Speaker, we all know that the African continent is becoming a borderless and seamless continent whereby if we are talking of the formation of free African trade, there is need for people to move across these imaginary boundaries that were brought by the colonialists. So, I inform the House that Members should be aware of this protocol. We call upon the Executive to bring this protocol to the House so that an implementation roadmap can be adopted and ratified as required by the Constitution and our treaty making laws. If 15 states could ratify it within the AU, it would come into force. I thank Members who supported this Motion, and I look forward to this protocol coming to the House so that it can be debated and approved for its implementation thereof.

I beg to Reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, on the same account of the Standing Orders, we shall not put the question to this Report. I order that the Question to this will be put in the next sitting.

*(Putting of the Question deferred)*

Next Order!

SENATE AMENDMENTS TO THE PUBLIC PRIVATE  
PARTNERSHIPS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I am aware that the Hon. Leader of the Majority Party is in a consultative meeting.

Hon. Katoo?

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Temporary Deputy Speaker, I was going to seek your indulgence that you defer this Motion to a later date when the Hon. Leader of the Majority Party will be ready to move it because as you have said, he is in another meeting.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. We are aware that he is in a meeting. So, Hon. Members, I order that the same be deferred.

*(Motion deferred)*

Next Order!

#### ADOPTION OF REPORT ON THE LUIGI BROGLIO-MALINDI SPACE CENTRE

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Temporary Deputy Speaker, I beg to move:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi Broglio-Malindi Space Centre, laid on the Table of the House on Wednesday, 26 June, 2019.

Hon. Temporary Deputy Speaker, this is a very important Motion that I would have loved to move when this House is full to capacity because it has a lot of implications on the economy, technology and many other things in this country.

The Luigi Broglio Malindi Space Centre formerly referred to as San Marco Satellite Launching and Tracking Station is located in Ngomeni Village, Magarini Constituency, Kilifi County. It was established in 1962 by what was referred to as the Royal Technical College of Nairobi now the University of Nairobi (UoN) which signed an agreement with the University of Rome on behalf of the respective Governments that is the Republic of Kenya and the Italian Republic. The agreement was ratified by the two Governments in 1964 just immediately after Independence.

It has been renewed several times. The first renewal was in 1<sup>st</sup> April 1987 which was meant to establish the National Space Secretariat under the Ministry of Defence. Another renewal was done on 14<sup>th</sup> March 1995 and was meant to extend the period for a further 15 years which expired on 14<sup>th</sup> March 2010. That validity was again extended up to 31<sup>st</sup> December 2011 to allow for further negotiations between the parties.

On 5<sup>th</sup> June 2012 the validity of the agreement was further extended. It was meant for parties to conclude a new comprehensive agreement which was meant for cooperation on space matters together with the implementing agreements because at this time the implementing agreements came in. This Agreement has now been submitted to the House for ratification since then.

Let me just briefly explain several important Articles in this Agreement. Article two outlines the extent and use of the Space Centre. This Centre is defined as consisting of a mobile segment at sea for tracking and launching satellites and sub-orbital platform for space research at Ungwana Bay and a land based segment at Ngomeni. The Centre is about launching and tracking satellites at sea. The Space Centre is to be used for aerospace science, space science and technology, research and applications as well as tracking and monitoring space vehicles,



navigation and any other activity mutually agreeable by the parties. It is only to be used for peaceful purposes.

Article 3 of the agreement provides for other areas of cooperation between the two governments. The Italian Government commits one, to support the enhancement of the capacity of the Kenyan Space Agency. It is worth noting that we now have a National Space Agency Authority domicile under the Ministry of Defence. This is the one which the Italian Government commits under this agreement to support.

Two, another commitment by the Italian Government is to train Kenya nationals identified by the Government of Kenya in Aerospace, Space Science and Technology, Defence courses and scholarship for training in other discipline. Three, is enhancing the capacity of public institutions of higher learning in Kenya to train persons in Space Science and Technology. The UoN is a public institution of higher learning which needs to be supported in terms of capacity building for purposes of these courses on technology and space science.

Also in conjunction with the Kenyan Government, the Italian Government commits to support the development of the Ngomeni area in Malindi Kilifi County in Corporate Social Responsibility (CSR). This is because of the need for several community projects which need to be done like tarmacking of roads around that area or the establishment of a health facility as the need arises. Actually, this has previously been done through the Coast Development Authority (CDA) which serves that region.

The two governments also commit to establish a regional centre for earth observation in Kenya to receive, store, process and disseminate remotely sensed data which is very critical. The earth observation Regional Centre will be for the whole region and will be based in Kenya. The purpose will be to receive, store, process and disseminate remotely sensed data. The foregoing areas of corporation are to be actualised through the assigning of what I mentioned earlier as implementing agreements between the implementing agencies of the two countries. The implementing agreements are annexed to the agreement which we previously tabled as part of the Report of the Committee.

Article 4 provides for the establishment of a Joint Council of Ministers. This is the supreme organ responsible for strategic policy guidance for the operation of the Space Centre and identification of areas of corporation. The Council of Ministers comprises of ministers which the two parties designate. For instance, in Kenya it is going to be the CS responsible for Defence and in the Italian Government, it will be the Minister responsible for Education, Research and Universities. This Council will hold at least two meetings in a year and may convene on the request of the Joint Steering Committee.

Article 5 is about the Joint Steering Committee which is below the Joint Council of Ministers and this comprises Principal Secretaries (PSs) of the respective ministries together with the Chief Executive Officer (CEO) of the respective Space Agencies of the two countries. The Joint Steering Committee is charged with steering the implementation of the agreement, considers and approves programmes and plans and financial affairs of the Centre. It will be chaired alternately by the representatives of both counties and is to meet in Kenya or Italy at least once a year.

Article 6 establishes the Joint Management Board which is below the Joint Steering Committee. It will comprise three technical persons designated by each country. This is basically the routine management of the centre. Each country may also adopt or co-opt advisers into the Board. This Board will meet, at least, three times in every financial year and it is to be chaired on

a rotational basis between the counties every two years. This Board will oversee the operation of the Space Centre and the welfare of its staff.

Article 7 is about the management of the Space Centre whereby the CEO of the Centre is appointed by the Italian Government through its Space Agency. The CEO will be in-charge of the day to day management of the Centre and convening of the Board meetings. Some of the improvement of the old agreement is that in this case we will have a Deputy CEO unlike before who will be appointed by the Government of Kenya to deputise the CEO in all aspects except when it comes to making financial commitments for the centre. Both Italian Government and Kenyan Government may second professional staff to the Centre in consultation with the Board in agreed capacities and non-professional staffs are to be recruited from among the qualified Kenyans.

Article 8 of the Agreement sets the prerogatives and obligations of the Italian Government. They are very many. I will just mention a few of them. One is the improvement of the new agreement which we are debating. The commitments which are now improved from the old one are:

1. They will pay the Kenyan Government USD250, 000 annually for the use of the land used by the Centre subject to an increment of the sum of USD50,000 every five years.
2. They will pay compensation for any additional land acquired.
3. Remit to the Government of Kenya 50 per cent of the profits of contracts with third parties for the commercial services provided by the Centre with the exception of co-operation agreements in which there is no exchange of funds.
4. The Italian Government will collect and remit to the Government of Kenya an annual authorisation fee of USD50, 000 from each third party for the use of the Centre, which is to be reviewed every five years during the period of the agreement.

Other commitments include promoting development projects in the community of Ngomeni, catering for operating cost of the day to day functioning of the Centre and its space activities and programmes as approved.

Article 9 sets out the prerogatives and the obligations of the Government of Kenya. They are also many, but I will just mention a few because they are in the Report that we tabled and also in the Agreement:

1. The Kenyan Government commits to receive and consider, within a reasonable time, programmes submitted by the joint committee and where accepted, grant the necessary authorisation for the programme to start.
2. The Kenya Government also commits, in consultation with the Italian Government, to identify its training needs and personnel to undergo the training.
3. To undertake all the necessary measures to ensure the effective functioning of the centre.

In consultation with the Italian Government, the Kenyan Government will identify development projects to be realised within Malindi where the Centre is based. The Kenyan Government will do it through the normal channels, for example, by using the Coast Development Authority, which is one of the national Government agencies for implementing development projects which will be very key to the development of this area through this Space Centre. It will also take all measures to facilitate entry, stay and exit from Kenya for the personnel of the Italian Government employed in Kenya for purposes related to the objects of this Agreement.

I wish to refer to Article 17 of the Agreement which provides for the modalities of its entry into force, duration and termination. The Agreement is to come into force on the receipt of the last notification from the parties indicating the respective internal procedures have been complied with. Each state has got its own internal procedures that are recognised and accepted by law. Once the last notification is received that those internal procedures have been followed, then the Agreement will come into force. For instance, in the case of Kenya, such a notification will be to the effect that the Agreement has been ratified by the National Assembly in line with the Treaty Making and Ratification Act of 2012. The Agreement is to remain in force for a period of 15 years and may be renewed through mutual agreement or understanding. I said this, Article talks of modalities of coming into force, duration and termination.

The Agreement may be terminated by either party serving written notice of not less than 12 months, that is, a one-year notice. The termination of the agreement is not to affect the payment of any debts, claims, or compensation, or excuse any party from its accrued liabilities. If you give notice, you will have to settle down all your liabilities, claims and debts. Article 118 of our Constitution, specifically sub-article 1(b), states that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

Section 8 of the Treaty Making and Ratification Act of 2012, provides for the consideration and ratification of treaties by Parliament. I want to say, specifically National Assembly because Parliament is both Houses. Here we are talking of the National Assembly. Sub-section 3 states that the relevant parliamentary committee shall, during its consideration of the treaty, ensure public participation in the ratification process in accordance with the laid down parliamentary procedures. Those laid down procedures were followed.

For example, the Clerk of the National Assembly put adverts in the national dailies in March this year. We received some memoranda from the public. One was from Professor Paul Baki who was my lecturer at the university. He is now in the Union Space Working Groups at the Technical University of Kenya. There was another memorandum from a Kenyan staff at the Luigi Broglio Space Centre. There was another one from Mr. Joseph Mutua Muvea from the Green Kenya Investment Corporation, a company dealing with environmental protection. These are the ones that came from the public. We subjected them to the normal hearings. We also had submission from the Ministry of Defence and views from the members of the public. We observed the following:

1. The implementation of the provisions in the Agreement will enable Kenya develop capacity for the local space sector building capability in space science and technology and establish sustainable programmes and applications to benefit the citizenry as opposed to the existing agreement which was ratified in 1964. The experts who gave their views and appeared before the Committee said that this is a better deal than the existing one. There is always room for modification and improvement, but as it is, it is better than the existing one.
2. That neither the Government of Kenya nor the Italian Government has invested in the development of human capacity to take over the management of the Broglio Space Centre. However, if this Agreement is ratified by this House, there is a commitment from the Italian Government that the capacity of Kenyans is going to be built and scholarships, 15 of them, are going to be offered to Kenyans who should take over the management of the Centre within some time to come. That is the transfer of technology.

3. The Space Centre has not effectively undertaken corporate social responsibility for the benefit of the local community. That is why it was included in this Agreement. One of the commitments from the Italian Government is that they are going to do some development in form of corporate social responsibility within Malindi area where the Centre is based. It is now a requirement if this Treaty is ratified by the House.

Hon. Temporary Deputy Speaker, the last observation was that the Kenya Space Agency (KSA) is domiciled in the Ministry of Defence. International practice has shown that in most countries, the Agency is domiciled in the Ministry of Education, Science and Technology. For our partners in this, namely, the Italian Government, their space centre is domiciled in the Ministry of Education Research and Universities. That is the practice all over the world because it is mostly meant for research. It is the Ministry of Education that does research. The Government of Kenya found it wise and necessary to have it domiciled in the Ministry of Defence for some reason. As a beginning, let us have it there and if it will serve Kenyans well, then that is okay. It was an observation we received from the experts during public hearings, but we are okay with it. It is the Executive that restructured and reorganised its programmes and operations. Next time, it may be moved to another ministry.

Finally, I submit that pursuant to Section 8 of the Treaty Making and Ratification Act, the Committee recommends that the House approves the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi Broglio-Malindi Space Centre (BSC). That is the wish of the Committee.

Therefore, with those remarks, allow me to move and request Hon. Dida Rasso to second the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Rasso Ali, Member for Saku to second.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Temporary Deputy Speaker.

From the outset, I thank our Hon. Chair for providing effective leadership to the Committee and also making sure that the Committee was able to effectively study the BSC to the extent that we visited the site, talked to the scientists and the administrators at the facility in Malindi. We also visited the ground station and the launch site in the sea. We left with the understanding that Kenya truly needs this facility.

Last weekend was the 50<sup>th</sup> Anniversary of the Moon Landing. If one watched the programme that was shown on the BBC, *Al Jazeera* and other major news networks of the world, it just showed that the next frontier of science, innovation and technology is in the area of space science, medicine and weather. All these bring to light the facility at Malindi.

Today, we have the KSA. We never had this institution before last year. When the BSC was established, Kenya did not have a serious agency to counteract the Italians. Today, the Government's initiative of having this Agency and funding it from the public coffers is a step in the right direction.

My Chairman has already alluded to the fact that this Agreement is a major departure and a big improvement to the existing Memorandum of Understanding (MOU) that was signed in 1995. To this extent, it is in Kenya's national interest that this House ratifies the BSC Agreement of 2017 that is behind schedule by almost six to eight months.

Kenya provides a more suitable site for launching a satellite and sub-orbital platform because we are on the Equator. For many years, we have not managed to effectively interact and use this facility. Maybe we did not have sufficient scientific know-how or enough capacity for our people to enter that facility and be part of that establishment.

The second issue is about the scientific nature of that facility where third parties like the National Aeronautical Space Administration (NASA) of the USA and the European Space Agency are able to interact with this facility. Among some of the realisations by the Committee were that when we have this facility in Kenya, we will interact with it for some time. This is to extent that even the training of our people has not been to the level we would have desired.

There are several Articles that have been provided in this Agreement. I just want to point out two or three. The first one is that this Agreement provides the prerogative and obligation of the Italian Government. It clearly spells out what the Italian Government should do in this facility. Some of the things that have been clearly spelt out are a training programme for Kenyan nationals in aerospace science technology and research and promotion of development projects for the community in Ngomeni Area. If you visit the facility in Malindi, you will find that the surrounding areas are among the most deprived in Kenya. It would be a big surprise for someone if they were to visit the European Space Agency or even NASA and look at the surrounding areas and compared that with the BSC in Malindi. It is a total contrast when you see the scientific innovation and the investment that have gone into the facility only for the surrounding area to look miserable. One of the important inputs from the Italians will be in terms of CSR to try and support that area.

The Chairman has already said that the Italians will be paying US\$250,000 per year and any third party who will use the facility will pay US\$50,000 every five years. Then there is compensation for land. There are also other things like personnel and equipment. The Italians will bring in equipment and personnel without necessarily indicating that they are for that particular facility. It is very clear in the Agreement that they will provide the Kenyan Government with particulars of non-Kenyan personnel operating in Kenya at the Centre and a list of all equipment destined for the Centre prior to their entry into the country.

The Italians will appoint the Chief Executive Officer (CEO) of the facility. This is largely because they will fund the facility. They will provide money for the establishment and personnel training. For that reason, it is desirable for them to have the CEO at the beginning. Then there are other issues. For example, when they launch satellites or some orbital platforms, they should communicate with the Government of Kenya within 60 days.

Hon. Temporary Deputy Speaker, the last two Articles that I wish to talk about briefly are on the area of the responsibilities of the Kenyan Government. One, we will provide the Deputy CEO, who will largely be the administrator of the facility and also in charge of the Kenya segment of the facility, including personnel.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Hon. Saku, you have one minute to conclude.

**Hon. Ali Rasso** (Saku, JP): Thank you, Hon. Temporary Deputy Speaker. I will wind up. The Kenyan Government must identify its training needs and personnel to undergo the training and try to acquire additional land for the facility. Finally, it is on the area of the utilisation of the Centre by third parties and liability of the parties under the Agreement. For the national interest of Kenya, I wish to urge my colleagues to ratify this Agreement.

Thank you, Hon. Temporary Deputy Speaker.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): The first request is by the Member for Tharaka, Hon. Murugara Gitonga.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. I support that this House ratifies the Luigi Broglio-Malindi Space Centre Agreement between the Republic of Kenya and the Italian Republic. This is a Protocol that came into force in 1962 and it is important to note that this was during the colonial era. It appears that not much has moved since then. The University of Nairobi was then a college of the University of East Africa and that is why it was called the Royal Technical College. It is during that time that other third world countries, which included Korea, Japan and Singapore, were advancing their sciences into space exploration. This is when we came up with such a good centre that would be a milestone in advancing our space engineering and aeronautical exploration that this country needs more than yesterday.

Space war was possibly at its apex in 1969, when there were the cosmos nodes in space exploration. Today, Kenya is not anywhere near where these countries are in spite of the fact that we have a centre which possibly could be of great use to us. The country is moving towards emphasising studies and education in sciences. Those sciences include aerospace engineering, aeronautical engineering and other sciences relating to space exploration. It is, therefore, important that it is not just the Luigi Broglio-Malindi Space Centre that this country should be proud of. We should have space centres across the country so that we can advance in this field. Space centres are important in education, defence and employment.

As a country, we are riling from unemployment. Our unemployment youths are all over the country. They are highly educated, but there are no jobs for them. If we move towards having centres such as this, we will eliminate the problem and come up with ways and means of reducing unemployment in the country.

Let us go to university education. It is good to give an example of my constituency, Tharaka, where we have a university college that was given a Charter the other day. I have been to it and it is possibly emphasising on arts instead of sciences. We must move away from arts. Chartered university colleges like Tharaka University College should be funded properly to offer science courses like what we are talking about. It should advance scientific education, which we need more. I have one sub-county known as Tharaka North, which has expansive land that is similar to what we have in countries where such centres have been established. Land is available and water will be available, if we open up the area. If we go to Tharaka North, places like Kathangachini, Kamaguna and other areas, and establish centres similar to the Malindi Space Centre, we will be making a step towards advancing development in the country. In areas where there is insecurity, we would have sufficient security to protect the citizens from any lawlessness.

As we have said, we have sufficient land in the country. My constituency has sufficient land. Let us establish more of these centres. Let the country move towards space science, just like the countries that started doing it in the late 1960s and early 1970s. Even though in those days we thought of those activities as space wars, they were efforts towards technological advancement.

I can offer land in the areas I have mentioned. We should ratify more of such treaties so that we can open up remote areas for this kind of development. I, therefore, urge the House to ratify this Protocol with Italy. Tomorrow, let us get into other protocols with South Korea, US, Britain and any other country so that we can have sufficient centres to ensure that our country moves forward. We must stop and ask ourselves where the rain started beating us. Countries that did this in 1962 have moved forward, but we seem to be stagnating and engaged in broad matters that are not scientific including the inability to provide our citizens with sufficient water and food. We complain from time to time that we do not have water or enough food for our citizens.

These are areas we should have conquered by today. This is why we are saying that we need to move away from traditional education and emphasise on scientific education. This Centre will solve some problems we have in this country. We seek more of these centres. I seek a centre like this for Tharaka Constituency at Katangachini near a place called Kamaguna.

With those remarks, I support the ratification of this Agreement. Let us have more agreements so that our country can develop in this area. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Speaker Deputy** (Hon. (Ms.) Jessica Mbalu): Hon. Oduol Odhiambo, it is your time.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to give my thoughts on this Report from the Committee. I support the Report, but with some clear reservations.

The first is with regard to the significance that is laid on the Centre. It emphasises that one of the key concerns will be capacity building. It also emphasises activities such as launching services like satellite tracking, communication services, data acquisition, surveillance and many others that have been going on. They seem to be domiciled in the Ministry of Defence whereas for the Italian Government, it is domiciled in the Ministry of Education, Science and Technology. My first submission and request to the Committee is that as we look at the Centre in its historical evolution from 1966 where it has operated as a foreign facility. In that context, there has been little socio-economic gain to Kenya except for piecemeal tokens donated to host communities through the Coast Development Authority. This could be due to the absence of critical Ministry of Education input. From the point of view of the Kenyan Government, we need to prepare for equal status. As we sign this improved Agreement, we need to get to an equal status deal. Therefore, my reservation and key concern to the Committee is that if we are to get an equal status deal, and if our major interest and focus is on capacity building, research and to use the Centre for peace and promotion that will help us create employment and spread in an innovative way, then we need to re-think the reports we receive in the House whose ratification by Parliament is required. We need the Committee to give more convincing indications as to why we should proceed with a partnership in this country where this is domiciled in the Ministry of Defence and not in the Ministry of Education.

Second, I note that the attraction is on getting some economic gain from the 50 per cent of commercial yield from the equal status deal. If it gets the nod from the House and comes to fruition, Kenya will collect some good income of approximately US\$250,000 or Kshs25 million in land rent from Italy.

*[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) left the Chair]*

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

I believe that whenever there is any undertaking, we should welcome income or some economic profit, but we should ensure that we do not, for the sake of getting some income, short-change the long-term investment of our young citizens and those who would be interested in space research. We should not look just at the income, but also get some impact that would accrue to the serious engagement and activities undertaken. I am saying this because part of what

we are talking about in Kenya is how we manage our land policy, the way we use land and the manner in which land is used that does not resonate with the priorities at hand. At the moment, food security is a key concern, but from the Government policy and private partnership engagements, we tend to appreciate or focus a lot on land usage that does not seem to reflect our desire to use it for agricultural purposes.

My final point is that it is necessary for the Space Centre to live to the expectations that were spelt out by the Member who spoke before me. It should provide employment for our youth. It is necessary we get a little more clarification on how this Agreement has improved from the previous one. We are aware that the negotiations between Kenya and Italy have been going on for quite a while since the 2003 legislative approval expired. We are also aware that it did not seem to take off until around 2016. From what the Committee has indicated, the Agency is domiciled in the Ministry of Defence.

Therefore, as I support the Agreement and ask the Committee to help the House because it is a very significant Agreement. It would be useful to know the kind of Agreement that we had before, which had loopholes and also the manner in which the Agreement we are making now is speaking to those loopholes. We need to have confidence, as representatives of the people, even as we approve the signing of this equal status deal between Kenya and Italy. The deal, in essence, would still keep in name, orientation and strength, the Italian aspects. It would be useful, and I request my Committee, to get confirmation about how this is an improvement. In particular, we should note which university, among the many we have in Kenya, is going to be part of the conversations going forward. That way, we can be sure that we are legitimately protected.

Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. Charles Kilonzo** (Yatta, Independent): Hon. Temporary Deputy Speaker, I was waiting to reply on behalf of the Chair.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Then we shall have Hon. Chris Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. In the last Parliament, I was on the Departmental Committee on Defence and Foreign Relations and at that time, this project was called “San Marco”. I have just realised that it has been changed to Luigi Broglio and I have just been told that this was a leading scientist in the project. The project is in Malindi, but it is owned by the Italian Government. We have never been given a cost-benefit analysis.

In the last Parliament, when we had these negotiations, I had opportunity to visit the facility. The Italian Government is benefitting so much from this project because of the unique strategic positioning of our country on the Equator. They could not get it anywhere. The Executive was heavily involved in the negotiations. How can you charge US\$250,000 per year? That is about Kshs25 million only.

Our relationship should be symbiotic, but not a relationship which is parasitic like this one. They are benefitting so much at our expense. The Committee has let us down badly. The sovereign power of the people belongs to the people of this country. The Constitution says that any treaty that Kenya is a signatory must be ratified by Parliament for it to become part and parcel of our laws. I was with the Chairman of the Committee and we argued heavily. I thought they were bringing something improved for Kenyans. There is no cost-benefit analysis. The



small position they are giving Kenyans of a deputy CEO, in terms of functions, is merely for administration work. Many of the functions will be carried out by the CEO and the Chairman knows about that. It is very unfortunate to come to the Floor to advance these interests. The Kshs25 million is totally insignificant because they benefit too much. How I wish the Committee renegotiated further. As the Chairman speaks here, even in his own mind, he does not support it. He knows we are getting a raw deal out of this Agreement. He knows we were advancing to get something more. Whatever happened, I do not know. I am requesting, in future, please, negotiate for something better than this for our people. It is also a threat to have this facility called Luigi Broglio in this country. In this era of terrorism, we cannot control whatever information they are getting.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wamalwa, are you saying it is called, “Imbroglio”?

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): It is “Luigi Broglio”.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Not “Imbroglio”.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Not that, Hon. Temporary Deputy Speaker.

I am happy the Chairman has tried, but we thought there should be a clause on review. Even if the clause talks about five years and yet we are talking about US\$250,000, it is a drop in the ocean! Italians have really benefitted from this Agreement. When you go to Italy and tell them you come from Kenya, the first thing they talk about is Malindi. There are too many Italians who have settled in Malindi because of this project. In Italy, this project is under the Ministry of Education, Science and Research, but here it is under the Ministry of Defence. We argued last time that it should be transferred to the Ministry of Education so that universities can benefit in terms of partnerships on research in space technology. We do not know why it is still under the Ministry of Defence. I think we should look for a way of moving it to the Ministry of Education, so that there is strategic partnership and transfer of technology.

As the Chair has mentioned, one of the benefits is transfer of technology. Technological transfer to who? To the cooks who work there at the low cadre levels? The technological transfer is negligible. We should have our scientists working there at the top level so that they can gain from the technological transfer. When you talk about CSR, out of this issue, only two classrooms have been built. What the hell is that? If it was a CSR with a specific threshold of an amount of money, we would say we are getting something. That is why I insist that this is a parasitic relationship where our country is losing at the benefit of the Italians. The relevant CS should renegotiate. Otherwise, this is not proper representation of our country.

I am a bit tired because I have just come from Trans Nzoia where I was giving a presentation to the Building Bridges Initiative (BBI) as far as reforms in this country are concerned. When I was coming, I heard a lot of challenges and problems between the Senate and the National Assembly. This sibling rivalry has to stop. We either learn to live together as brothers or we perish together as fools. We want to strengthen the Senate. Let it be the upper House. In a Motion, you can also say something that is relevant, Hon. Charles. And I expect you to know that because you are my senior.

With those few remarks, I want to thank the Committee for the good work it has done. Please, go and negotiate so that we can have better returns for our country. Otherwise, you have done good work.

I support the Report.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us now hear Hon. Tuitoek, the Member for Mogotio.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I would like to share on this Agreement.

**Hon. David Gikaria** (Nakuru Town East, JP): On a point of order.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Gikaria, there is nothing out of order. Proceed.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I will contribute and there will be more time for my colleague here. First, I would like to say that the issue of space science is a very useful area of study. Great nations like the US, Russia and China spend a lot in the area of space science. It gives us a lot of information in the sector. Therefore, this Agreement between the Italian and the Kenyan Governments on the Luigi Broglio Space Centre is very important to Kenya. I have heard a few of my colleagues say that we may not have received a lot of benefits from the Centre, but the fact that it has been there for over 50 years means it has some usefulness to the nation. The Agreement talks a lot about training, capacity building, scholarships and necessary transfer of technology from the Italian Government to us.

This is a very good Agreement although I have heard a few people say it is one sided. The only reservation I have is that we have not seen the detailed benefits of this collaboration. Looking at the listing given here in the area in which collaboration will continue in the space centre, we have aerospace engineering and technology, earth observation and navigation, space policy and telecommunication and telemedicine, which are very important areas that if the Space Centre is going to be transferred to Kenyans, it will be useful.

I know it is under the Ministry of Defence, but they are looking at it critically. It should be under the Ministry of Education, Science and Technology because many of the issues going on in the Space Centre touch on training and research, specifically the data which is being obtained from the Centre tells us that it should be domiciled in the Ministry of Education, Science and Technology.

The fact that we have not transferred this Centre is something worth looking at. The particular space centre has been in operation for a long time. I know the Italian Government has put in a lot of resources, but there should be research and development towards empowering Kenyans to take over this Centre. I have heard my colleagues say that this has been one sided; that it benefits one country, but we need to hear more as the idea needs to be continued. The Agreement needs to be supported if there is going to be benefits especially in the area of meteorology.

Right now, we are getting frequent challenges in terms of weather. I was in Mombasa last weekend and it was very cold and the sea was very rough. This tells us the weather patterns are changing. We are hearing about climate change and experiencing extreme weather in terms of extreme rainfall or extreme hot weather.

Last year, we had extreme cases of rivers drying up. So, this Centre will help us study the weather. It will give us a forward look at the weather and early warning systems. That is the sort of data that we need to be given by the Centre. So, we believe that going forward, we will expect the Centre to focus more on collaboration with our technical universities and institutions dealing with weather predictions and farming communities. We believe that successful nations such as the US have used space technology to their advantage. Right now, they can predict various harsh weather conditions like the hurricanes because of studies in meteorology using advanced

technology in space. This has saved life. So, we expect the Luigi-Broglio Space Centre or San Marco to be useful to this country.

I beg to support that this collaboration continues. I support the Agreement.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Gikaria, the Member for Nakuru East, you have the Floor.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support the ratification of this important Treaty.

In the last Parliament as Hon. Chris Wamalwa has just indicated, I was his Vice-Chair in the Committee on Implementation and one of the tasks the Committee was given was to start following up the aspect of the Agreement that had already expired in 2010. We were making a follow to just have an understanding.

As Hon. Wamalwa has said, I do not know if the Committee has opportunity to amend... When we tried to find out who would discuss matters to do with Agreements, we were told it would be done by the Ministry of Defence.

Hon. Temporary Deputy Speaker, there was that huge debate as to whether we should leave this very important institution to the Ministry of Defence. Even by visiting San Marco as it was known then, I was asking the Chair of the Committee on Defence and Foreign Relations why they thought of changing the name, but Hon. Wamalwa has alluded to the fact that it is named after a scientist. San Marco, as is commonly known in the country, is a very important institution for this country. It is most unfortunate that information is collected in this country and the neutrality of the Malindi Space Centre is better placed in Malindi than in any other place in the world.

We have this kind of space in Japan, China and in the US, but the Malindi one is the most convenient in terms of real time information. Whatever is sent to the space and the information that is collected is so factual and real from Malindi than it would be from another place. It is that important.

Although the Chair was saying that we receive peanuts, US\$25 million in a year with an addition of US\$50,000 after every five years is peanuts because as a Committee we interrogated the then management and could not believe just how much they earn from the information that they sell. I agree with Daktari that it is not about research, defence or our security, but it is about so much that we can collect through information. In fact, we had a discussion about the issue of drought that was in the last Parliament. This technology will give us early warnings such that within the next two years, you will have drought and so we can start preparing.

It was giving a lot of information particularly for defence purposes. We were coming up with building a wall on the Kenya-Somali border. In that space, they told us that they have technology that gives you a face of a human being who is operating in that area. So, you can use the satellite along the Kenya-Somali border to see the activities that are ongoing on a 24/7 basis.

So, the information that this Italian firm was selling to third parties was bringing in so much money, but we were getting peanuts. We anticipated that this Agreement could address some of those challenges. For example, on trained personnel, out of the 12 top management, we only had one Kenyan who by coincidence came from the same constituency Hon. Kombe was representing which was Magarini.

Out of 12 managers, we had only one Kenyan. Here we are talking about the CEO who will be appointed by the Italian Government for the day to day running of the institution. Look at the business our Kenyan Deputy CEO has been given, which is a small managerial position of doing clerical work. When they were negotiating, it would have been important to indicate that

the CEO is appointed by the Italian Government and given the function of the day to day management, which he should do with the Deputy CEO who is appointed by the Kenyan Government. You cannot believe that once we collect information in Kenya, it is sent to China or the United States of America (USA) and then sent back to us. This information is of scientific nature and we cannot interpret it. This is where we are going wrong. We have to wait for the Americans to tell us that in two years, we will experience drought or there is an intended attack by some people from the observation they make. We had indicated that we have a centre in Embakasi. As much as the scientific mode of information is sent to the USA or China to be translated into simple English and then sent back to us, why can we not have our experts? The people we are being told have been trained should take over after the Agreement since I can see it will expire 15 years from now.

It is important for us to have more trained personnel at the Centre. It should not only be the CEO or the Joint Council of Ministers who will decide the senior management at the Space Centre, most of which might be from outside the country. We have trained people. If you look at the CEO's duties, you will find that they are limited except the making of financial commitment. You can imagine the Deputy CEO cannot interfere with the financial commitment of the Centre. This means that as a country, we will not know how much is being made from the institution or make informed decisions whether we should negotiate for more funds, if we are left out of the financial commitment or decisions at the Centre.

Another aspect is the responsibility given to the Italian Government. One of them is to undertake training programmes. Honestly speaking, is it only Italians who can train us on space matters? Why can we not do it ourselves? Is the training being conducted by them because they are the tutors or financiers of the students? This country can train its own people using its own resources so they are not curtailed from understanding. If we go to Italy, they might decide not to tell us the whole truth regarding everything. In as much as the Agreement has its own issues, I want to agree with one fact that the Italian Government is supposed to remit to the Kenyan Government 50 per cent of the profits of the contracts. This is very good. The last time we were there, we were receiving nothing.

I do not know whether we should go by the protocol agreed on or we should follow the due process of the Kenyan laws particularly that any expatriate must get a work permit as stipulated in the relevant law.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Gikaria, I hope you are finished. Let us have Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to agree with the Mover that this is probably something which should have been presented to a full House. It is extremely important because if you look at the value of space science and aeronautical engineering, it is the modern thing. If you look at it, you will find that defense is a major factor and it is what makes America such a powerful nation. It is actually defense which is related to their knowledge in space and aeronautical engineering and the information they can transmit.

Americans can fight another country without moving. They can fight from home using guided satellites and this is the area we are going to. Looking at the aeronautical science and exploration, people are already planning whether they can live or mine in other planets or if we can have space tourism. In fact, there is already a programme where rich people are buying aeronautical ships for space tourism. We have to be at par with them at this level. If you look at the issue of communication and remote sensing, basically people can plan what they want to do

inside this building while seated in the USA or Russia because they can sense, as the Member has said, even the number of people in this Assembly. This kind of information and communication is key.

Then in the management of the environment, this is where you get information to sensor the melting glaciers, sea levels, rising temperatures and what will happen like desertification or volcanoes which might erupt. They give tremendous information and I think this is what they sense. Even the future change of flora and fauna and what will grow, we will get it from here. Also, on day to day civil aviation, it will give tremendous information. When you talk of the weather, these people can monitor storms, earthquakes and tsunamis and they get this information from all over the world. A lot of it comes from everywhere.

The information from this science is used in civilian life. If you go to medicine, you will find that many of the instruments used nowadays are a product of space science that comes as a by-product. We can also use it in various places like agriculture or road engineering. This is the place where we should be and definitely, we need this Space Centre. What is coming out is that this institution will be in the country, but we are playing a minute role and we will not get the full advantage like we should. To me, even the rent they are paying for the land is nothing. We could give them that land for free, but will we be part and parcel of what will be happening there concerning the information that is being collected and translating it for our civilian use.

I agree that we need to look at how we can organise ourselves. The one major thing we need to look at is where we are running short. They are beating us because of where we have placed this Centre. On the other side, this is about universities, science and technology, but we have placed it in the Ministry of Defence. It has to move and I know it cannot be done immediately. Our defence, as we know it, I do not think they have such tremendous academic and research orientation that they can match the people who will be doing the major research in space exploration and science.

I do not think we even have the money in our Defence Department to handle this. So, I think this has to move to universities. The Defence Department must be part of this Centre because of translation of information and science to use for defence purposes, which is important, but only if you have the technology. I think we should move it and this is a major issue to look into. If you look at the history of the agreements, you will find that they are of very long durations of 10 or 15 years. I think this is another area that we should look into. We should shorten the period and this means that we can always bargain better and start learning.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nyikal, I must now interrupt you because of the earlier directions by the Speaker that we shall discuss the matter that was raised by Hon. Nangabo. You have a balance of three minutes when this matter is again set down for consideration. In accordance with the directions that were earlier given by the Speaker, business will be interrupted under our Standing Order No.43, so that Hon. Nangabo, the Member for Trans Nzoia can prosecute her inquiry into the pensions' issue.

Hon. Nangabo, the Floor is yours.

## ZERO HOUR STATEMENT

### PLIGHT OF PENSIONERS IN KENYA

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to pursue my Statement.

Pursuant to Standing Order No.43, I wish to make a Statement regarding streamlining the pension system in the country. The timely call for saving for retirement is to plan for your future expenses and it is believed that approximately 11 per cent of Kenyans rely on pension schemes after retirement. Therefore, the remaining 89 per cent of the employees have no pension plan, making the pension saving in the country to fall below par. It is also a concern that many pensioners and their next of kin do not know how much was collected during the employment period. Furthermore, follow up of benefits especially by the next of kin is a big challenge. In the reported cases, it has taken up to a period of 12 years to resolve pension cases leading to loss of lives and properties. I, therefore, urge the Government, through the Ministry of Labour and Social Protection, to streamline the system so as to enable retirees to enjoy their time after serving the community in different capacities.

Hon. Temporary Deputy Speaker, it has just come to my notice that most retirees, who have been serving this country, are really suffering out there. There are many who worked for the Kenya Railways and other civil servants from the various ministries. Most of them live in poor conditions that lead to lose of lives. When it comes to the next of kin, they do not know how much their father or mother saved when in service. It takes a very long period. I request my fellow colleagues to ventilate on this issue so that we can protect the retirees out there.

I used to be a civic leader in one of the municipal councils. We had the LAPTRUST Fund where we used to save money and after retirement or after the period we were given, we were supposed to be given our benefits. This has made several civic leaders lose their lives and their children do not go to school. I urge my fellow colleagues to ventilate on this, so that can pursue this issue. Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I would like to support what the Member has presented. Actually, it is unfortunate that when officers serving this country in different professions retire, it becomes very difficult for them to get what is due to them. More often than not, as Members of Parliament, from time to time, we are required to make follow-up with the institution which is managing pension schemes for public service. So, I think streamlining pension systems is very important.

From the time county governments came into force, there has been a lot of confusion as to what happens to those who, for example, have been on the previous scheme with the civic authorities. We have also debated Bills in this House, but I fully agree with the Member that we need to consider streamlining the pension systems.

There are a lot of issues when it comes to pensions. There is delay in payment of the dues. Once the monthly income that a civil servant is entitled to has been stopped after attaining the mandatory retirement age, normally it takes time before the pension is processed. Most of the time, many of our workers pass on in the process of following up their pension. Sometimes the next of kin have no knowledge on how they can follow-up the dues and they do not have knowledge on what their entitlement is. Therefore, I think this discussion is very timely. It is something that we need to think through and try to see how best we can harmonise the various laws including the ones which we have passed recently so that we can make sure our retirees do not suffer the effect of delayed pension payment.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Yes, Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. This is a very important issue in a country where formal employment is low, to begin with, and where data that we have indicates that only 11 per cent of the people in that low employment have some retirement arrangement. It means that a lot of people, even those who are working, live in anxiety and fear of old age. I think productivity even when you are still in the strong productive age is affected if you are unsure of the future. This is important for productivity. It is not just for improving the lives of the people, but for productivity, we need to have a proper social security system that looks at all people in retirement age. If somebody has done any work, there should be some benefit.

Even where there is benefit, there is poor information as to what people are worth at the time they prepare for their pension. Worse still, when they become incapacitated and are not able to access it, even their next of kin are not able to help them. Somebody who has benefits dies and the family; the wife and the children, get into poverty while they have some funds kept somewhere. That is why you are hearing of unclaimed assets. The vast majority of unclaimed assets are from people who retired and nobody can follow up their benefits. So, we need to have a proper system.

Even those who are alive, just claiming and receiving the benefits from the time they retire to the time they start receiving the benefits, whether it comes in lump sum or in monthly instalments, all these are not properly done. So, people suffer. It is, therefore, important that our social security system, through the Ministry of Labour and Social Protection, and in particular the Retirement Benefits Authority, takes this matter up and makes sure that we expand and, two, we streamline it, so that those who are entitled can benefit. We need to find ways of expanding, so that those who do not have any entitlement are included.

Thank you, Hon. Temporary Deputy Speaker. I support the Statement.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwangaza Kawira, the Member for Meru.

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I support my sister, Hon. Janet, on the issue of retirees. Majority of Kenyans are opting to invest in property as opposed to saving for retirement through pension schemes because access to their funds is a big problem. There is also delay of their funds. They get it rough when trying to access their funds. This gives way to conmen who collude with State officials to cheat retirees out of their life savings.

We need enough personnel to process our people's funds to protect them from being cheated. When the elderly get sick, they hope that they will be helped by their savings. Because of the delay, our people have problems accessing their funds. I support my sister and urge the Government to take care of our people by having proper personnel to process the payments.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Hassan, the Member for Kwale.

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Asante sana, Naibu Spika wa Muda kwa nafasi hii. Ninaunga mkono Hoja hii kwa sababu wafanyikazi wengi wa Serikali na nyanja tofauti wamekuwa wakipata shida sana kuhusiana na pesa zao za uzeeni. Shida hiyo imewafanya kuwa maskini wakati ambapo wanahitaji hizo pesa na wamezeeka. Wamekuwa wakiekeza pesa zao katika mijengo, mashamba na mambo kama hayo. Kuna shida ukiwekeza huko. Juzi kule Kaunti ya Kwale, kuna mzee mmoja aliyestaafu na ana shamba lake kule sehemu ya Kanana Lungalunga. Matingatinga yakaja kwa msaada wa baadhi ya watu katika Serikali na kung'oa miti na kutishia kung'oa nyumba. Tunashukuru kuwa Bwana Matiang'i alisimamisha kazi hiyo.

Huo ni mfano mmoja. Kuna wengine ambao wanaibiwa ardhi na mali zao bila kuhimili. Ukiwa na malipo ya uzeeni ambayo yanasimamiwa, inavyostahili, kama vile Mheshimiwa anavyopendekeza, kusikuwe na shida kama hizo. Maisha ya mtu anapostaafu yatakuwa na nafuu kwa sababu kuna senti ambazo atakuwa anategemea mara kwa mara kuliko hivi sasa ambapo watu wanastaafu na kungoja kwa miaka mingi sana bila kuona senti zozote na wanahangaika uzeeni.

Ninamshukuru sana Mheshimiwa kwa kuleta Hoja hii muhimu. Ninamuunga mkono na ninashukuru sana kwa nafasi hii kwa mara ya pili.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I see no further interest in speaking to this. I, therefore, declare that particular matter closed.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 6.43 p.m., this House stands adjourned until Wednesday, 24<sup>th</sup> July 2019, at 9.30 a.m.

The House rose at 6.43 p.m.