

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 1<sup>st</sup> August 2018

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Ring the Quorum Bell.

*(The Quorum Bell was rung)*

We now have quorum.

### PETITION

#### INCREASED CASES OF CATTLE RUSTLING IN TIGANIA EAST CONSTITUENCY

**Hon. Josphat Kabeabe** (Tigania East, PNU): Thank you, Hon. Speaker. I, the undersigned, on behalf of the residents of Tigania East Constituency, draw the attention of the House to the following:

THAT, for many years now, residents of Tigania East Constituency and the neighbouring constituencies have been experiencing incessant cases of cattle rustling.

THAT, on 28<sup>th</sup> October 2017 at 4.00 a.m., Mr. Cyprian Kirimi Linguli and Mr. Daniel Mithika were shot dead by bandits who stole a total of 1,300 cattle that belonged to the two deceased persons.

THAT, further on 14<sup>th</sup> March 2018 at around 4 a.m., armed bandits invaded the village of Gambela and managed to get away with 18 cattle belonging to Mr. Kaberia Imathiu, Mr. Kireanki Ataya and Mr. Kiburuka M'Mwenda.

THAT, time and again, many schools have been forced to close as a result of the menace, for instance, Mathiritine, Karama and Mukalamatu schools among many other schools. This has occasioned relocation of students to other safer zones coupled with low school attendance and very poor performance in national examinations.

THAT, critical economic activities in the area have been crippled and property of unknown value vandalised and/or looted every time an attack is carried out by bandits.

THAT, these raids have continued to destabilise communities, undermined their livelihoods and contributed to increased poverty and underdevelopment in the area.

THAT, this situation has led to the loss of many lives especially breadwinners hence children are left behind as orphans under the care of well-wishers or old parents who do not have the capacity to take care of them.

THAT, efforts to resolve the matter with the relevant ministry have borne no fruit.

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or statutory body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security;

- a. Reviews legislation to pass cattle rustling as a capital offence as it involves killing of human life before cows are stolen.
- b. Inquires into and reports on the matter to ensure the petitioners' plight is addressed.
- c. Recommends compensation of the affected families with regard to lost lives, property destroyed among other associated problems.
- d. Recommends the setting up of a General Service Unit camp in Ntangiilia grazing area and subsequent deployment of adequate security personnel to recover stolen livestock and restore calm.
- e. Causes the local security committee in the area to take up responsibility for their failure to manage the vice despite it being reported by members of the public.
- f. Makes any other order or direction that it deems fit in the circumstances of the case.

And your Petitioners will ever pray. Thank you, Hon. Speaker.

As you know, and this House knows, many times when there is cattle rustling, many people are killed. Many people have lost their lives. So, I pray to the House that we revisit our legislation in regard to cattle rustling. The cows which were stolen in Tigania East in Karama were 1,300 in number. Reports have come that they have been spotted somewhere in the interior. I humbly request or pray that the security operatives go for those cows.

**Hon. Speaker:** Well. You have presented the Petition. You will be required to appear before the committee. Those are things you can canvass before the committee. There is no debate now. Our rules in this House provide that you present the Petition and allow Members to make limited comments, so that we can proceed. This is not business.

**Hon. Joshat Kabeabea** (Tigania East, PNU): Thank you, Hon. Speaker.

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

**Hon. Maoka Maore** (Igembe North, JP): Thank you, Hon. Speaker for the chance to make a comment about that Petition.

I think it is good for the committee, when they are dealing with this Petition to visit the site of the grievances. You realise that they share a border with Isiolo and its pastoralist neighbours of the Samburu and others. In the process, they have invited even the Turkanas who have settled in quite large chunks of Tigania East, Igembe Central and parts of Igembe North. I happen to share the largest border of nearly 200 kilometres. We have had problems with rampant cattle rustling. I remember during the days of the TNA-URP campaigns in 2013, one of the stories coming from their mouths and the campaign that time was to make cattle rustling a thing

of the past. If you notice what has been happening, there are communities who believe in cattle rustling. That culture must be stopped in this day and age by the law, by making cattle rustling a capital offence. They used to use spears and arrows. Nowadays they use AK-47 rifles. There is no African culture which includes as part of paraphernalia an AK-47 riffle. Those are gangsters who need the army to step in and shoot them on sight. Failure to do that will cause a big problem in this country. Those who want to invest in cattle cannot do it because some barefooted thugs want to come and mess you up.

This is a very serious Petition ever to come to the Floor of this House. We need to have far, final and firm position of the Government on how to deal with cattle rustling and the mentality of the cattle rustlers.

Thank you.

**Hon. Speaker:** Hon. Members, before we hear more comments, let me recognise the presence, in both the Speaker's Gallery and the Public Gallery students and pupils from the following institutions: Holy Family Lessos Primary School in Nandi East Constituency, Nandi County; St. Dennis Catholic Primary School from Njoro Constituency, Nakuru County; Murgusi Primary School, Turbo Constituency, Uasin Gishu County; Milimani Primary School, Naivasha Constituency, Nakuru County and Kilima Primary School, Soy Constituency, Uasin Gishu County. They are all welcome to observe the proceedings in the National Assembly this afternoon.

*(Applause)*

Hon. Rasso, Member for Saku.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Speaker. I rise to support this very important Petition.

Coming from a pastoralist community, in the olden days, maybe cattle rustling was considered an art. If you were very smart than your opponent, you could take a few cattle off them. But I think it is an art whose time has passed. It is almost considered a normal crime when cattle rustling takes place between the area of Tigania, Isiolo, Marsabit and Samburu. There is no effective and assertive action that is taken to bring the culprits to book. It almost becomes a cyclic conflict that pities one community against the other. The committee, as it sits, we must also bring on board the Provincial Administration or the national administration at the grassroots, so that they can take this as a serious crime, so that there are deterrent measures. Those who engage in cattle rustling should be discouraged through punishments and once these punishments are given out to the culprits, slowly, the practice must come to an end.

Thank you, Hon. Speaker.

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

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Speaker.

I believe my memory serves me very well. We passed a law in the 11<sup>th</sup> Parliament upgrading the crime of cattle rustling to an equivalent of robbery with violence. If the relevant Government agencies dealing with such crimes were to get serious with the law that we pass in this House and we could still amend it in future, we will curb it and to a great extent, deal with this menace.

As a country, I believe we have to move a notch higher. This House and the committee which will deliberate on this matter are supposed to oversee the Government, a solution can be found.

Thank you, Hon. Speaker.

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

**Hon. William Cheptumo** (Baringo North, JP): Thank you, Hon. Speaker.

This is a very important Petition. I request the committee to not just address this Petition. In the 11<sup>th</sup> Parliament, you recall, I moved a Motion in this House and the House agreed and resolved that the Government should declare cattle rustling a national disaster and proceed to compensate those who have lost livestock.

The truth of the matter is that this has caused serious suffering in families. In my own Baringo County and other parts of the country, we have serious challenges on this issue. A time has come that this House cannot just be debating this issue year in, year out. We should move and resolve, as a House, to deal with the suffering of the widowers, widows, orphans and poverty that has affected families arising from this.

I would like to request the Committee on Implementation to go ahead and inquire into the extent that the Government has implemented what we resolved in the 11<sup>th</sup> Parliament in terms of compensation. When we had post-election violence in 2007/2008, Kenyans lost their lives. I do not know the exact amount, but billions of shillings were used to compensate the families that were affected. The suffering arising from cattle rustling has become so serious. I would like to appeal to our Government that we need to consider compensation. We are prepared, as a House. The resolution of the House in the last Parliament is the need to compensate the families of the affected people. My appeal to the committee is to go beyond this Petition and consider the resolutions of the House and ensure that they are implemented because we cannot resolve in vain in this House.

I support this Petition.

**Hon. Speaker:** Member for Bura.

**Hon. Ali Wario** (Bura, JP): Thank you, Hon. Speaker for this opportunity. From the outset, let me say I support the Petition. There are a number of capital offences in the name of cattle rustling. From the face of it, it is a cultural thing. But going down, there is displacement of population, killing of innocent human beings, burning of houses, rape. Over 10 capital offences are put into a name of cattle rustling. So, the quicker we move as Parliament and as committees and clear this capital offence, the better for the Kenyan population.

The final thing I want to say on this is that Uganda has contained cattle rustling. Look at the *Karamoja Belt* in Uganda. Cattle rustling is now history in Uganda. What have they done that we have not, for this menace to continue in this country? So, the quicker the Government responds to this, the quicker we learn from Uganda on what they have done to address the cattle rustling menace, the better it is for this country.

Thank you, Hon. Speaker for the opportunity.

**Hon. Speaker:** The Petition is committed to the Departmental Committee on Administration and National Security to act within the stipulated timelines.

Next Order!

## PAPERS LAID

**Hon. Speaker:** The Chairperson, Departmental Committee on Education and Research.

**Hon. Julius Melly** (Tinderet, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Departmental Committee on Education and Research on its consideration of the following petitions:

1. Petition on the proposed amendment to the Universities Act to alter the voting system in the election of the representatives of the Universities Students Councils.
2. Petitions by the Universities Academic Staff Union regarding 2013-2017, 2017-2021 collective bargaining agreements.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson, Departmental Committee on Administration and National Security.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House.

Report of the Departmental Committee on Administration and National Security on the vetting of the nominee for the appointment of Chairperson of the Public Service Commission.

**Hon. Speaker:** Next Order.

### NOTICE OF MOTION

#### REPORT ON VETTING OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF PUBLIC SERVICE COMMISSION

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

THAT, taking into consideration the recommendations of the Departmental Committee on Administration and National Security in their Report on the vetting of the nominee for the approval as Chairperson of the Public Service Commission, laid on the Table of the House on Wednesday, 1<sup>st</sup> August 2018 and pursuant to the provisions of Article 233(2) of the Constitution and Section 3 and 5 of Public Appointments (Parliamentary Approval) Act 2011, this House approves, the appointment of Mr. Stephen K. Kirogo, as the Chairperson of the Public Service Commission.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order!

### BILL

#### CONSIDERATION OF REPORT AND THIRD READING

##### THE KENYA COAST GUARD SERVICE BILL

**Hon. Speaker:** Order Members, the Committee of the whole House considered the Bill and what remained was Question to be put on account of lack of sufficient quorum and I hereby do so.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move that the Kenya Coast Guard Service Bill be now read the Third Time.

Hon. Speaker, this is a very important piece of legislation and it will go to the annals of history that the 12<sup>th</sup> Parliament had the opportunity to enact this law that will protect our country from those who transport drugs, those who traffic human beings, those who deal in contraband goods and all other vices within our borders and the territorial waters of our country. I am sure the Migingo Island which has come to this House a number of times will now have men and women under this institution that will be created by our security sector, who will provide prompt solutions and actions whenever our territorial waters and citizens' rights are violated.

I ask the Chair of the Departmental Committee on Administration and National Security to second.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Speaker. I rise to second. I also would like to thank all the Members for supporting this Bill and my committee which has been very passionate about the Bill. When this legislation is in place, it also covers other areas in our land like Lake Victoria and other lakes to ensure that there is security. So, Hon. Members, thank you very much for supporting this Bill.

I second.

*(Question proposed)*

*(Question put and agreed to)*

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

**Hon. Speaker:** Next Order.

## SPECIAL MOTION

### APPOINTMENT OF MEMBER OF PARLIAMENTARY SERVICE COMMISSION

**Hon. Speaker:** Vice-chairperson of the Parliamentary Service Commission (PSC).

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the recommendations of the Parliamentary Service Commission in their Report on the Appointment of the Parliamentary Service Commissioner who is not a Member of Parliament, laid on the Table of the House on Tuesday, 31<sup>st</sup> July 2018, and pursuant to the provisions of Article 127(2)(d) of the Constitution, this House appoints Hon. Samuel Kiprono Chepkong'a as a member of the Parliamentary Service Commission.

Article 127 of the Constitution of Kenya establishes a PSC with responsibilities set out in clause 6(a) to (e) and the Parliamentary Service Act. These include the following:

- (a) Providing services and facilities to ensure the efficient and effective functioning of Parliament;
- (b) Constituting offices in the Parliamentary Service and appointing and supervising office holders;
- (c) Preparing annual estimates of expenditure of the Parliamentary Service and submitting them to the National Assembly for approval and basically exercising budgetary control over the Service;
- (d) Undertaking programmes to promote the ideals of parliamentary democracy; and
- (e) Performing other functions necessary for the wellbeing of Members and staff of Parliament or as prescribed by national legislation.

Article 127(2) and (3) of the Constitution provide that the PSC shall consist of the following members:

- (a) the Speaker of the National Assembly, who is the chairperson;
- (b) a vice-chairperson elected from the commission from among its members;
- (c) seven members appointed by Parliament from among its members as follows—
- (d) of whom at least two shall be women; and
- (e) three shall be nominated by the parties not forming the national government, at least one of whom shall be nominated from each House and at least one shall be a woman.
- (f) One man and one woman appointed by Parliament from among persons who are experienced in public affairs but are not Members of Parliament.

3. The Clerk of the Senate shall be the secretary to the commission.

The vacancy in the position of the male non-member of the PSC was occasioned by the resignation of Commissioner Dr. Abdullahi Ibrahim Ali with effect from 7<sup>th</sup> February 2017 for purposes of contesting an elective position in the General Elections that took place on 8<sup>th</sup> August 2017.

On the approval procedure for appointment of the non-Member, neither the Constitution nor the Parliamentary Service Act provides for the procedure to be used in filling a vacancy under Article 127(2)(d). Consequently, at its 236<sup>th</sup> meeting held on 9<sup>th</sup> February 2017, the Commission considered and adopted the procedure in Annex I for appointment of the non-Member under Article 127(2)(d) as indicated below:

(a) That upon a vacancy arising in the membership of the commission under Article 127(2)(d) of the Constitution, the commission shall within 14 days of the occurrence of the vacancy, by notice in the *Gazette* and in at least two newspapers of national circulation, declare vacancies and invite interested qualified persons to apply;

(b) Any person qualified in accordance with the Constitution may make an application within 14 days of the publication of the notice;

(c) The PSC shall within 14 days after the last date of submission of applications under paragraph (b) consider the applications, shortlist, conduct interviews and recommend;

(d) The names of the persons recommended under paragraph (c) shall be submitted to the National Assembly and the Senate for approval and appointment in accordance with the Standing Orders of the respective Houses;

(e) If both Houses of Parliament approve the names recommended under paragraph (c), the commission shall, within seven days after the approval, publish the names in the *Gazette*.

(f) Where one of the two Houses rejects the names recommended under paragraph (c), the Speaker of the relevant House shall communicate the decision to the other House and request for fresh nomination by the commission.

(g) In submitting a new nominee under paragraph (f), the commission shall within seven days submit to the National Assembly and the Senate fresh nominations from amongst the persons shortlisted by the commission under paragraph (c).

(h) If either or both of the Houses of Parliament reject any or all of the subsequent nominees submitted by the commission for approval under paragraph (g), provisions of paragraph (a) to (f) shall apply.

A person is qualified to be appointed a member of the PSC under Article 127(2)(d) if the person is:

- (a) a citizen of Kenya;
- (b) Holds a degree from a university recognised in Kenya;
- (c) Has at least 10 years' experience in public affairs; and
- (d) Meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

In addition, the persons qualified to be appointed a member of the PSC are expected to:

- (a) Demonstrate experience or interest in consolidating and advancing the ideals and objectives of parliamentary democracy;
- (b) Demonstrate adherence to the national values and principles set out in Article 10 of the Constitution; and
- (c) Reflect the regional and ethnic diversity of the people of Kenya.

Therefore, an advertisement and long-listing for the vacant position of the member of the PSC was done, advertised and published on Wednesday, 25<sup>th</sup> April 2018 and closed on Friday, 18<sup>th</sup> May 2018. A total of 142 applications were received and long-listed. That is in the report as Annex III. The Board of Senior Management (BoSM) considered the long-list report at its 153<sup>rd</sup> meeting held on 28<sup>th</sup> May 2018 and recommended that considering the strict timelines set out in the rules of procedure for the appointment of non-Member of Parliament commissioner, the Members' Welfare Committee of the PSC considers the long-list report and shortlists applicants based on the set qualifications and submits the names of shortlisted applicants for consideration and approval.

At its 92<sup>nd</sup> meeting, held on 5<sup>th</sup> June 2018, the committee considered the long-list report and noted as follows:

(a) That the 14 days' period within which the commission is required to consider the applications, shortlist applicants, conduct interviews and recommend a name of the suitable candidate elapsed on the 3<sup>rd</sup> June 2018; and

(b) That the timelines set by the commission as part of the rules of procedure may be extended.

Based on the foregoing, the committee resolved that members of the BoSM present, under the chairmanship of commissioner Dr. Lorna Mumelo, shortlist 15 applicants in accordance with the requirements set out in the rules of procedure for the appointment of the non-Member of Parliament commissioner adopted by the commission at its 236<sup>th</sup> meeting held on 9<sup>th</sup> February 2017 and submit the report to the committee at a meeting scheduled for Tuesday, 12<sup>th</sup> June 2018. Fifteen names were shortlisted and the commission made a decision to shortlist further and the following names were submitted for advertisement for interviews:

- (a) Hon. Abdulaziz Ali Farah – Mandera County;



- (b) Hon. Elias P. Mbau – Murang’a County;
- (c) Hon. Lati Lelelit – Samburu County;
- (d) Hon. Protus Ewesit Akuja – Turkana County;
- (e) Hon. Samuel Kiprono Chepkong’a – Uasin Gishu County; and
- (f) Hon. Stephen Karani Wachira – Laikipia County.

The commission further resolved to interview the shortlisted candidates on 19<sup>th</sup> July 2018. On 12<sup>th</sup> July 2018, the commission published in two newspapers of national circulation, that is, the *Daily Nation* and *The Standard*, names of all the 142 applicants and the shortlisted six.

The six whom I have already mentioned were then called for the interviews on 19<sup>th</sup> July, 2018. The panel consisted of the chairman of the Commission, who is Speaker Hon. Justin Muturi. All the other Members of the Commission were there to participate as panellists. During the interview, the Commission assessed the candidates in the following areas: Academic and professional qualifications, technical proficiency and competencies, leadership and integrity, general knowledge and current affairs, and presentation skills and demeanour. Following the oral interviews, Hon. Samwel Kiprono Chepkong’a took position one with 81.83 per cent; Hon. Elias Mbau took position two with 65.67 per cent; Hon. Stephen Karani Wachira took position three with 63 per cent; Hon. Lati lelelit took position four with 61 percent; Hon. Abdul Aziz Farah took position five with 57.56 per cent, and Hon. Protus Akuja got 55.94 per cent.

Hon. Speaker, the interview results were adopted by the Commission and Hon. Samuel Kiprono Chepkong’a, being the highest scorer, was recommended as the person to fill the vacancy in the position of the non-Member of PSC after being proposed by Senator Aron Cheruiyot, MP; and seconded by Hon. Ben Momanyi, MP.

Hon. Samuel Kiprono Chepkong’a was born in 1961 in Elgeyo Marakwet County but now resides in Uasin Gishu County. He has a Master of Arts degree in Leadership Studies from Nairobi International School of Theology. He also has a Bachelor of Law from the University of Nairobi, and a postgraduate Diploma in law from Kenya School of Law (KSL).

He has worked in various capacities. From 2013 to 2017, Hon. Chepkong’a was the MP for Ainabkoi Constituency. He was the Chairman of the Departmental Committee on Justice and Legal Affairs of the National Assembly and Member of the Committee on Implementation of the Constitution. Hon. Chepkong’a was a very good Chairperson. He did a lot of work in the Departmental Committee on Justice and Legal Affairs. I do not need to go through that. It is on record. Everybody who was here during the 11<sup>th</sup> Parliament, and those who used to listen while out there, know the kind of work that he did.

From 2003 to date, he has been a partner of M/s Kamotho Maiyo & Mbatia Advocates. He had been Director-General and CEO of the Communications Commission of Kenya (CCK). He also worked as Corporation Secretary of the defunct Kenya Posts & Telecommunications Corporation (KP&TC). For the people who are looking at the Report, on the long-list you will find the full profile there. It is important for people to get to know how those people were short-listed.

At a special meeting held on 20<sup>th</sup> July 2018, the PSC finally considered and decided that Hon. Chepkong’a’s name should be submitted to the National Assembly and the Senate for him to be the non-MP Commissioner.

Hon. Speaker, I beg to move and ask Commissioner Ben Momanyi to second.

**Hon. Ben Momanyi** (Borabu, WDM–K): Thank you, Hon. Speaker for giving me this chance to second our able Vice-Chair in the PSC for the nomination of Hon. Samuel Chepkong’a as a non-Member of the PSC.

As our able Vice-Chair has put it, when Hon. Chepkong’a appeared before us, he indeed demonstrated that he will be an able Member in the Commission. As a Commission, we considered all the factors and reached an agreement that he is the right person to join the PSC as a non-Member. Article 127 clearly stipulates the membership of PSC and the same allows for two Members to be Members of the Commission who are non-Members. That is how Mr. Chepkong’a’s name got its way into the National Assembly for debate and approval. Hon. Chepkong’a was in this House; he was an MP for five years. He was a serious debater in this Chamber. He was a very able Chairman of the Departmental Committee on Justice and Legal Affairs. We know for sure that if Hon. Chepkong’a is finally approved by both Houses, he will be of use to the PSC.

Hon. Chepkong’a is an advocate of the High Court of Kenya who has been in practice for a very long time. He has been a civil servant. He has worked in various places and wherever he has worked, the record speaks for itself. Therefore, it’s our humble submission that the Members of this House approve the nomination of Hon. Chepkong’a so that he becomes a PSC Member. Having been a Member of this House, I am sure he knows what goes on in this House. He knows what Members go through. I am sure that he will be of serious use in the PSC if he is so approved. I therefore urge the Members to rise to the occasion and approve the nomination of Hon. Chepkong’a so that he is sworn-in as soon as possible so that he can assist us as commissioners in sorting out a few issues in the Commission.

Finally, looking at the mood of the House, I can see that the House is likely to approve the nomination of Hon. Chepkong’a and I wish him well.

*(Loud consultations)*

Listen! Hon. Speaker, do not be bothered by Hon. Chris Wamalwa. He did not hear what I said. I said, reading the mood of the House, it appears that Members are likely to approve Hon. Chepkong’a’s nomination to join us in the PSC, and I wish him well if he is so approved by a majority of the Members. I can see that the Leader of the Majority Party is very anxious to debate. So, I wish Hon. Chepkong’a well if he finally joins us in the PSC.

With those remarks, I second.

**Hon. Speaker:** Hon. Members, I think it is also fair to appreciate that in the Constitution, in the appointment of persons suitably qualified to serve in many commissions, it is very rare that you find the word “appointment” being used with regard to the House of Parliament.

However, in Article 127(2)(d) it is specifically provided that one man and one woman appointed by Parliament. It is an exception to very many other processes leading to appointment of persons who serve in other constitutional commissions referred to in Chapter 15. This is one of those rare moments that Parliament appoints. I think it is important for other bodies to also check the specific provisions dealing with appointments of Members into other commissions. This one is peculiar. Parliament does the appointment and Parliament means both Houses, namely, the National Assembly and the Senate.

*(Question proposed)*

**Hon. Ben Momanyi** (Borabu, WDM-K): Put the Question.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Put the Question.

**Hon. Speaker:** Hon. Momanyi has no capacity to gauge the mood. I see the Leader of the Majority Party has indicated he wants to contribute.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, you need to protect this House from the likes of Hon. Pukose because some of us picked the Report, did research and we want to contribute. Hon. Speaker, that also applies to Hon. Momanyi. When he was looking for this job of a commissioner, he used to be in my office on a daily basis but since he was appointed, I have not seen him.

*(Laughter)*

Today, because he participated in the interviewing panel, he wants to gag me and many others not to say something. Hon. Momanyi is a very good friend of mine. I am supposed to go for his homecoming because I played a very big role in him securing that seat. He should also come back to the Leader as a commissioner and ask: "Leader, what does your office require?" He is yet to do that.

Hon. Speaker, I rise to support the Motion. This position of a commissioner, who is a non-Member of Parliament, is anchored in Article 127(2)(d). This position became vacant on 7<sup>th</sup> February 2017 following the resignation of the current Senator for Wajir, Dr. Abdullahi Ali. I had the opportunity to work with Hon. Chepkong'a. I even campaigned for him. Little did I know that Hon. Chepkut was more popular and is still popular. He won that seat as an independent candidate. We tried to help Hon. Chepkong'a in the party nominations, but it did not work. We tried to help him too in the main election. So, Hon. Chepkut joins the league of Hon. Shakeel Shabbir who also, the Orange Democratic Party (ODM), my former party, tried all it could in Kisumu to muzzle, but the people of that constituency said Hon. Shakeel Shabbir is the man of the day. I talked to Hon. Chepkut this morning and I said he is among the very few Members of Parliament whose opponents have jobs. It is good when Hon. Chekong'a has a job because if he does not have a job, he will disturb you in the constituency. So, Hon. Chepkut, we have agreed he will voice his issues and support the appointment of Hon. Chepkong'a.

Hon. Chepkong'a was the Chair of the Justice and Legal Affairs Committee. Seasoned and ranking Members of that Committee like Hon. Olago Aluoch will bear me witness that in the 11<sup>th</sup> Parliament, Hon. Chepkong'a was one of the most articulate and hardworking Members. He did a lot of Bills in the 11<sup>th</sup> Parliament. He participated in the approval of the current Chief Justice and the Deputy Chief Justice and many other State and public officers. I am sure with Hon. Chepkong'a in the Commission, we will have a commission that has value addition. Hon. Chepkong'a will bring value. He is a lawyer, politician and a former Member of Parliament. He knows the concerns of Members. Hon. Speaker, on behalf of the Jubilee Party, I thank you and the Commission for giving this role to Hon. Chepkong'a. This House is great. This week we gave another former Member of the Justice and Legal Affairs Committee, Hon. Kajuju, a job and today, we are dealing with Hon. Chepkong'a. I am sure the Departmental Committee on Labour and Social Welfare will bring Hon. Nyokabi of Nyeri. So, already, all the Members of the former Justice and Legal Affairs Committee are coming back. That means they must have been people of God. They must have prayed and this House will never let them down.

The Member for Gem is just laughing. We are on the path of also looking for a job for my good friend, Hon. Jakoyo. Hon. Speaker, I want you to support me. The best job I can give to

Hon. Jakoyo is the chair of the Salaries and Remuneration Commission (SRC). I am not campaigning. The only day I will sleep and I am sure Parliament will be protected by rogue SRC is when Hon. Jakoyo becomes the chair. He can walk to Parliament and have a cup of tea with our Speaker, the Chair of PSC, and deal with that issue. I am sure the Member for Gem must also take cognisance of the handshake. The moment you get an opportunity with the former Prime Minister or the President, please, tell them that Hon. Jakoyo is in the cold and we must give him a job. He was also a very good leader. He was in the rank of Hon. Chepkong'a and even better. Hon. Jakoyo is not a man that this country can keep out. He is a man who can serve. I am not campaigning, but I am sure with Hon. Chepkong'a, Hon. Kajuju, Hon. Nyokabi and the many who went to the East African Legislative Assembly (EALA) like Hon. Mpuri Aburi, Hon. Oburu Odinga and Hon. Abdikadir... This 12<sup>th</sup> Parliament is very unique. It has not forgotten Hon. Shebesh, Hon. Bahari, Hon. Munyes and Hon. Ababu Namwamba. So, this 12<sup>th</sup> Parliament is good. Many of the people we have approved here are people who are also former Members of this House and I am sure wherever Hon. Chepkong'a is, today he is getting this approval because he had a history with this Parliament and with the committee he was in charge of.

So, Hon. Speaker, we wish Hon. Chepkong'a well. I am sure the House will approve him and he will be of value to you as the Chair of the PSC, to the Commission and to the wellbeing of Parliament.

I beg to support.

**Hon. Speaker:** Hon. Members, before I allow the Member for Kiminini to speak, allow me to recognise, once more, students from various institutions: Nyangoso Primary School, Bobasi Constituency, Kisii County; Muthaiga Primary School, Kasarani Constituency, Nairobi County; Miruriri Primary School, South Imenti Constituency, Meru County, and those from Chogor Primary School, Marakwet East Constituency, Elgeyo Marakwet County. Once again, they are all welcome to observe the proceedings of the National Assembly.

Let us have the Member for Kiminini.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. I rise to support the appointment of Hon. Samuel Kiprono Chepkong'a to the PSC. I worked with Hon. Chepkong'a. He was a good guy, but like any other human being, he also had shortcomings. It is said better the devil you know than the angel you do not know. It reminds me when we were debating the amendment I brought to the Ethics and Anti-Corruption (EACC) Act. That amendment was to send away the secretariat for vetting. We worked very well. Hon. Chepkong'a as a person, worked very well as the Chair of the Justice and Legal Affairs Committee. At that time, the Justice and Legal Affairs Committee worked on the statutes, which had a time frame. I know Hon. Chepkong'a overworked himself. He went overboard. He even went beyond extra hours until he forgot the people of Ainabkoi and it cost him. I confirm that Hon. William Chepkut is very popular. I know this position lasts six years. When we give this job to Hon. Chepkong'a, he should let William Chepkut continue being the Member of Parliament for Ainabkoi during the next term. He should not even bother to go and contest.

*(Laughter)*

I went to Ainabkoi for a fundraising and was shocked at how much the people there love William Chepkut.

Hon. Chepkong'a is a humble man. He is very knowledgeable when it comes to matters of the law. He is a family man. I have gone through his curriculum vitae (CV). When you elect a

leader who is a family man, that is a positive and a plus. I have been with him and his children. If someone is a good family man, it shows that he has good leadership skills. Leadership skills start from your own family. If you cannot manage to keep your family together, people will start doubting whether you will go across.

As per Article 127 of the Constitution, the cardinal responsibility of the Commission is to provide facilities and services that will ensure the effectiveness and efficiency of parliamentarians and the staff. That is very critical. The shoe wearer knows where it pinches. Hon. Chepkong'a has been a Member of Parliament. He knows the challenges and problems that we have as parliamentarians. He will be a big plus when he comes to the Commission. It is high time that we did appraisals. The success of this Parliament starts with the Parliamentary Service Commission, Hon. Speaker, of which you are the Chairman. So far, we want to thank you. With the gadgets that we have right now, we do not need to be carrying papers left, right and centre. The PSC is doing good work.

The Leader of the Majority Party has talked about the Salaries and Remuneration Commission. Jakoyo Midiwo can make a very good chairman of the SRC. We know his character. There are some people whose names we approve and the moment they are given the jobs, they cannot even allow you to enter their offices. It is good to have people who have experience in public service. Hon. Ben Momanyi is a Commissioner and a very good friend of mine. This is a very important position. Hon. Ben Momanyi and Hon. Aisha Jumwa have already changed morphologically.

*(Laughter)*

That is why within a short period, Hon. Momanyi says that we should just approve Hon. Chepkong'a. I remember what Hon. Duale said when we were debating about Hon. Ben Chumo. Hon. Chepkong'a must also be put on the table in the theatre. We must dissect him longitudinally, perpendicularly, vertically and horizontally so that when we approve his nomination, he will be a good product that we are assured will add value to the PSC.

I was shocked that this House, which is a budget-making House, reduced the budget of the PSC. It was very wrong. This is a budget-making House. The moment we cut the budget, there is nothing the PSC will do. There are issues about offices. When it is time for us to consider the Supplementary Budget, we need to revisit so that the budget of the PSC is not cut to that extent. In the development agenda of Parliament, there are many critical issues that were put in place. When I went to the Clerk to ask why certain things have not been done, he told me that the budget was cut. This is good news for the Judiciary to hear that it is not just their budget that was cut, even the budget of the PSC was drastically cut. Maybe as we revisit the budget of the Judiciary, we will also revisit the budget of Parliament.

Samuel Kiprono Chepkong'a worked at the then Communications Commission of Kenya as the CEO. At that time, he oversaw the transformation of that parastatal. Right now, that parastatal is very critical. Hon. Chepkong'a contributed to where it is today. At least that can be demonstrated. When he was the Corporation Secretary of the Kenya Posts and Telecommunications Corporation (KPTC), that is a different story that I do not want to touch.

As a man and leader, Hon. Chepkong'a has transformative skills of leadership. He is very humble. He cannot hurt a fly. At one time, we differed when proposing amendments during the Committee of the whole House. When we meet out there, he would still smile at you. He is a

soft-spoken but very firm person. Hon. Speaker, as the Chair of the Commission, you have somebody who will add value as far as the success of the PSC is concerned.

I have dissected him enough - vertically and horizontally. I want to assure the new Members that Chepkong'a is a good man. He will add value. Trust what I am saying so that you approve him quickly and he starts his work to take this Parliament to greater heights of prosperity.

I support the Motion.

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

*(Laughter)*

**Hon. William Chepkut** (Ainabkoi, JP): Today is a great day.

Before I offer my heartfelt congratulations, I want Hon. Members to know that I have lobbied for Hon. Samuel Chepkong'a. First of all, I pleaded with His Excellency the President. Following that formal structure, I went to the Deputy President and the Speaker of the National Assembly, who happens to be the Chairman of the PSC. I went to the Leader of the Majority Party, Hon. Aden Duale. Apart from the Leader of the Majority Party, I also persuaded Dr. Naomi Shaban - a former Minister - who campaigned for me during the last elections.

Hon. Samuel Chepkong'a happens to be my predecessor. He is a qualified Kenyan fit for this position. Speaking on behalf of Ainabkoi residents, we support the nomination and subsequent appointment and approval from the Hon. Members of Parliament.

Every so often, the human spirit finds it difficult to have the grace to accept the appointment of a former opponent. I, William Chepkut, am a different sort of person. I support, from the bottom of my heart, the nomination of Samuel Chepkong'a.

Let me give you a brief history. When I was the personal assistant of the late Hon. Biwott and in charge of all petitions, issues and appointments, I persuaded him and the former second President of the Republic of Kenya to appoint Hon. Chepkong'a as the Director-General or the CEO of the then CCK. Apart from that, I want all of you to know that I am a man of God.

*(Loud consultations)*

Hon. Millie, God's favour is a promotion without political influence, race, tribe or qualifications.

Hon. Speaker, the former President of the United States of America (USA), Mr. Barrack Obama, who is half Kenyan, won the elections. Hon. Duale, who is the Leader of the Majority Party, told me once that I would not get the Jubilee certificate.

*(Laughter)*

Hon. Members, I want to tell you that God gives people second and many chances. Hon. Duale, if you confess today, you did not manage to deny me the certificate because God gives people second and many chances. I want to confirm today that Hon. Justin Muturi is an honest, wonderful and great Speaker of the National Assembly in the 12<sup>th</sup> Parliament. I want to say that Hon. Chepkong'a is a good man. I went with Hon. Chris Wamalwa and Hon. Ferdinard Wanyonyi, who are from the Opposition, two weeks ago to a fundraiser and we raised a lot of money for deserving students who are going abroad for further studies. We went to my house. I

always tell Hon. Chris Wamalwa that he should not judge a book by its cover. In Romans 16:26, God asks how it benefits or profits a man to own the whole world and lose his own soul.

As I wind up, Hon. Speaker, I have said time and again that when I met you, I was very young. I was not married. As an advocate of the High Court, I am accessible, available and can assist the much I can. I am humbly pleading with all of you today to approve the appointment of Hon. Samuel Chepkong'a. I want to go into history and say what Hon. Millie Odhiambo always says that as the head of State and Government, Commander-in-Chief of the Defence Forces and pursuant to Article 131(e) of the Constitution, President Uhuru Kenyatta is the symbol of national unity. Therefore, I subscribe to unity, diversity and an all-inclusive national Government. The Leader of the Majority Party, Hon. Duale, is a great man. When we were in the lounge yesterday, he said that there is nothing more important than being in Government. As a student, I dined with kings and queens, and even the Queen of England in Eden Park, Scotland. I have a lot of experience and great engagements to build our country.

With those few remarks, I approve in totality the appointment of Hon. Samuel Chepkong'a. Thank you.

*(Laughter)*

**Hon. Speaker:** Hon. Members, let us hear the Leader of the Minority Party after that moving presentation by Hon. Chepkut.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. Contributing immediately after the Member for Ainabkoi is very difficult because we are still in stitches. After the long sermon and very strong words that I have heard from him, I understand why he is this strong. Being a personal assistant of a total man is a big achievement. I am sure he held the position for quite some time, but I do not know for how long.

We have been asked, as a House, this afternoon, to approve the nomination of Hon. Samuel Chepkong'a as a member of the Parliamentary Service Commission. I am sure those of us who served for five years with him in the 11<sup>th</sup> Parliament and those who were watching his contribution to parliamentary debates, especially as the Chair of the Departmental Committee on Justice and Legal Affairs for five years, will agree with me that we have very little to complain or discuss about his competence, qualification and ability to serve as a member of any commission, not just the PSC. The PSC is supposed to provide services and facilities to ensure efficient and effective functioning of Parliament. I want to see a commissioner who will join this Commission which already has competent Members. He is a person who understands the services and facilities that Members of Parliament require. We need someone who will help to constitute offices in the PSC, appoint people and supervise those office holders.

The legal background and experience that Hon. Chepkong'a acquired in this House for the five years that he served as the Member for Ainabkoi will help him to realise that objective. His commitment to his duty as the Chairman of the Departmental Committee on Justice and Legal Affairs cannot be emphasised. There is no single time that we complained that the Committee was not properly chaired and managed. For those of us who were in the 10<sup>th</sup> Parliament, you remember that this is one committee which had a lot of controversies, and more particularly in management. The House was divided in the 11<sup>th</sup> Parliament, but we saw able leadership in that committee from Hon. Chepkong'a.

We also expect him to help us realise or perform functions that will be necessary for our well-being. That is provided for in the Constitution. The function of this Commission is to

perform other functions necessary for the well-being of the Members and staff of Parliament or prescribed by national legislation. That is a key function of this Commission. Before I discuss that, I want to say that after saying nice things about Hon. Chepkong'a, he has one weakness, which will be a strength for this position. He is very loyal. Sometimes, he can be annoyingly loyal and sycophantic. I realised that when he was required to make decisions and bring a report sometimes. I remember there was a report which Members of the Departmental Committee on Justice and Legal Affairs disowned in this House. He had difficulty while defending it. I know that it came from his bosses. He had to do it that way. Given that we want to be his bosses, we expect him to do certain things for us. That is a person whom we require. He is a sycophant. He is someone who is also very ready to compromise a little of his image to fight for what he is put in to fight for. There is no apology for being loyal.

**Hon. Aden Duale** (Garissa Township, JP): Sycophant.

**Hon. John Mbadia** (Suba South, ODM): He can be a sycophant which makes him too loyal. I know that the word "sycophant" has been used. At one point, someone called me a sycophant of Hon. Raila Odinga. I said, if there is anything I would enjoy is to be called a sycophant of Raila Odinga. It is not really so bad to be a sycophant. It depends on whose sycophant you are. If you are a sycophant of someone who kills people all over the place, then you must know that you have a problem. But if you are a sycophant of good people, then there is nothing to be apologetic about.

Hon. Speaker, I know Hon. Chepkong'a is going to discharge his duty. Unless the Committee found some integrity issues which we would deal with in terms of competence, capacity and ability to execute his duties, no one in this House will genuinely, without malice, come forth and say that Hon. Chepkong'a does not qualify for this position. I urge him that as he joins the team of eminent prominent Kenyans – men and women who are already in that Commission by virtue of being approved by this House – they need to understand and appreciate that the responsibility of PSC is to look after the welfare and interests of Members of Parliament and staff. It is not to play politics or send yourself so that you are seen to be good elsewhere. Sometimes we may fight to be seen to be good only to end up not discharging the duty you were given. That is why sometimes I agree with Hon. Keynan because he fights very hard for the welfare and interest of Members to the extent that he gets a lot of criticism from the public. He soldiers on and because God knows that he is fighting with a clean heart. He has been elected to Parliament four times – something that many of us dream about.

I learnt something that was very interesting; that it is only Members of Parliament and probably Members of County Assemblies (MCAs) or elected State officers who do not get house allowance in this country. That has been bothering me, and I have been asking why it is the case. Is it that becoming a Member of Parliament is a curse? Is it a crime to become a Member of Parliament? By the way, this Parliament is not fair to itself. We enacted legislation, created commissions and we barred ourselves from being a member of even the Commission on Revenue Allocation for five years. I ask myself what is wrong. If I leave Parliament, why can I not exercise my professional skills in serving Kenyans elsewhere? Is it really a crime to be elected Member of Parliament or MCA? Something is wrong with our thinking. We were influenced by people who hate elected representatives to the extent that we succumbed to their wishes; that they are supposed to be barred. If I leave the position of Member of Parliament of Suba South, I can still offer services to Kenyans. I still have my professional knowledge. It is with me, it is in my head and brain.



Finally, this is something the PSC needs to look at. It is the welfare of those Members of Parliament who served between 1983 or 1984 and 2002. Those who served before 1983 were given Kshs1 million one-off payment as ex gratia. From 2002 onwards, from 1984, the Pensions Act came into force. But the salaries that were earned between 1983 and 1997 were miserable. These Hon. Members are not many; there are about 153 alive today. Why can we not think of giving them something? Paying someone Kshs10,000 as pension is a mockery. These people have offered service to the country. They were even using that miserable salary to fundraise. This is something the PSC needs to look into. When you meet them, you sympathise with them.

As I conclude, let me give an example though I will not mention his name. He once came to our local school. I still remember vividly how we held the Member so high that we were very happy. Everybody wanted to sing for him and we did. But recently, as I was driving along Uhuru Highway, I saw him alighting from a *matatu* at the traffic lights. It is not that boarding a *matatu* is demeaning. But honestly, someone who has been a leader of such stature, seeing him fighting with a conductor of a *matatu* to allow him to alight at the lights made me feel very bad. That is a former Kenyan MP, a leader, someone who was respected and someone who has spoken on behalf of thousands of Kenyans in this august House. It is not fair. The issue of the MPs who served between 1983 and 2002 needs to be looked at seriously. We should give them living pension. If anything, Justice Cocker and Justice Akilano Akiwumi had made recommendations, in line with other jurisdictions. That is the practice in Uganda and Tanzania. Every former Member of Parliament is on living pension of at least US\$1,000 per month. With all the wastage in the country, that is something we can afford as a country. I know any time you talk about giving some little money to leaders, it causes public outcry. But the bottom line is these have been our leaders.

I know the numbers may be too much, but even former councillors look very miserable. Some of them look unhealthy. Many of them lose their lives because they cannot afford simple medication. As a House, that is a matter we need to take into account. Some of us will be proposing some legislation to help these former leaders to live a decent and reasonable life that befits their former status.

Thank you, Hon. Speaker, I support.

**Hon. Speaker:** Hon. John Mbadi, the matter you have raised about former Members is receiving very active attention and consideration. It is only that if you go through the processes, it is not a function of the PSC. If you look at the wording of Article 127 of the Constitution, you will see it is not. But the matter is to be addressed by this House. It is this House which needs to look at the Parliamentary Pensions Act and propose appropriate amendments which will address that issue as contained in the Report by Justice Akiwumi and Justice Cocker in their Reports to Parliament. But of course, I wish to caution those proposing enactment of such a legislation, take advice from the technical staff, who will remind you what Hon. John Mbadi has just said; that there were certain categories in respect of whom certain action has been taken. Differentiate that category from the people Hon. John Mbadi is talking about – those who served between 1983 and 2002. I am saying this because I know there is a Member who is proposing such legislation. If you mix the two, you will miss the boat. The technical issue that has always hindered this thing from being actualised is the mixing of those two issues by hon. Members.

Remember, between 1963 and 1983, there never existed a pension scheme. Therefore, you cannot import people who are never part of a scheme and mix them with those that were part of a scheme. That is a technical aspect that needs to be addressed by those proposing the legislation to address that area to avoid a situation of falling into some legal minds and others

who will advise them. I do not want to name names. I know the Member who is making the proposal. I see the Member is looking at me in a suggestive manner. I am aware of the legislative proposal. It is receiving appropriate attention within our legal department. Hon. Katoo.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Speaker. I also rise to support the Motion and add three points to what my colleagues have said.

For the record, the Member for Kiminini had suggested that the term of the non-sitting member in this Commission is six years. I do not think that is the correct position. According to Article 127(4)(b), there is no term limit for these non-sitting members. The term ends if the appointing authority, which is Parliament, revokes the appointment of the non-member. It is actually the term of sitting Members that ends if they cease to be Members of Parliament although they will still occupy the position until another Member is appointed by Parliament. For non-members, there is no term limit; it is until it is revoked by Parliament.

Hon. Samuel Chepkong'a, for those of us who had the opportunity to serve with him in this House as has been said by the previous speaker, none will doubt his ability and his capacity to serve in this Parliamentary Service Commission (PSC). He was one of the very best brains we had in the 11<sup>th</sup> Parliament. He chaired the Departmental Committee on Justice and Legal Affairs which was one of the top committees that were giving business to this House. Actually, it is one of the best. Therefore, I want to associate myself with those who have no doubt in his capacity and ability to serve in this Commission.

I would urge the PSC to take cue from the Judicial Service Commission (JSC) and fight for independence, especially financial independence. The PSC should take cue from the ruling that came out of the court the other day on the JSC about the capping of its sittings by the Salaries and Remuneration Commission (SRC). The PSC is not second to any other commission in the Constitution. Therefore, the Commissioners should fight for the financial independence of the PSC. No one should regulate the business of the PSC or the clients of the PSC for that matter. We are just under the PSC and not any other commission.

I am also happy to see former Members of Parliament sitting in the PSC. As my colleagues have said, it is the shoe wearer who knows where it pinches. Those who have been in this House are the ones who understand the dynamics and challenges of this institution. The work of the PSC, according to Article 127 of the Constitution, is to ensure there is efficient and effective functioning of Parliament and offices that are established under the PSC. It is just like teachers in the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET). It is their colleagues who represent them in other institutions that deal mostly with the welfare of its members. Therefore, this is the right move where we are seeing former Members of Parliament taking these roles because they are the ones who understand Parliament in order to ensure that Parliament and its offices run efficiently and effectively. Therefore, I support the nomination and proposal by the PSC of Hon. Samuel Chepkong'a and urge my colleagues, especially those who were not in the last Parliament that this is the right choice and we all need to support.

Thank you.

**Hon. Speaker:** There is a Member who has changed her name from what she is popularly known. Let me try the new name. Hon. Odhiambo Akoth, Member for Suba North.

*(Laughter)*

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Hon. Speaker, thank you for noticing that. It had been brought to my attention that my name starts with Akoth Odhiambo. Not many people know that I am Akoth Odhiambo. I would therefore request the IT Department, even as I am standing, to change to Millie Odhiambo but if they must bring all the names, they can put *Gesa Gesa*. At least people know that one.

**Hon. Speaker:** Which one? Do you have another one?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, JP): There is another one called *Gesa Gesa* that I am popularly known with on the ground.

I wish to support the appointment of Hon. Chepkong'a. I will try to be very fast. One, when we were with him in the last Parliament, he was very dedicated, committed and articulate. He did his work well. Mbadi has said he sees a challenge that he was a sycophant. The only challenge I saw with him is that he did not listen to the women in this House. He was not very friendly to us women. The voice of women sometimes can be very lethal. Other than the fact that my very good friend, Hon. William Chepkut, was a very good mobiliser and campaigner, Hon. Chepkong'a was not very friendly to us as women. I am sure where he is he understands. I encourage the current Chair of the Committee on Justice and Legal Affairs that when issues relating to women come to him, he needs to be very sympathetic. Otherwise, God hears us in the same way that we heard the preacher today. That is why he kept referring to me.

I also want to encourage Members, and the Leader of the Majority Party made reference to it, that the Members who work the hardest in the House are the ones that rarely come back to Parliament. We do a lot of excellent work but a lot of times our constituents do not see. I encourage Members that even when we are working, let us not forget that our legislative role which is our primary role sometimes is not very evident to the public. We must therefore have a foot here and also a foot on the ground.

Having said that, we also sometimes forget. I was speaking to one of the Members recently and the Member was asking me how come we have such a higher attrition rate for Members of Parliament. One of the things I have learnt over the years is that sometimes we are present and absent. You can be present in your constituency but absent. You would have touch and lose touch at the same time because we become larger than life. Some of us came as juniors and now are the seniors in the House. I sit and look at Members of Parliament and some level of greatness gets into their heads. You have just come in, one month, two months and you are more senior than everybody. You are speaking with authority. I look at Members and their confidence and they think they know more than the constituents. Let us always remember that you are always a servant. You can never be greater than your constituents. Never go ahead of your constituents. Learn what your constituents want.

We always advise each other here. I remember Hon. Joyce Laboso whom we loved very much in our party. She at one point wanted to continue with the Orange Democratic Party (ODM) but we told her; "We love you very much, but go and see Hon. Raila Amollo Odinga. After you have spoken to him and thanked him for the support he has given you, find a way of leaving our party if you want to come back to Parliament." I would like to advise the Members who come here and then chest-thump and speak like they do things better than all the rest of us to, please, slow down, especially when you are a woman Member of Parliament. We need you. We do not need you to go away. Learn to listen to your constituents; learn what your constituents want and follow what your constituents want. You can never be greater than your constituents.

I know we have said it in jest that we will support. I know the Leader of the Majority Party was saying that he will really support Hon. Jakoyo Midiwo to be the chairperson. I would

also back that. Jakoyo was a very diligent and active Member. He has a lot of history in relation to the House and I am sure the Member for Gem is not feeling threatened because he is equally a very strong and good Member. One of the reasons we need people like Jakoyo is because he also has the constitutional knowledge and history and why we created certain positions in this House.

I sometimes get perturbed, for instance, when I was with my good friend Hon. Gladys Boss Shollei on *Citizen TV* in the morning when they were discussing rules that are supposed to come before the House. They were saying we make room for CSs not to appear before us. Why? It is because there is a presumption that they are superior to us. There is nothing that can be further from the truth. If you look at the legislative history of the Constitution... I sat in Naivasha and I know many of us were very opposed to the presidential system. It is better when your colleagues come here as CSs. If you have an issue disturbing you in your constituency, you deal with your CS directly. The only reason we agreed to it was that we knew the CSs would be coming here and they would be ranking *pari passu* with us. They are equal to MPs. They can never be superior. I would like to encourage those who come to the SRC and those who are representing us in the Parliamentary Service Commission (PSC) to never lose sight.

*(Hon. Adan Keynan looked at Hon. (Ms.) Odhiambo-Mabona)*

Brother, I can see you are looking at me. Never lose sight of that. I have no apologies of making this statement because I listen to the constituency called Suba North. On the issues of salaries, people always ask me: "Why are you so confident of saying we need salaries?" It is because I have asked the people of Suba North and they know how much money I give and how much I am taxed as an MP. They told me to come and ask for more salary and I came back to ask for more salary to serve the people of Suba North very confidently. I am glad a lot of the elitist politicians do not understand that fact. They believe in people like my good brother who does the work I did before I joined Parliament, Boniface Mwangi. I am glad Boniface Mwangi and *Jicho Pevu* are now in the House. *Jicho Pevu* used to disturb us a lot when he was outside. He has come inside and is now singing the same song. My brother, Hon. Boniface Mwangi - let me call him honourable because he tried - has written an excellent piece. The excellent piece he has written is that he has discovered why MPs ask for more and more money. Is it Oliver Twist who was asking for more? We will always ask for more and more and more. Why? It is because we are Automated Teller Machines (ATM). When I go to my constituency and even when I am sitting here, there is somebody in need. Unfortunately, one of constituents just lost the wife in a road accident. I will chip in. There is somebody somewhere holding *harambees* for three funerals. I will chip in. There are some who are sick. I will chip in. Surely, am I Jesus Christ? The spirit has got in the House today, but I cannot save the world. People want us to perform miracles and then they do not understand when we are poor. My house was burnt. When people spread rumours around about the kind of house I had upcountry, they said I should stop joking with them. What kind of house is this that an MP has? What do you expect me to have if I am using all my money all the time? We must be realistic. Members of Parliament are heavily taxed. We must have people who must stand with us, for us and to know the truth of what we go through. Otherwise, we will forget our legislative role. We spend all our time running around, knocking doors and looking for money when we should be here doing legislative work.

With those few remarks, I support.

**Hon. Speaker:** Member for Bura.

**Hon. Ali Wario** (Bura, JP): Asante, Mhe. Spika kwa fursa uliyonipa ili nichangie Hoja iliyo mbele yetu. Nasimama kuiunga mkono Hoja hii.

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

**Hon. Speaker:** Kuna Hoja ya nidhamu.

**Hon. David Gikaria** (Nakuru Town East, JP): Asante, Mhe. Spika. Hata mimi nitaongea kwa Kiswahili kidogo. Ninasimama kwa Hoja ya nidhamu. Sikutaka kumkatiza ndugu yangu Mhe. Ali Wario. Hoja yangu ya nidhamu inakuja kutokana na Kipengele 93. Ninaona kila mtu ana maoni kama yale ambayo yametolewa. Nafikiria ni wakati mwafaka kumwuliza Mtoa Hoja aitwe ajibu.

*(Loud consultations)*

**Hon. Speaker:** Haya, tumekusikia lakini tumpe Mhe. Ali Wario fursa achange mjadala. Kuna wengine nawasikia wakisema “hapana” au wakipinga. Msijaribu kukataa sana kwa sababu wengine mmekuta wengi sana hapa. Mfano ni saa ile Mhe. Keynan amekuja. Amekuta watu wengi hapa wakiwemo Mhe. Chris Omulele, Mhe. Bunyasi Sakwa, Mhe. Gogo, Mhe. Olago Aluoch, Mhe. Pukose, Mhe. Jeniffer Shamallah, Mhe. Sankok na Mhe. Kevin Wanyonyi. Wote hao walikuja mbele ya Mhe Keynan. Mhe. Keynan ameingia sasa hivi. Ninamuona akirukaruka kidogo na kuinukainuka. Hata hivyo, ningemuuliza asubiri. Kama atapata nafasi ya kuchangia, labda ni baada ya watu 50 hivi.

*(Laughter)*

Kwa hivyo, yuko nyuma sana. Ni vizuri muelewe kwamba mnapoingia mimi ninawatazama. Hakuna mambo ya umri hapa. Kama unajua Bunge linaanza saa nane unusu, uwe hapa saa hiyo hata uwe mkongwe namna gani. La sivyo ukubali kuwa wa mwisho huko nyuma kuchangia.

That should be clear so that people should not come to say they are ranking Members. You come at past 3.00 p.m. when others have been here then you start making it impossible for others. No! Hon. Keynan, you are a commissioner. You have had an opportunity to deal with this issue, including interviewing Hon. Chepkong’ a. I think it is only fair at this time, especially given that you came after so many other Members, that you allow those you found to say what they must say about your nominee. You have nominated and forwarded the name to the House. If you had intended to get a chance to contribute, you should have been here at 2.30 p.m. For now, let us allow Hon. Ali Wario and others to make their contribution as we consider you. I have looked at the list and I know where you are in the order.

**Hon. Ali Wario** (Bura, JP): Nachukua fursa kukushukuru kwa kunipa fursa nichangie Hoja iliyo mbele yetu.

Kwanza kabisa, msimamo na maamuzi yangu juu ya Hoja hii ni kwamba naiunga mkono. Nimefanya kazi pamoja na Mhe. Chepkong’ a katika Bunge la Kumi na Moja kama mwenyekiti, mtunzi na mwanasheria. Ninaamini ujuzi aliyokuwa nao kutekeleza wajibu wake kama mbunge na mwenyekiti. Kama kuna taasisi katika taifa la Kenya inayoeleweka vibaya ni taasisi ya Bunge. Pengine ni kwa sababu tunatunga sheria ambazo hazifurahishi wengi ndiposa dunia imekataa kutuelewa na kuchukulia Wabunge vibaya. Mahali ninakaa kama Mbunge, ninaamini ni tume inayotoa huduma katika Bunge ndiyo inaweza kutoa fikra za wakenya na inaweza badilisha uso wetu kama viongozi wa taifa ili Wakenya waweze kutuelewa. Kwa hivyo,

kiongozi kama Chepkong'a alikuwa ndani ya Bunge na anajua Bunge ni nini. Nikiwa mfano, najua sehemu mbili za shilingi. Ninajua kupata kiti na kuwakilisha wananchi hapa na pia najua kukosa. Ni muhimu Wakenya waelewa wajibu wa Wabunge wao. Sisi tumepewa wajibu muhimu wa utunzi wa sheria na usimamizi wa utendajikazi wa Serikali. Tumeondolewa wajibu muhimu na sasa tumekua taasisi ya maendeleo. Kukiwa na kifo, lazima uwe hapo, kukiwa na harusi, lazima uwe hapo, kuna mgonjwa, lazima uwe hapo. Kuna wakati fulani nikiwa Tana River, kulikua na mtu mkubwa katika Serikali na wanachi hawakuenda kwake. Matatizo yao yalikua yanaenda kwa Mbunge. Zama zile nilikua nikiongea juu ya Sarah Serem kuwa amevunja sheria kulia, kusini, kaskazini na kati kwa sababu ya kudhulumu haki ya Wabunge. Mhe. Chepkong'a atakapokuja katika tume hii, atajua wajibu wa Wabunge na bila shaka atasimama kutetea haki yetu.

Kwa sababu wazungumzaji ni wengi, ningependa kufupisha mchango wangu. Nina ombi kwako kwa mwenyekiti wa tume ya huduma ya Bunge. Kipengele cha saba cha Katiba, kinatambua Kiswahili kama lugha rasmi na lugha ya taifa. Kipengele 77 cha Kanuni ya Bunge kinatambua Kiswahili kama lugha rasmi na lugha ya taifa. Lakini, kanuni ya Bunge imeandikwa kwa kizungu, Katiba ya taifa imeandikwa kwa kizungu, ratiba ya kikao cha Bunge cha siku imeandikwa kwa kizungu. Inabidi sasa uchukue Katiba, Kanuni za Bunge, ratiba ya kikao cha Bunge na uanze kutafsiri kwa lugha ya Kiswahili badala ya kuangalia kipengele na kukizungumzia. Najua katika Bunge la Kumi na Moja na Bunge la Kumi tume inayotoa huduma kwa Bunge imefanya kazi kubwa. Tunawapa kongole, tunawapongeza. Lakini lazima tuwe na vyombo vyakutuwezesha kama wazungumzi wa Kiswahili ili tuweze kuchangia mada kikamilifu. Hili ni ombi na ni wajibu kwa *commissioners* ambao wamechaguliwa.

Asante sana, Mhe. Spika

**Hon. Speaker:** Hon. John Olago Aluoch.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Speaker. In recommending Hon. Chepkong'a for approval by this House, the Commission has raised certain fundamental issues without knowing. Personally I have served with Hon. Chepkong'a in the Justice and Legal Affairs Committee in the 11<sup>th</sup> Parliament. I will come to whether or not he has the qualities that suit him for appointment later. For now, I want to say that although he is my junior in the legal profession, I remember in the 10<sup>th</sup> Parliament immediately after the promulgation of the Constitution, our committee was made responsible for enacting enabling legislation. We were very busy in the 10<sup>th</sup> Parliament. The then Attorney-General, Prof. Githu Muigai came up with the draft that was setting out the qualifications of those who were going to be appointed to independent commissions. We were shocked that in one of the drafts he said, "For one to be appointed, he would have to have the following qualifications. But the following qualifications would disqualify you." He set them out as follows: If you have served as a Member of Parliament or on official political party or that you have been imprisoned... We called him to our committee and asked him whether he was equating a Member of Parliament to being a convict. It was not easy, so we had to redraft the law to get rid of those words. In appointing a former Member of Parliament to a commission like this one, we are doing a fundamental job now and that means we are looking for a man or woman who understands what an MP's job really entails.

The other issue is, as the Chair of JLAC in the 11<sup>th</sup> Parliament, both the Chair, Hon. Chepkong'a and his Vice Hon. Pricilla Nyokabi, did a sterling performance. What comes to my mind is this, how do you assess the performance of a Member of Parliament? Is it how much time you spend here in the House or how much time you spend elsewhere or in the constituency?

These two were so dedicated to JLAC that they hardly had time to go to their constituency. Hon. Priscilla Nyokabi never had time to go back to Nyeri, Hon. Chepkong'a never had time to go to Ainabkoi. Only six months to elections is when they were hardly ever there for committee work because they were in panic mode. They had to go back to their constituencies. I remember telling them that I was not made the Chair of JLAC and that the two of them were Chair and Vice Chair and I would not take the responsibility of chairing meetings in their absence simply because they had realised too late that they needed to be in the constituency.

All I am saying is that Hon. Chepkong'a was too dedicated that he lost nominations and even after his party ordered for a rerun, he still lost. When he went independent, he still lost, but he was a fine gentleman. In nominating him, I want the House to look at the following points. One, are you satisfied that he is going to be able to assist the commission in providing services to Members as provided in the law? Two, will he be able to assist the commission in providing facilities to Members? Three, will he be able to provide suitable welfare for Members and staff? Four, is he the type of person who will be able to spend time with Members in the lounge or even in the bar? Lastly, is he the type of person who understands the law, applicable to PSC? Will he assist the Chairman of PSC who is you, Hon. Speaker, in determining legal issues like, can the Speaker be served with court pleadings as the Speaker? Under what circumstances can the PSC be sued? Under what circumstances can the name of the Speaker appear as a party in court pleadings? I can answer these questions in the affirmative because I know Hon. Chepkong'a. He will add value to the commission. When I say that, I say so with the privilege of having served as a commissioner in the 10<sup>th</sup> Parliament. I know what it entails.

When Hon. Mbadi was talking about sycophancy and he said that Hon. Chepkong'a could go overboard because of sycophancy, he also confessed that he himself is a sycophant. "Sycophant" as an English word is negative. It cannot be positive irrespective of whoever you are a sycophant to. It has a negative connotation.

*(Loud consultations)*

He is not a bush lawyer; he is a very fine gentleman. Do not call him a bush lawyer. I know for sure that when this House approves this nomination of Hon. Chepkong'a to the PSC, he is going to add value and he is going to be loyal to the commission and to Members of Parliament.

Therefore, I support the Motion and urge that when it is placed before the Senate they should also support it.

Thank you, Hon. Speaker.

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

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker, for allowing me to contribute to this Motion. Hon. Chepkong'a used to sit around here or in front here or behind me in the last Parliament. He used to be aligned to me here. I want to affirm to this House that Hon. Chepkong'a is somebody we can trust. I just wanted to correct what my colleague, the Member for Kisumu West, said. Hon. Chepkong'a won the Jubilee Party nominations as our candidate. Even when it was repeated, he won, only that he was defeated by an independent candidate, Hon. William Chepkut. So he was the JP candidate in Ainabkoi but unfortunately he lost.

Hon. Chepkong'a is a dedicated and honest person. I know he will add value to the commission, as many of my colleagues have said. I have no doubt in my mind that bringing Hon. Chepkong'a on board and having gone through the interviews by the commission and scoring 81

per cent, you can see the range between him and number two was quite large. It shows how dedicated and committed he is. It is high time this House approved Hon. Chepkong'a. So far I have not seen anybody saying anything negative about him. This House is in agreement that he meets our expectations. This is a candidate who has been brought to this House for approval. I want to support the approval.

As put by his successor, Hon. Chepkut, that is the spirit. I know the people of Ainabkoi will today see Hon. Chepkut as a great man, somebody who is willing to support his opponent and give him a chance to also succeed in life.

Hon. Speaker, with those few remarks, I support the appointment of Hon. Samuel Chepkong'a.

**Hon. Speaker:** I hope everybody can be as brief as Hon. Pukose. Hon. Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Speaker, I also want to support the candidature of Chepkong'a. Having been with him here, I found him a very serious person and articulate on issues. As somebody mentioned, he knows our problems and therefore should be given a chance. As I speak, I am told even mileage has not been paid because we do not have very good representation at the PSC.

All in all, I want to assure you that I did not know that Chepkong'a could lose a seat, having been very articulate and forceful in his presentation of issues here in Parliament. As mentioned by his successor, Hon. William Chepkut, I was there about three weeks ago with Hon. Chris Wamalwa for a fundraising. I found that indeed what Hon. Millie Odhiambo said here is true: We must be at home every time. I think Chepkong'a lost because he was not as popular as some of us thought.

He is the right person for the position. He knows all the problems here. Although I am afraid after approving the appointment of Chepkong'a, the Press will have another version of it. They may say that we have appointed our own so that that he can bring more goodies to us. We think he is the right person. I also want to correct some impression: We know Samuel as a very good person. It is not because he is in Jubilee but because he is the right person for that position. The impression I got from the Leader of the Majority Party is that it is because he is a Jubilee candidate. No. I want to vote for him because I know he can do the job. For those of us who do not know him, he is a man who can give us service at the commission. Therefore, I support.

**Hon. Speaker:** Nominee 001.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. From the mood of the House, Hon. Chepkong'a is a very good man who performed very well while he was working as a chairman in this House.

We have a problem as politicians, especially Members of Parliament, because once you become a politician, it is like you become unemployable; you cannot be employed elsewhere. There is fear that politicians, even in private companies, will bring politics. So it becomes very difficult to employ a person who was once a politician. I must commend this House for offering employment to our former colleagues.

I also want to commend Hon. Chepkut for supporting a competitor. The country normally thinks that when we compete we become total enemies. This sets some precedent that as politicians we may compete but we are not enemies. That should trickle down to the electorate to know that a political competition or contest should not bring enmity among clans, communities or religions.

I must also commend the PSC for what they have done in terms of bringing this gadget. It had become very difficult, especially for us PWDs, to carry Order Papers in hard copies all the



way from the Table Office to the Chambers. Now that we can access them on the table, you have made our lives as PWDs easy. Being the chairman of PSC, I must commend the work that you have done. I must say thank you. Today, I have learnt that you are very fluent in Kiswahili. I never knew you are that fluent in Kiswahili. From the Kiswahili you spoke a few minutes ago, it is as if you are from the Coast.

Before I sit down, I support this appointment but I will not approve directly like Hon. Chepkut. There was a petition on the issue of cattle rustling, and I want the committee that will be dealing with it...

**Hon. Speaker:** Hon. Sankok, there are rules of the House on relevance.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Speaker for giving me this opportunity. I support the appointment.

**Hon. Speaker:** Hon. Members, there was an issue raised by Hon. David Gikaria. I must put it to you to make a decision. It is that the Mover be called upon to reply.

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

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Hon. Speaker, thank you for giving me this opportunity. Could I donate just a minute to a commissioner? I would want to donate a minute to Hon. Keynan and then proceed to conclude.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. The issue is fairly straightforward. All Members understand the role of the PSC, pursuant to Article 127 of the Constitution. Hon. Chepkong'a will be one of the two commissioners appointed from among persons who are experienced in public affairs and who are not MPs. There are a number of things that colleagues who have spoken here before have alluded to. He has been described as sycophancy. I totally disagree; he is not one. Hon. Chepkong'a is a politician, lawyer and technocrat. Maybe, the only thing that makes him come closer to being a sycophant is being sincere. That is the attribute that I will give.

Secondly, in the last Parliament, there is something I alluded to. I attempted to bring a Bill on the Parliamentary Society of Kenya and I was really bashed. Today, the very Member who was my key critique is the Chairman of Former Parliamentarians Society of Kenya. Therefore, roles changed. I am trying to say that you have an opportunity, just like Hon. Millie Odhiambo has said, to perfectly fight for your rights without infringing on the rights of other people.

Hon. Speaker, there is something that Hon. Millie Odhiambo has also alluded. I want to advise Hon. Chepkong'a that when he gets this position, he should be friendly to ladies and more generous, just like Hon. Millie Odhiambo has said, so that when he seeks another public appointment next time, they will not accuse him of being aloof when it comes to ladies' affairs.

Finally, this is a time when we are going through serious governance talk. I appeal to His Excellency President Uhuru Kenyatta to continue appointing former MPs to key positions because they are the most experienced and are all-round. In countries like the United States of America, former MPs are the best public speakers; they are the best motivational speakers. Therefore, whenever the President considers giving more key positions to former MPs, it adds value.

Thank you, Hon. Speaker. I thank the Vice Chair for the time.

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Thank you, Hon. Speaker. I thank everyone who has contributed to this very important Motion for the approval of Hon. Samuel Chepkong'a to be a non-Member in our PSC. I have no doubt that he will add value to the commission's membership. I would like to encourage our colleagues that we have no reason and apologies to make when we give opportunities to former MPs to serve in this country so as to add value to what is going on in this country. They are leaders in their own right. If that were not the case, they would not have been elected in the first place. We, as MPs, have the right to elect them and give them an opportunity because they do not have any other country to go to. I therefore ask my colleague to approve Hon. Chepkong'a to be one of the non-MP commissioners in the PSC.

I thank all of you.

*(Applause)*

**Hon. Speaker:** Hon. Members, I confirm that we still have quorum. Therefore, I will put the Question.

*(Question put and agreed to)*

Hon. Members, before we go to the next Order, I had been requested by the Joint Chairpersons of the Departmental Committee on Agriculture and Livestock, and the Departmental Committee on Trade, Industry and Cooperatives to allow them to table their Report, which has since been presented to me and I have approved it for tabling. I therefore allow them to table the Report and give notice simultaneously.

Hon. Kanini Kega.

### PAPER LAID

**Hon. Kanini Kega** (Kieni, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Joint Departmental Committees on Agriculture and Livestock; and Trade, Industry and Cooperatives on the Report of inquiry into alleged importation of illegal and contaminated sugar into the country.

Thank you, Hon. Speaker.

**Hon. Speaker:** You can table the Report and proceed to give notice of Motion for its adoption.

### NOTICE OF MOTION

#### IMPORTATION OF ILLEGAL/CONTAMINATED SUGAR

**Hon. Kanini Kega** (Kieni, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock, and the Departmental Committee on Trade, Industry and Cooperatives on the inquiry into alleged importation of illegal and contaminated sugar into the country.

Thank you, Hon. Speaker

**Hon. Speaker:** Very well. Next Order.

### MOTION

#### REPORT ON INQUIRY INTO FOREST RESOURCES MANAGEMENT AND LOGGING ACTIVITIES

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

*(Hon. Kareke Mbiuki on 31.7.2018)*

*(Resumption of Debate interrupted on 31.7.2018)*

**Hon. Speaker:** Hon. Members, the record shows that the Majority Whip, Hon. Ben Washiali, was on the Floor before the House adjourned last time. He has balance of seven minutes. You may proceed.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker. By the time we adjourned the last sitting at 6.30 p.m. for the Zero Hour, I had already declared that I was supporting this Report.

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

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

As a Member of this committee, we took a lot of time compiling this Report and this represents our position. The Report has brought out serious challenges we are encountering in achieving 20 per cent forest cover by 2030 as per Government policy.

The biggest challenge that we have had – a number of Members have mentioned this – is the engagement or deployment of forest rangers who have the responsibility of guarding the forest. You must have heard Members claiming that one forest ranger guards about 1,000 hectares of forest. Actually that is impossible. I think that is why we have been having this logging because one guard cannot manage to cover an area that is as vast as 1,000 hectares. Among the recommendations that we made in this Report... Hon. Temporary Deputy Speaker, allow me to read the recommendation under community forests association. I will read Recommendation Number 14:

“The KFS should fully implement the participatory forest management policy to ensure that the community forest associations benefit from the forest since they host and protect the forest.”

Hon. Temporary Deputy Speaker, coming from Kakamega County, which is home to the only equatorial forest in this country, I know that the community forest associations can really help the Government of Kenya to protect the forest because of the numerous benefits that members would get from there. The communities around forests benefit from these forests

especially when they gather wood fuel from the forests because it is a very important aspect of the communities staying around the forests. They also get medicines. In Kakamega, we have a root called *omukombera* which is a root in our mother tongue. If a man chewed *omukombera*, which is actually found in...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You said what?

**Hon. Benjamin Washiali** (Mumia East, JP): *Omukombera*.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): What is it called in English?

**Hon. Benjamin Washiali** (Mumia East, JP): It is a certain root which is very good. I see Hon. Kiarie seems to know it very well. *Omukombera* actually stimulates a man. I think if you went in the streets of Kakamega Town...

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): (*Off record*)

**Hon. Benjamin Washiali** (Mumia East, JP): I do not know. I think women will have to try leaves. The roots are purely for men. This *omukombera* enhances appetite.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You can get one for me.

**Hon. Benjamin Washiali** (Mumia East, JP): Yes. It enhances appetite.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Washiali, of course we heard about the *omukombera* thing and out of that there is a point of intervention by Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. Even though I am very happy with Hon. Washiali when he is using indigenous plants of medicinal value, is he in order not to engender even such a process? When you are talking about *omukombera* that enhances certain functions in men, can you also find a *omukombera* which enhances some functions in women? This is because otherwise you are very discriminative of women. If you do not have, you must ask your elders to go to the forest and look for a plant that has similar qualities for women. Otherwise, that is totally unconstitutional and gender insensitive because the Constitution now talks about equality. Is he in order to bring to us things which are unconstitutional?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo you are right. Actually, I can see just the mention of it is exciting.

(*Laughter*)

Proceed, Hon. Washiali.

**Hon. Benjamin Washiali** (Mumia East, JP): Thank you, Hon. Temporary Deputy Speaker. I know Hon. Millie knows what we are talking about. We are talking about community forests associations and the communities that live around forests. I will go back to the association again. So far we only have a record of roots that would help and improve the excitement and the appetite in men but for the ladies, I think I will need to go back to the association again and see whether the leaves of the same root can assist Hon. Millie.

(*Laughter*)

Besides that, the communities also benefit from hunting in the forest. Some of them even gather honey and in this age of mercury being found in sugar, the communities that live around the forest have been gathering honey which they have been selling for sweetening tea. Many

members of the public have chosen to use honey other than the sugar because of the mercury aspect.

Therefore, in summary, I support this Report and request that all Members support it. We wrote this Report out of our own inquiry and volition. In the course of doing that, we found a few omissions especially where a wife of a chair of this forest reserve has a hotel in the forest. She has built a five star hotel in a forest. Out of these findings – because this was the Committee’s own decision and nobody brought a petition to this House – they went out and found out that some of the officers who should help us conserve forests have again engaged their close relatives to put up facilities in the forest. Therefore, we have made this decision as a committee after having invited some of these players. I want to be on record that we invited the chairman three times without failure and because we were doing this out of our own volition. We just thought that we should not go ahead and invoke the rights that the committee has by summoning.

Therefore, I just wish to request Members again to support this Report so that we can go ahead, following the recommendations that we have put as a committee, to see an improvement...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Give him one minute. Hon. Washiali, you have just one minute. Summarise.

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Temporary Deputy Speaker, so that we can achieve what we want as a country because as we are talking now, the forest cover is below 10 per cent which is below the international standards that are allowable, we are looking forward to improve to 20 per cent of forest cover. For us to do that, we must get people who are sober and ready to support this Government.

Thank you, Hon. Temporary Deputy Speaker, for the opportunity.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Washiali. Next is the Member for Kisumu West, Hon. Olago Aluoch. Then the next is Hon. Shamalla Jennifer, nominated Member. Hon. Shamalla, you had risen on intervention of which now the Member has already finished his debate. From where I sit, I remember you spoke to this Motion. Procedurally, we do not speak twice. So, you are not in a position to speak to this. Let us have Hon. Odhiambo Ochieng, Member for Gem.

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Temporary Deputy Speaker, thank you for this opportunity.

I have listened to my brother talk about the forest cover. A hawk’s eye interrogation of this Report reveals that there has been encroachment of gigantic proportions on our forests. Let us also take cognisance of the fact that in those forests, there are officers who are working day and night to ensure that what we have as a country is protected.

I heard him also mention the Mau issue yesterday. It is important as politicians to realise that even as we problematise issues that relate to posterity for the people of Kenya, it is prudent that we do that in a sober manner. I am sure my colleagues are aware of what has happened in Mau Forest. That is what politics can do even for a good job. As the Member for Gem, we have on our own volition planted trees in Nguge - which is in West Gem - so that we support the initiative of the Kenya Forest Service (KFS) to ensure that the forest cover in this country improves.

Having said that, my brother said that there is a hotel in Karura Forest. It is important that we are factual when we mention some of those things. Because I have gone there, what exists in Karura Forest is an ecosystem-friendly hotel, which is helpful to the forest officers. They have a

place to go. He mentioned that it was managed by the wife of the KFS Chair. It was managed before Mr. Peter Kinyua became the Chair. It was given to the wife in 2015. In the task force Report of April 2018 that I have, there is no mention of Peter Kinyua as complicit during that investigation. I also have a Report that I expunged. It shows that this cafeteria, which has existed since October 2015, has consistently paid the KFS. This cafeteria existed even before Peter was appointed by His Excellency the President as the KFS Chair.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Member, you say you have reports. Are they your own personal reports or should they be tabled before the House?

**Hon. Elisha Odhiambo** (Gem, ODM): Can you come up?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Do you want to share the report you have with the House or is it a personal report for your reference?

**Hon. Elisha Odhiambo** (Gem, ODM): It is a report for my personal reference. It is important, Members of Parliament that when we talk about critical issues, let us not malign men and women of competence that are helping this country move forward, especially women who are working so hard to make sure that forest officers eat something as they protect our forest cover.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Migori County Woman Representative, Achieng' Awuor. Hon. Members, there is confusion with our systems. You cannot come here, leave your card, go for your business and wish to come back and contribute. We will be noting you. You should not inconvenience other Hon. Members.

Let us have the Member for Bomet Central. I cannot see him. Let me go to the ones I can see. Let us have Hon. Cecily Mbarire, who is present in the House.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report.

From the outset, I would like to congratulate this committee, led by their very able Chair, Hon. Kareke Mbiuki, for a job well done. We do not have to get into issues critical to us just because they have come to us by way of petitions. Sometimes we should take up matters because they are of national importance. The role that our forests play in our climate and the livelihood of Kenyans cannot be gainsaid. Therefore, it was important that this Report comes before us so that we interrogate it and come up with resolutions that will be helpful. I hope that this important Report that has been debated - and I am sure will be passed by this able House - will be one that the KFS and the Ministry of Environment and Forestry will take up seriously, look at the recommendations and ensure the implementation of the same.

Let me begin by first letting Members know that there is something called eco-tourism. Eco-tourism is where tourists come and they are interested in going to our ecosystem and forests like Kakamega Forest, which is very popular for eco-tourism. This is a product that we can sell as a country and we continue to do so. In that eco-tourism product, we should come up with something called eco-lodges. Eco-lodges are built inside the forest but they do not in any way interfere with the eco-system within a forest. You build structures and shelters that do not demand that you cut down trees. What tourists want to do is to come and when they open the door of a tent or a structure they are sleeping in, the first thing they see are the birds that are in that forest and the different trees that they can study that help the country. If we can take that route like is the case with Rwanda, we will give communities a reason to conserve the forest.

That was just a by the way. What has shocked me in the findings and observations of this committee is the fact that Kenya lacks a master plan for the natural resources that we have. We do not have a master plan. Even in terms of our forest cover which is way below the

recommended world average of 10 per cent, it is by fluke. There is no real policy or action plan meant to ensure that we attain a forest cover beyond 10 per cent. In fact, we should not be thinking of the world average. We should be thinking about being the best in Africa and the world in terms of forest cover. I am extremely shocked by that. I hope that the Ministry - which provides the policy direction of this important sector - will ensure that we have a master plan so that we can map out the forest in the country and ensure that we know where real action needs to be taken and where interventions are required. This is so that we are clear in terms of where we are and where we want to be 10, 15 or 20 years from now. We have already seen what inadequate forest cover is doing to our country especially when it rains.

Very important also is the need for us to begin to embrace carbon credit programmes which is an old concept in many countries but Kenya has not embraced it. For example, if you are a private farmer, you know that you can earn carbon credits by having small forests in your home. It will help many farmers to plant trees because they will see the real benefit in terms of cash, as we go forward. I hope that as the Ministry comes up with this master plan, we will start to consider carbon credit programmes and find a way of making Kenyans aware about it, so that they can get the incentive to plant trees.

Hon. Temporary Deputy Speaker, even as we come up with tree planting days like the President did the other day and said that it will be an annual event, it is important to note that we do not have enough seedlings nurseries in the country. We do not have them because we lack a master plan. We must find a way of engaging the youth and women groups to have nurseries in their farms, so that we get adequate seedlings to supply not only for the tree planting day but also beyond it. I hope that as we come up with this master plan, we can make it mandatory for every farmer to plant so many trees in his or her farm every year. Every school must do the same. Every child must be encouraged to plant trees on that tree planting day and beyond it. We should also ensure the sustainability of that seedling until it grows to maturity. We are very good at planting trees but we do not know how to protect them and ensure that they grow.

Allow me to talk about community forests associations. I come from an area where we border Mt. Kenya. I have seen the role of community forests associations in that area. They are there but very poorly financed. They are not given the opportunity to plant trees in the forest or around it, so that the communities benefit from that. They are not able to ensure that the benefits trickle back to the community like the way the Majority Chief Whip talked about. He talked about the *Mukombero* roots. We also have honey. We should show the people the benefits that accrue out of those forests, so that they can see the need to conserve them. I hope that as we continue to enhance the work of these community forests associations, we should ensure that they are well financed. There should be a budget for them, so that they can take advantage of ecotourism as a way of raising money at that local level which can be used. It can be ploughed back to the forests. I hope that the Ministry will take up this issue and empower community forests associations with the necessary tools to engage and do what they need to do.

One of the other issues that have come up is the saw millers. We hear about it all the time. We have 898 members of the saw millers association. They are so many. They are the ones who put pressure on whatever little we have. First of all, the whole arrangement of where people harvest trees and plant others is not well organised. I support the committee on that. There are times you find land with no trees at all. We must reduce that number to a bare minimum that we can manage and monitor the activities. We can demand from the saw millers by way of community corporate social responsibility to come back and replant whatever they harvest. We

need to move from these plantations and have indigenous forests that will have more impact going forward on our eco system, weather trends and climate.

I hope that the Ministry of Environment and Forestry will take this report very seriously. I want to see a situation where after passing this report today, we will have a meeting between the committee and the Ministry to ensure that this important report is actualised.

Thank you, Hon. Temporary Deputy Speaker. With those many remarks, I support the report.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Mandera North. He is not in the Chamber. Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute on this very important Motion. Forest cover in the country is going down.

If you compare Kenya with many other countries, you find that we are worse than them. In the United States of America (USA), there is a policy of making sure that there is an afforestation at all material time. A tree can grow in any climatic condition in Kenya. There is research to that effect. Trees which adapt to different conditions can improve the forest cover and be harvested for timber at an appropriate time by private farmers and companies. However, there has to be a regulation as to how we will handle the matter. This committee was chaired by my good friend, Hon. Kareke Mbiuki. I really want to congratulate him. He is doing very well in this committee and in protection of environment in the country. He did very well in Mombasa last weekend. We must come up with a way of making sure that we save our climate from degradation. We should make sure that every household in Kenya plants a certain number of trees in its farms or wherever they access. Trees should also be planted in homes, schools, and cities, so that we get sufficient forest cover.

There is a challenge in management and how we deal with harvesting. The people who guard the forests sometimes sell the trees illegally to friends at night. Sometimes, there are licences which are forged. This is a shared function between the national Government and county governments. There must be a role of the county governments and the national Government. Monies were allocated in the past for afforestation. The same went missing but investigations are going on. We want a situation whereby the matter of afforestation is taken very seriously by the Ministry of Environment and Forestry. We have seen efforts by Mr. Tobiko who is the new Cabinet Secretary for Environment and Forestry. We have seen efforts by the Kenya Forest Service. There is change of management and policy which will be passed by this House. The Committee has proposed drafting and enactment of an Act of Parliament which will manage the forests. The penalties should be stiff, so that whoever cuts a tree can pay sufficiently or be charged in a court of law, if he breaks that particular law. People in the whole country should be encouraged to protect indigenous trees. The community forests associations like the one Hon. Washiali talked about should be supported, so that we can make sure that the water towers are protected. Most forests are water towers.

In NG-CDF, we have some little money for environment. It can be used to grow seedlings and encourage the youths to participate in that activity. We can also encourage school children to know the use of planting trees. Every time we go to radio shows or make contributions in a matter related to planting of trees, we should educate the public because it is unaware that we are losing our forests. Everybody in the Republic of Kenya should participate in planting trees. Every individual should be sensitised on the importance of forest cover and protection of environment. People should understand that protection of water towers like the



Mau Forest is for our own good. If the people who live in the forest are removed from there, they should be given proper accommodation elsewhere. It is important to take care of our forests, different climatic conditions, and conduct seedlings research by our institutions like the universities, so that we can identify the trees which can benefit us and where to grow them.

We have a programme in the schools in Makueni Constituency. We work together with the county government and through NG-CDF to make sure that we encourage planting of a local tree which is very good for timber. It is a hard wood which grows without watering. It is famously known as *Mukau*. Almost every home has planted this tree, but we have not done enough.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): What species of tree is it? What is it called?

**Hon. Daniel Maanzo** (Makueni, WDM-K): It is called *Mukau*. The name is in local language. I do not have the scientific name.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Does it have medicinal value?

**Hon. Daniel Maanzo** (Makueni, WDM-K): It has medicinal value. It is similar to *Mwarubaini*. They belong to the same family. In fact, *Mwarubaini* does very well in very many dry areas of Ukambani, but there is a tragedy with a tree called *Mathenge*, which I saw in Garissa, which was developed by some researchers. It is also found in Tana River. It is very thorny and was not controlled in giving forest cover. It has very bad thorns which prick animals, causing them to lose their teeth because of the sugar content. It is a disaster that has to be addressed. It is dangerous to animals and human beings. Wherever it grows, it becomes bushy, covering every place with thorns. In future, we need not make mistakes as we made with the *Mathenge* tree. The researcher was called Mathenge.

So, that is a tree we have to find a cure for. We should develop good trees for the benefit of the country. I support the Committee and I congratulate it for the great job it has done. Hon. Kareke Mbiuki, my very good friend and neighbour, has done a very good job for the country.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Kwanza, Hon. Wanyonyi Kevin.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I have seen the Report on afforestation. We should do much more than we are doing, as a country. I want to correct the Chief Whip who said that this country has only 2.9 per cent forest cover. The forest cover reduces every day. See what is happening in Mau Forest. I want to echo what Hon. Mberia has just said that we should have a full-fledged ministry of environment and natural resources, so that it can ably develop a blue print on what is required in the country. We can then follow through such a blue print like someone reading the Bible. The climatic condition of the country is changing for worse every day because of the reducing forest cover. Therefore, I take this opportunity, as a national leader, to encourage the Ministry of Natural Resources, which is currently being overseen by my good friend, Hon. Kareke Mbiuki, to develop a strategic plan and tell the country where we are going in the next five years. If you go to the Ministry Headquarters today, you will find that they have nothing.

Recently, I went to China, which has 1.5 billion people. Africa has only 1.2 billion people. That is a fact. The streets of China are very wide with all kinds of buildings you can imagine of, but they have a forest cover. Everywhere is green, despite having storey buildings. Everywhere you go is green. I also had a chance to go to Romania. It is a developed country. It

has a forest cover of 10.8 per cent when I was there. Compared with Kenya, which is not an industrialised country, we have a problem.

As much as we want to debate and adopt this Report, the bottom line is that we should have a strategic plan for our country. What the Chair of the committee needs to do is to let the Cabinet Secretary come tomorrow and tell the committee what our plans for the next five years are. Each one of us has NG-CDF. I make sure that every fortnightly I distribute seedlings to all primary schools, colleges and even churches using the money for forestation. That is the only way we will be able to move forward as a country to improve our forest cover. The carbon credit that my friend mentioned, which was a Tokyo initiative, pays money for having a forest in a given location; it does not matter where. That, again, should be encouraged. It should be appropriate because that is what has been said everywhere.

Another problem we have is in the Mau Forest. In the Mau Forest we had a cutline around the forest but some people have moved right inside the forest. Mount Kenya, which is near my constituency, is in a sorry state. If you go into the forest, you will see lorries of millers driving out with logs despite the recent directive that imposed a ban on logging of trees. That is not important because even those who are given the responsibility to protect the forest are actually bribed daily. So, we beat our own system. For us to move forward, let us have some incentives. Let us have some programme where if someone has five acres of land, he reserves, say, 1 per cent of it or one acre for trees. Such person should be given an incentive. Those who cut trees should be encouraged to replace them. Let us give some incentives so that people can be encouraged to plant trees, be it within school compounds, church compounds or within one's home compounds. All such open places should be covered by trees.

I encourage each hon. Member to set aside 1 per cent of the NG-CDF money for planting trees. That is the only way we will increase our forest cover for posterity. Our children and grandchildren will ask us what we did. As someone mentioned, US is a very advanced country but they have forest cover you can refer to. In our country, there is nothing. We just talk and end up doing nothing.

As I support this Report, I hope and pray that we have an annual target figure of trees to be planted. In the next 10 years, we should have at least 20 per cent forest cover. I look forward to having a blueprint from the Ministry to show us the way forward.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Bomachoge Borabu.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Report.

Upfront, this is a step in the right direction presented in a fairly fragmented way. Looking at it, I see a number of grey areas that emerge, but sometimes overlapping, because of the way the Report has been prepared and presented.

I wish to see the key observations on forest management coming out clearly in a more synthesised form. The second part will look at the logging activities, observations and recommendations. That will be better in guiding us. Let me ask something that I would have also wanted to see. We have the Ministry of Environment that is funded annually but forests are being lost and logging activities are taking place. The question I am asking is: What is the value of this Ministry? The value of the Ministry must go beyond protecting the forests. To expand the forest cover in this country, the Ministry should give services. If I can specify them, the Kenya Forest Service (KFS) should give services beyond the protected forests on to the farmland. For most

part of Kenya, currently, we do not have any areas that are forested. Our forests would be the farms where other crops are grown but what is the extension service given to this particular category of forests?

I know in highly populated areas like Kisii, Meru and parts of Murang'a, we have challenges of the right species to plant in the farmlands. That is what the Ministry should be doing - providing farmers with the right advice and working to ensure that the laws that exist to integrate trees in the farm are clearly followed. Eucalyptus, for instance, is an ingredient in farm forestry but we are expanding it to provide forest cover. It is causing a lot of damage to the water systems. What can we do? What should the Ministry advise farmers to do? We also have bamboo that has begun to be grown in Kenya. We can have bamboo as an alternative in some of the services that can be obtained from the eucalyptus tree that we know as a killer of the water system.

Looking at the Report, I see an ingredient that would create a big change in the forest cover in this country. Having everybody to engage in tree planting and having a system that will be able to monitor the changes we are making on an annual basis through all the sectors be it the school, health centres, protected forests or the arid lands that are communal lands... If we can do some kind of benchmarking and be able to move systematically to evaluate ourselves on the steps we are making, we would be able to increase the forest cover in this country.

About millers, we also need to see millers as partners in the promotion of forest cover, not as consumers. As much as they would bring us the money, we also need to find a way to ensure that the money that they generate and share with us is converted to create more forests in this country. We have also a number of opportunities. Forest covers have a lot of resources but we have not added value to these resources to make the communities proud to engage themselves in protecting these resources.

I know my colleagues have spoken about herbal medicine that is drawn from the forest. We also have a number of minerals that are in the forests but we need to think of how to add value. What about the fruits in the forests? How can we add value and see that these fruits are grown in large numbers to be able to bring the forest cover and at the same time add food to the families that are affected?

Finally, I would like to see this Report reorganised to bring out the new issues. The issues that have been reported are things that we know. What is new that we need to know and move forward? If the forests and the Ministry of Environment were to be advised, I do not see any tangible new things that are emerging from this report. Saying that we recruit more forest rangers does not make any difference. We need more than that. We need to engage ourselves in the issues that are affecting forest cover. Looking for alternative materials that we can use for construction will be one way. Also, promoting the other products that we use or we consume from the forest will also be another way. Putting forests on the farms will be the best way to make sure that we reduce the attention of the communities that are adjacent to the forests.

It is a beginning, and as a beginning, I support this Report. With those few remarks, I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The Member for Tigania West.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to this important Motion. We are a country that is suffering from many climate-related issues. One of the sources of these problems is lack of sufficient forest cover. Speaking of 2.9 per cent of our forest cover currently, and moving it to 10 per cent,

we need to respond to this particular issue as a crisis. If we are not in a crisis at 2 per cent, I do not know when we will consider ourselves to be in a crisis. The role of research has not come out clearly especially in terms of locality specificity for the variety of trees that we need to plant in various areas where they can grow.

When you travel this world, you will find countries that are not as disadvantaged as we are doing a lot better than us in terms of increasing their forest cover and cleaning their surroundings. We are a country that is not seriously focused on building our surrounding in terms of increasing the forest cover. There is an issue that has been alluded to. I do not know whether we understand it very well. That is the issue of carbon credits. I know that there are people who are being paid in Kenya with regard to carbon credits. There are some people who are paid in terms of the number of seedlings that they are planting and nurturing every year. If you follow this clearly, you will realise that the audit is not properly done. Sometimes people are paid for trees they are not planting nor nurturing. So, we need to have serious focus and serious monitoring of this particular process.

In terms of carbon credits and payments, there is a lot that we can do upon agreements that have been arrived at through climate change negotiations. I do not know the extent to which this knowledge has permeated to the people. It is important for the relevant State department to unpack this knowledge for Kenyans to understand and make use of. It is an advantage that we are losing as a country as we watch other countries growing through the benefits that have been accorded in this particular process.

I want to share my personal experience in terms of tree harvesting. Sometime back, the Government declared that saw millers could harvest trees. I needed some firewood. I went to a certain forest to try and buy firewood but what I found was amazing. Tree harvesting is not logging the trees that are mature. They clear everything including the undergrowth and the bushes. That is not harvesting, that is destruction! Sometimes they even burn it. We need to be very careful on how we manage our forests. Forest is not the tree standing, it is the undergrowth, the amount of vegetation that we have at one particular point in time in terms of forest cover. When we talk about forest sinks in climate change terms, forests are used as sinks for purposes of sequestration. We cannot have sequestration when we have stand-alone trees; it happens where there is a thicket, bush land and a lot of undergrowth. That is what we need to preserve in the first place.

I would like to briefly look at what we can do as a people and as leaders in this country to increase forest cover. One of the things we can clearly do is to promote tree planting, realistic tree planting, not just asking people to come to a major occasion to plant trees and that is the end of the story. It involves having a regular calendar of planting trees and having specific numbers that you are delivering every year.

If we are not working with numbers, we are joking. We can never get there. We should work with targets. We should know we are going to increase the forest cover by one or 0.5 per cent every year. We should evaluate whether or not we have reached the one per cent or 0.5 per cent. If we determine we have not, we should ask ourselves very serious questions why we did not achieve our target. This needs to be coordinated very carefully. Every effort that goes to the direction of increasing forest cover should be captured in the national map. We should be able to follow this effort seriously.

*(Hon. David ole Sankok gestured to Hon. John Mutunga)*

You need to protect me from the Hon. Member who wears green in this House. He is threatening us. You dress like you are working in the office of Mr. Sialai. Please, do not interrupt me as I speak.

Hon. Temporary Deputy Speaker, I would like to just mention one thing as I wind up. When we talk about deliberate increase of forest cover, exactly what are we talking about or doing? We need to look at the alternative sources of energy; do some thorough research on alternative sources of energy and try to see how we can make it cheap. We are looking at a country whose 68 per cent population is dependent on wood fuel. If 68 per cent of the population is dependent on wood fuel, how can we increase our forest cover? It is, in fact, diminishing!

There are several options that have come up and they have not been seriously followed. One of them is through the Ministry of Agriculture where we need to insist about a wood lot of 10 per cent of the farm size. I am wondering how far this has gone. Is it a policy pronouncement which has been followed? How many people have set aside 10 per cent of their land and planted trees? Maybe, nobody. It could be 10 per cent or two per cent of the population. Who is really following that policy? Nobody.

The other one is that we have efforts in this country to increase the use of biogas. It is methane which must be burnt. When you do not burn methane, it is released into the atmosphere and we know that it is one of the greenhouse gases. Methane comes from the dung that we get from the animals. We need to consolidate this gas so that we may be able to burn it and do two things at the same time. One, use the waste which would have been waste anyway and reduce the use of wood as fuel. The reason people are not adopting biogas usage is because it is very expensive. The biogas plants are very expensive. Establishment of the biogas plant is expensive. We need to make it cheap for the citizens to afford.

I support. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): There is a proposed amendment to this. As we consult and look at it, let me give chance to three Members. Hon. Member for Njoro.

**Hon. (Ms.) Charity Chepkwony** (Njoro, JP): Thank you very much Hon. Temporary Deputy Speaker for granting me this opportunity to contribute and support this important Motion on matters of logging.

It is the Departmental Committee on Environment and Natural Resources that came up with the ban on logging. Indeed, there was a national cry which led to the banning of logging. Rivers were drying up. We realised that the rainfall cycle had changed. This was affecting production of food and thus threatening our food security as a country. We also realised the drying of rivers in the country was affecting cattle and crops. That is why we banned logging.

I wish to support what the Chairman said. We realised timber dealers in the country are very many. They are over 800 with the exclusion of the independent and large scale dealers. We also realised that there were some complaints about medium and small-scale dealers. There was no clear and fair definition of trees to be cut. We also realised that there was conflict of mandate between the KFS, KWS and the Kenya Water Towers Agency. It is true we have a challenge of tree seedlings. It is high time the Ministry of Environment in collaboration with the KFS and KEFRI came up with best ways to make sure the youth and women on the ground are empowered to raise seedlings which will increase production of seedlings.

During our visit, we also realised community forest associations are very important in this country. When people plant trees, they leave them. Community forest associations in this country are the people left to manage the trees planted and they ensure there is growth of trees

which have been planted. They make sure they preserve and conserve them. Though community associations do this great job of managing the forests and trees planted, we realised they get a lot of challenges. They reap nothing when it comes to logging of the trees. The Plantation Establishment Livelihood Improvement Schemes (PELIS) are very important ways through which community forest associations should benefit locals.

As the Chairman said, it is true we realised that the KFS' sacking of staff was not procedural. It needs to be taken up in a different way. We cannot make the 10 per cent forest cover unless we take planting of trees seriously. Therefore, the 10 per cent forest cover in this country is hard to achieve if we do not make sure that KEFRI, which does research and a lot of treating of tree seedlings with the KFS, is empowered in terms of funds so that we have enough tree seedlings. The CS in charge of forestry must take this matter seriously. It is about time we told each other the truth on how we can save this country. There are so many spaces in the forest areas which have no trees. The priority now is for the Ministry of Environment to ensure all spaces in the forest areas are filled up.

On matters of eviction of people from forests, it should be done in a humane way and with integrity. The dockets under the Ministry of Environment must ensure they give civic education to the people. They should also come up with clear cut-lines and not multiple cut-lines which bring a lot of confusion in the country. The confusion they create leads to many people being affected. Once civic education is done and clear cut-lines are made, people will be prepared psychologically. Therefore, the next step the Ministry should be taking is to ensure we have enough and right production of tree seedlings; seedlings of species according to the weather of the places. It is time we supported the Chairman of the Committee on Environment and Natural Resources. It is time we walked the talk. We have talked a lot about forests but we are doing nothing about them. The agencies concerned with environmental matters need to be empowered to make sure we have enough funds to support what we are talking about. We also want the Ministry to lead by good example. Let us see the Ministry empowering the youth, women and Community-based Organisations (CBOs) to ensure tree seedlings are planted.

The issue of conserving our forests is not a one-man issue in this country. Let every Kenyan plant a tree. Let the Ministry of Environment make sure the carbon credit programmes are known by Kenyans. Kenyans must be motivated and get civic education on what kind of trees are supposed to be planted where and when. I do not have a lot to say. It is very true logging has been damaging this country. It is high time we took action to make our country better.

As I finalise, yesterday after watching *NTV* and *Citizen TV*, I will be celebrating one Maasai man who is a politician who surrendered a title deed for the land he held in the forest. This is the direction we should all take. This is the time we should tell the Ministry of Environment: Let the big fish in the forest surrender all the title deeds for the forest lands they hold. As we talk about making this country better, people should voluntarily surrender title deeds and make sure that they do not sell the land to poor Kenyans, who are the people who feel the effects of evictions. Therefore, I support this matter. United we can make this country better and increase the forest cover. We must also encourage the Ministry of Environment to encourage children to have the culture of planting trees.

Thank you very much, Hon. Temporary Deputy Speaker. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The Member for Kaiti.

**Hon. Joshua Kivinda** (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this important Motion. First and foremost, I want

to thank the chairman and the committee for doing a good job on this matter of forests. We all know that forests are very important in our lives. We need them for our survival. The oxygen we use comes from forests. It is very sad when we see people going round and destroying our forests and we are not standing guard to take part in conserving our forests. As a Member of Parliament, I take this chance to support the Motion.

I remember in Kaiti Constituency, there is Makuli Forest where I had a very big campaign before I was elected to this House. I went round meeting the community and educating them on the importance of forests. If we can take the responsibility as Members, go out to our communities and tell them the importance of forests... I was watching news last night and I saw people talking about cutting down trees. This is a serious issue but sometimes we take it lightly and try to use our forests for politics, which is not good. The ministry has enough money to do a lot, because what they are doing is not enough. The forest I am talking about is 50,000 hectares and it is manned by less than 20 personnel. That is why now and then you meet people logging trees in that forest. There is no control of how people log trees. It is all over and they are doing it at night. If we can add personnel in that forest, we can do something to conserve the environment.

There are a lot of points where as Members we can join together and conserve our environment. Once we cut down trees, we encourage soil erosion which endangers the environment. Achieving the Big Four Agenda of food security in this country is a challenge. We also encourage Members of this House, if we can spend the NG-CDF money and plant trees and we go round the constituencies campaigning for the planting of trees and conserving of the environment, it can be good. This can also help our people to conserve the environment.

I will not say much about how we can secure our forests. We all know that we need the forests for our daily activities. The air we breathe, the wood and charcoal we use come from trees. So these are serious issues which we need to contribute to. It is long overdue, because once you talk of forests and trees, you are talking of life. We cannot afford this. So I take this opportunity to support this Motion. There is a lot of logging happening in our forests. We need to beef up security. We are taking it for granted. We talk of protecting our forests but when you go round you find a lot of logging still happening.

I also encourage the Government to add more funds to our youth and women to be sensitised about the importance of trees. If we use our youth, some of whom have no jobs, this is a way of creating jobs. It will encourage and educate the youth and the coming generation. Our country will be green and we will conserve our environment.

I support the Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, there is an amendment approved by the Speaker. Procedurally, I will allow the amendment to be moved. It is good to dispose of it so that we can continue debating the original Motion as amended or un-amended. The Member for Tiaty Constituency has an amendment.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Temporary Deputy Speaker, I beg to move the following amendment:

THAT, the Motion be amended by adding the following words after the figure '2018'—

Subject to deletion of recommendation 22 on page 49 of the report.

Recommendation 22 says:

“The EACC should investigate the immediate former KFS Board chairperson for possible conflict of interest and abuse of office contrary to Section 101 of the Penal Code and Public Officer Ethics Act, 2003, and if found culpable should be barred from holding any public office.”

This is where my problem is: First of all, Mr. Kinyua is not immediate former chairman. He was reappointed and he is in office. Secondly, his only sin, according to this Report having gone through it, appears to have been alleged conflict of interest in terms of ownership of a restaurant within the forest. If somebody has admitted that indeed he had interest in that particular business, he has declared that interest as at the point of taking up the appointment, why then would it be a crime? And the appointing authority, His Excellency the President, has once again, with confidence and having known that that business was there... It was there before the appointment. Why would the committee want to condemn this gentleman? I wanted to persuade Members that it would be really unfair for us inasmuch as I appreciate our job, to condemn this gentleman yet he had declared that interest at the outset. He said the same when he appeared before the committee. So I wanted to persuade Members that we delete Recommendation 22.

I thank you, Hon. Temporary Deputy Speaker. I beg to move.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Who is your Seconder?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Elisha Odhiambo.

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Temporary Deputy Speaker, I rise to second Hon. Kamket’s amendment. I want to state and remind my colleagues that we have many Kenyans who are diligent and committed to helping this country. We must be persuaded that while we are making gigantic recommendations that are going to help this country, we must be able to hold back and think and say that we are not going to destroy careers of men and women who have contributed to this country. We must look at posterity.

On 30<sup>th</sup> March 2018, Mr. Peter Kinyua declared that interest when he was interviewed by the committee. I do not think the mere fact that his wife was operating an eco-friendly restaurant before he was appointed should take him to a rigorous, punitive process. Is it a problem if you have a wife who operates a restaurant before you are appointed? Was that Peter Kinyua’s mistake or are there other underbellies that we do not know? So I want to persuade members of the committee: The recommendations that you have made will help this country except for that number 22 that we need to rethink in the context of men and of this country who work so hard to make our country proud.

Thank you. I second.

*(Question, that the words to be inserted be inserted, proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, we will now debate the amendment to the Motion. Before I give any Member opportunity, I must communicate this: I will not allow Members to come in at 2.30 p.m., put cards, go for your business and then come back at 5.00 p.m., when other Members have been sitting here, and you want to speak to this.

*(Applause)*

Secondly, coming to the desk may not change the Speaker’s eyes. The Speaker has eyes and will make a decision on who to speak. We do not express ourselves like that: “Oh, I want to go to hospital or do this.” No, that does not occur. The Speaker will give Members opportunity



as per the requests and as per the procedures, so that we are at peace. Every Member is equal in this House, so that we can have some sanity in debate, apart from the usual leadership positions.

Members, you are speaking to the amendment. Those who spoke to the Motion can still speak to the amendment. Those who have not spoken to the Report, it will not deny you the chance to speak to it.

The Member for Turkana, are you on the amendment?

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): On the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you. Let us have the chairperson.

**Hon. Kareke Mbiuki** (Maara, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to oppose the amendments that have been proposed by the Ethics and Anti-Corruption Commission. Recommendation number two should be deleted. What the committee has recommended is investigation by the EACC of possible conflict of interest and abuse of office contrary to Section 1(1) of the Penal Code. If found culpable by the various investigative authorities; the culprit can be barred from holding public office. We are not at all condemning the Chairman of KFS Board.

The other issue I want to bring to the attention of this committee is that when we were seized with this particular matter, Mr. Kinyua was the Chairman of KFS Board. His term expired and it was the wish of His Excellency the President to re-appoint him. We have no authority to question that. Despite him being re-appointed, all of us are possible candidates to be interviewed and investigated by the EACC. The other issue we found extremely wanting is that it is this committee which started the campaign against logging in this country, which was subsequently picked up by the Executive led by the Deputy President and subsequently a moratorium was issued.

Eventually, the CS in charge of environment and forestry took up the matter and became so obsessed with it. We all recall when the CS went on an aerial view of the various forests in this country, where he took head on the former Chief Conservator of Forests. He then addressed a Press conference at the KWS station at Wilson Airport. The letters that suspended these officers were written by none other than Mr. Kinyua on 12<sup>th</sup> March 2018. The board met on the following day to sanitise the matter. The Chairman had no authority, on his own Motion, to suspend officers before the full board had met. That is why we had serious issues with Mr. Kinyua, who took it upon himself – maybe, out of coercion by the CS – to write letters suspending these officers at midnight. On the following day, he convened a board meeting to sanitise the matter. We call upon the chairs of the various boards to be independent of the CSs.

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

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

With those remarks, I oppose the amendments. Let us allow the law to take its full course.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Millie, do you have something to say on the proposed amendment?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion of amendment. The reason I support this Motion is that I have listened to the committee very carefully. One of the issues they are raising against Mr. Kinyua is conflict of interest. They are urging that they should be investigated for possible conflict of interest. He has already declared a conflict of interest. So, what is there to investigate? If I have declared that I am Millie Odhiambo, will you want to investigate if I am David Omollo? What is there to investigate further? Unless I actually appear as a man but from every *prima facie*, I look like a woman. So, we need to understand the governance laws of this country. We say people must declare their interest so that any activity that one undertakes can be seen within that framework. Unless you tell us how the suspension of the officers you have referred to are connected to the restaurant that is owned by the wife, I do not see any conflict of interest. I do not see how conflict of interest affects his work. Declaring conflict of interest in itself is not a crime. In fact, that is a person that should be congratulated. Many Kenyans do not declare conflict of interest. I even tell people in my NG-CDF office that if one wants to do work with the NG-CDF, one should declare one's interest. Once one declares one's interest, the committee will request that person to reclude himself so that he does not intimidate the committee. That is the essence of good governance.

Secondly, I am very concerned by what the Chairman of the committee has raised. I think the committee was caught up in the internal politics of KFS. We need to relook the mandate of the committee. I do not know the mandate of the committee includes stretching to how you relate to the CS. I do not think you need to victimise somebody because you think the CS told him to do XYZ. I would equate your reaction to responding to a mosquito bite with a hammer blow. This is somebody's career, unless there is a hidden reason. While you write your report, there is section where you can raise your concerns, but you are making a very serious recommendation. It should be that there is evidence of corruption or evidence of manipulation or some very serious offence that has been committed. As I stand here, I am not convinced. I do not know Mr. Kinyua. I have never met him but I think we are being unjust. I would encourage the committee to rethink its position, unless there is something that we are not aware of.

I support the amendment.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, you had agreed that those who want to speak to the amendment would lift their hands although it is unusual. We shall have Hon. Shamalla first then we will get on.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Hon. Temporary Deputy Speaker, I do not want to be repetitive. This amendment by Hon. Kamket is welcomed because, indeed, as I stated yesterday while addressing the House on the same issue, somebody cannot be condemned unheard. The initial report has no attachments or evidence of Mr. Kinyua's appearance before the committee yet he did appear before the committee on Thursday, 29<sup>th</sup> March 2018. The initial report did not capture his sentiments or explain what happened. I did hear my dear brother, Hon. Washiali, say that he was summoned twice and the impression created was that he did not appear. He actually appeared before the committee but there is no attachment in this Report, of any evidence that he may have tabled before the committee.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Shamalla, go on. What you are raising is a matter of concern to me. I have gone through this Report. That is why I directed the Clerk-at-the-Table to point out from the Report where it is captured that the KFS Board Chair appeared before the Committee. It is important because the recommendation goes adversely towards him yet it is not apparent in the Report or I have not caught sight myself

where he actually appeared before the committee. So, maybe the Chair and the committee could assist the Table so that we can see where he appeared.

Proceed, Hon. Shamalla.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Having said that, because such an adverse finding was made against the Chair of the KFS, it is only fair that he should have been given the opportunity to respond. Was he given that opportunity to respond? It is not clear in that Report. So, I am once again requesting that the committee be persuaded that this amendment is indeed necessary. The reasons being that an adverse finding has been made against Mr. Kinyua yet in the Report there is no record of him appearing and what his defence was. This is contrary to the principles and rules of natural justice.

With those few remarks, I support the proposed amendment.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall have the Member for Kasipul

**Hon. Charles Ong'ondo** (Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I rise to oppose the amendment. It is on record within the committee that I am the one who raised the alarm of the existence of a hotel in Karura Forest which was confirmed to be owned by Mr. Kinyua. It is so absurd that we are removing squatters from the forest due to deforestation while now the person who is in charge of taking action is the one who was doing deforestation by owning a hotel in the forest. During the same session, Mr. Kinyua did not even take time to defend that. So, it was in question. This one should be on record and as the Departmental Committee on Environment and Natural Resources, in Mombasa we were surprised somebody owned nine acres within the sea which so many Kenyans did not know. That was the first area which we were really against. The Government is really supporting and putting a lot of funds to put up boreholes and dams while on the other hand an officer who is in charge as the head and chair of conservation now goes on to put a hotel. It was unethical.

The other issues which were raised are generally even in Parliament, there are hours which are stipulated as working hours. You cannot be in Parliament at midnight unless a notification is put on that. The management skills within the KFS under Kinyua were still wanting because he went to the office, and evidence was shown, at night, wrote a letter for sacking officers when the board had not sat. When we were getting some comments from regional conservators, a case emerged whereby Kinyua talked with one in charge of the North Rift region as he released him quietly and by the time the regional conservator reached the station, the gate was locked. He could not even get in. We summoned Kinyua with his board and he did not appear. The board members who were present actually contradicted all issues which he had previously presented. So, in support on that, it is even better because his management skills were questionable. He was running the KFS as a personal property which is contrary to the law of the board. I, therefore, stop at that and really oppose the amendment which has been brought to the House.

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

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you very much, Hon. Temporary Deputy Speaker. If you allow me, I can give my comments in so far as the amendments are concerned and also the main object.

At the outset, I rise to oppose those amendments proposed by the Member for Tiaty because even as we come here to say the issues of declaring interest, we have to be serious in this matter of fighting... This is because there is some form of corruption; that you can have the

person who is charged with conserving our forests and forest cover being the same person doing the opposite in so far as conserving forests is concerned.

Most of us have been to the hotels and establishments owned by Mr. Kinyua. One is actually in Karura Forest. I can confirm this is pure business. In fact, I do not think there is a hotel in Kenya more expensive even in terms of a cup of tea than those establishments. Therefore, there is no other way to term it. This is capitalism done by the same person who is charged with protecting our forests. We can come here and purport to say that when you declare interest then you should be let off the hook. Honestly speaking, if I am the Member of Parliament for Kiharu even if I declare interest it is known I am the Member of Parliament for Kiharu. If I give directives to the NG-CDF, they are likely to follow my directives to the letter even when I declare interest. Therefore, we need to have a very clear line even as we debate this matter of conflict of interest and also of declaring interest and in this case Mr. Kinyua blatantly went overboard.

Also, I have to say that in environment – because we are talking about our forests even in the amendment – we depend entirely on our forests basically on everything. This is because the better part of our environment and which actually helps and trickles down to other existences relies on the forests. As we talk, most of our power comes from hydro. Of course, hydro relies mostly on water and there can never be sufficient water to generate hydro power if we continue destroying our forest cover. I am very perturbed because one of the hot potatoes or issues we have as a country is that of corruption.

Just recently, we had the Mau debate, where we have people, especially poor people, being evicted from that forest. In fact, it is not recent because it is a current matter. The question so many Kenyans are asking is where the people will go? This is because some of them actually have titles. Also beyond the poor people we have bourgeoisie who have large parcels of land in Mau Forest and other forests in the country and also they have titles. The question we are asking as the Kenyan people and I am asking on their behalf is: Where did these titles come from? This is because even if we talk about eviction, we have to be mindful of the people who have documents that seem to be original and authentic issued by the same Government. Actually, alongside that, their children go to a public school in the same forest. The whole trail of corruption that is happening around our forests has to come to an end.

Even on our jurisdiction in terms of NG-CDF, I am aware we have around 2 per cent that is supposed to go to conserving our environment. It is my proposal – and I am sure we will be debating the same in this House – that even beyond the statutory of 2 per cent that is allocated in the NG-CDF, probably we need to set some small percentage aside so that every project carries, in itself, some small percentage for environment so that if, for example, we are doing some infrastructural developments in a school, some small proportion of that money should go into conserving the environment even within the same institutions.

Last week, the Speaker of this House said some things in regard to our conduct as Members of Parliament. Therefore, even as we debate this matter of amendments, we have to be serious. We have to be seen as Members of Parliament for the people who elected us and not for the rich who are holding Government offices like Mr. Kinyua.

I oppose this amendment. I also support the entirety of the Report as prepared by the Committee.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Nzengu, Member for Mwingi North.

**Hon. Paul Nzengu** (Mwingi North, WDM – K): Thank you, Hon. Temporary Deputy Speaker.

I rise to oppose the introduction of amendments into the Committee's Report. I oppose this because the argument that Mr. Kinyua is being unfairly treated is not true. The issue of declaration of interest did not come voluntarily. We had to grill Mr. Kinyua until he accepted that the hotel is owned by his wife. Arguing that Mr. Kinyua had already declared interest is not true.

Even in declaration of interest, I support my colleague, Nyoro. We are now overseeing the implementation of projects in our constituencies as Members of Parliament and committee members. If I run a construction company and I declare interest that I own a construction company, it does not allow me to do NG-CDF projects just because I have declared interest.

I seriously oppose this amendment. I want to contribute to the entire Report. I wanted to contribute yesterday but I now have this opportunity today. Allow me to say something on the matter of...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nzengu you cannot do that.

**Hon. Paul Nzengu** (Mwingi North, WDM – K): I cannot do that? Thank you very much, Hon. Temporary Deputy Speaker. I oppose.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Washiali.

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

From the outset, I oppose this amendment. We are on record as the Departmental Committee on Environment and Natural Resources as having started this inquiry on our own volition. The Chair of the Kenya Forest Service should have been the one to raise issues of logging in this country. Therefore, already from the outset, there was an element of incompetence from the office of the chair.

Conclusions are drawn from observations. Looking at the observations of the Committee...

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order, Hon. Temporary Deputy Speaker.

**Hon. Benjamin Washiali** (Mumias East, JP): I did not interrupt Hon. Kamket, therefore, he should not interrupt me. With regard to Observation No.19, I want to refer...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Washiali, kindly hold your horses. It is in our Standing Orders that he is allowed to raise a point of order. He is rising on a point of order. Let us hear him. Let us have Hon. Kamket.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Temporary Deputy Speaker. Is it in order for the Government Whip to question the authority of the President? He is sitting on the side of Government. He is the Chief Whip of the Majority Party and he is saying that the presidential appointee is incompetent. What is he insinuating?

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

*(Loud consultations)*

Hon. Washiali, please proceed.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. You have done well to save my breath because I do not think that was a point of order.

If our brother had time to look at the Report, Observation 19 clearly says that the suspension of the KFS senior managers was done illegally and unprocedurally by the Chairman of the KFS Board. Even with the purported suspension, the managers were not accorded an opportunity to be heard. That is what necessitated the recommendation. Under Recommendation No.22, we recommended that the Ethics and Anti-Corruption Commission (EACC) should investigate the immediate former KFS Board Chairperson for possible conflict of interest. It is for possible conflict of interest. We are not saying that there is conflict of interest. We are saying he should be investigated for possible conflict of interest.

You heard us say that as the Departmental Committee on Environment and Natural Resources, we investigated on our own volition. The managers were then suspended and later on, the issue of the wife owning a hotel in the forest came up. I do not know the difference. I do not know what the relationship between the wife and the Chair is. In my case, whatever my wife owns is mine to an extent. Nobody can just claim that, that belongs to the wife. Where does the ownership of the wife reach and where does the ownership of the husband take over? In our case, it is different. That is why we suggest that the EACC investigates if there is possible of conflict of interest. Therefore, we have not made any conclusion. It will be the EACC which will make any conclusion that anybody would worry about.

I oppose this amendment.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Adagala, Member for Vihiga County. You were on your feet but you now have an opportunity to contribute.

### QUORUM

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): Thank you, Hon. Temporary Deputy Speaker. I was standing on a point of order. I wanted to know if there is enough quorum for us to continue with this debate.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Adagala, under which Standing Order are you raising your point of order?

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): Hon. Temporary Deputy Speaker, there is no quorum because most of the Members are out of the Chamber. Can you protect me from this Sankok man? He wants to fight with me.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Adagala, you are protected. Order, Hon. Members.

Hon. Members, she has a point but she could not put her finger on it. It is in our Standing Order No.35. It is allowed for the Member to raise such a point. I have looked around. She has every right to raise that point. I will direct the Clerks-at-the-Table to confirm that we have the requisite numbers to prosecute the business of the House.

Order, Hon. Members. It has been confirmed that we do not have the requisite numbers to transact this business. I will therefore direct that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order Members. This is a direction to the Serjeant-at-Arms that no Member should leave the Chamber while the Quorum Bell is ringing. I have noticed that the Member for Baringo has left the Chamber. I direct that she should be asked to come back. No Member should leave the Chamber. Serjeant-at-arms, make sure that the Member for Baringo returns to the Chamber.

Order Members. I direct that the Quorum Bell be stopped. I have been informed by the Clerks-at-the-Table that we are unable to raise the requisite quorum.

I, therefore, direct that debate on the amendment to this particular Motion will be continued.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 6.52 p.m., the House stands adjourned until Thursday, 2<sup>nd</sup> August 2018, at 2.30 p.m.

The House rose at 6.52 p.m.