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The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, we do not have quorum. Ring the Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum to transact our business. Clerk-at-the-Table, go to the next Order. We will come back to Communication from the Chair later.

MESSAGE

APPROVAL OF MULTINATIONAL SECURITY SUPPORT MISSION TO HAITI

Hon. Speaker: Hon. Members, I have a Message from the National Security Council seeking approval of multinational security support mission to Haiti. This is a Message from the Executive.

Hon. Members, pursuant to the provisions of Standing Order 42(4), I wish to convey a Message from the Cabinet Secretary for Interior and National Administration relating to a request for approval of multinational security support mission to Haiti. In the Message, the Cabinet Secretary conveys that on 13th October 2023, the National Security Council considered and approved a memorandum from the Cabinet Secretary and Attorney-General for the proposed deployment of the National Police Service to multinational security support mission to Haiti.

Following the approval of the memorandum, the National Security Council—through the Cabinet Secretary for Interior and National Administration—hereby seeks the approval of the multinational security support mission to Haiti by Parliament.

Hon. Members, for information of the House, Article 240(8) of the Constitution provides as follows:

- “(8) The Council may, with the approval of Parliament—
- (a) deploy national forces outside Kenya for—
 - (i) regional or international peace support operations; or
 - (ii) other support operations; and
 - (b) approve the deployment of foreign forces in Kenya.”

Subsequently, the request by the Cabinet Secretary for Interior and National Administration is rightly in order and submitted for consideration by Parliament.

Pursuant to the provisions of Standing Order 202A, I hereby refer the memorandum to the Departmental Committee on Administration and Internal Affairs for consideration. The Committee is required to consider the memorandum jointly with the relevant Committee of the

Senate, and submit its report to the Houses of Parliament on or before 8th November 2023 to allow for timely disposal of this matter.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I seek clarification regarding the Message you have just read. The Standing Orders allow Members of this House to address the Speaker on matters to do with the constitutionality of any business that comes before the House.

I have listened keenly to your Message and you have referred the House to Article 240(8) of the Constitution, which allows the National Security Council, with the approval of the House, to second or deploy security forces outside the country. I am at a loss as to whether the definition of security forces under that Article of the Constitution applies to the National Police Service. I recall the aim of the Constitution of Kenya, 2010 to reform our national police force into a service. The Constitution does not view the National Police Service as a force.

Therefore, I submit that that Message is misdirected in the sense that we do not have the capacity as a House to authorise or purport to authorise the National Police Service, which is not a security force as contemplated under the Constitution. I plead with you to reconsider that Message before the relevant Committee is seized of the matter, and come back with a considered ruling because it is of immense public interest. This House can only act in accordance with the Constitution. We cannot at any given moment veer off the constitutional path.

Hon. Speaker, I plead with you that in spite of the apparent urgency of this deployment, retreat and come up with a considered judgement or ruling on this matter. We will set a very dangerous precedent as a House if, in the fullness of time, we are found to have acted *ultra vires* the Constitution.

Hon. Speaker: Yes, Leader of the Majority Party. I can dispose of that issue without your response, but you can go ahead.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker, for that Message. I have listened to what the Leader of the Minority Party portends. One would even argue that we do not have any role in the matter if it is not a constitutional requirement. We must appreciate that the President and the Executive have been very magnanimous. We are the people's representatives, including officers who serve in the National Youth Service (NYS), the National Police Service (NPS), and the Kenya Defence Forces (KDF).

The House should consider certain questions that linger in the minds of Kenyans. For instance, if we deploy any of our armed forces or servicemen to any part of the world, will we incur costs that should be appropriated by this House? Therefore, it is a fallacy that this House would even question the matter. Just as the President was magnanimous enough to ask his Cabinet Secretaries to be accountable to the House and Kenyans through their elected representatives, the Executive also seeks to be accountable to Kenyans, whom we represent. Therefore, that Message is properly before this House.

As you have directed, Hon. Speaker, the Committee should consider it and answer those pertinent questions. We never appropriated any resources to deploy forces outside the country other than what we approved for the KDF in the Democratic Republic of Congo (DRC). If we deploy our police service to Haiti, who will pay for the bill? I am waiting for the Committee to deal with that question and tell us whether we need to appropriate more resources or whether someone else will pay. The rest of the world should pay for our servicemen if it is a United Nations (UN) mission.

(Hon. Adan Keynan spoke off the record)

Hon. Speaker: Yes, Keynan. I do not want to encourage comments from Members. Hon. Members, I will only allow contributions on controversial matters. This is very straightforward. Hon. Wandayi has clearly misread the Constitution and misdirected his mind. Article 240 of the Constitution is very clear. It states that the National Security Council (NSC) consists of, among others, the Inspector-General of the National Police Service. Do I need to read the entire Article?

Hon. Members: Read it.

Hon. Speaker: Articles 240(1) and (2) state:

- “1. There is established a National Security Council.
2. The Council consists of—
 - (a) the President;
 - (b) the Deputy President;
 - (c) the Cabinet Secretary responsible for defence;
 - (d) the Cabinet Secretary responsible for foreign affairs;
 - (e) the Cabinet Secretary responsible for internal security;
 - (f) the Attorney-General;
 - (g) the Chief of Kenya Defence Forces;
 - (h) the Director-General of the National Intelligence Service; and
 - (i) the Inspector-General of the National Police Service.

Article 240(8) states:

- “(8) The Council may, with the approval of Parliament—
- (a) deploy national forces outside Kenya for—
 - (i) regional or international peace support operations; or
 - (ii) other support operations; and
 - (b) approve the deployment of foreign forces in Kenya.”

That includes the police as has been described in the Message.

(Laughter)

Hon. Wandayi, you are playing politics rather than law. I know that you know. Hon. Members, I have one more Message. No, sorry. Go to the next Order.

PETITION

STAGNATION OF TEACHERS' PROGRESSION

Hon. Speaker: Hon. Members, take your seats. We cannot both be on our feet.

Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member.

In this regard, Hon. Members, I wish to report to the House that my office has received a Petition from the Kenya Union of Post Primary Education Teachers (KUPPET) calling for urgent intervention by the National Assembly in addressing the matter of stagnation of teachers.

The petitioners aver that KUPPET is the largest and most influential professional association in Kenya given that it draws its members from teachers serving secondary schools and teacher training colleges across the country. The petitioners decry the perennial stagnation of teachers that has led to situations where teachers remain in one job grade for more than five years. In extreme cases, some teachers have not been promoted for 15 years. The petitioners

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fault the Teachers Service Commission (TSC) for failing and/or refusing to promote thousands of teachers despite the existence of unambiguous policies that clearly provide for teachers' career progression.

Further, the petitioners decry the numerous unsuccessful engagements with the TSC. Thus, they have sought the urgent intervention of this House in resolving the ongoing teachers' promotion stagnation and challenges in career progression.

Hon. Members, having established that the matter raised in the Petition is well within the authority of this House and further that the matters raised in this Petition are not pending before any court of law, or any constitutional or legal body, I hereby submit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208(A). The Committee is required to consider the Petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2).

I thank you.

Next Order.

(Hon. Omboko Milemba raised his hand)

Hon. Speaker: Do you want to say something? We have already gone to the next Order. I looked around for anybody who was keen to say anything and I did not notice. The screen was full already when I sat here. I did not know you had something. I will reverse and give a chance to *mwalimu* Omboko.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you very much for that indulgence.

Hon. Members, I will not necessarily speak just like a unionist but appeal to parliamentarians. The main reason teachers, not only in secondary schools but also in primary schools stagnate, is also due to allocations by Parliament. We now have a Supplementary Budget coming. In this financial year, promotions were only allocated Ksh2 billion and only Ksh1 billion was given in the main Budget. We were promised. I am happy the Chair of the Departmental Committee on Education and Research is here. I wish the Chair, *Bwana* Melly, could listen to this. We were only given Ksh1 billion for promotion and 1 billion remained yet even the Ksh2 billion can promote very few teachers. Ksh1 billion will promote 5,000 teachers only.

I am appealing to parliamentarians to stand with your teachers in your constituencies and areas when the Supplementary Estimates come, by approving not only Ksh1 billion but also the Ksh24 billion required to promote teachers. Some have stagnated in the same job groups for 10 to 15 years.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, it is unfortunate that Hon. Omboko has just completed. I found it out of order to anticipate debate on a Supplementary Estimates Motion that has not even been tabled in the House. He is appealing to Members to support. I was wondering about the Supplementary Estimates he is speaking about and appealing to Members to contribute to. I know he is a very good and diligent unionist in KUPPET. I know the people he is speaking to.

Hon. Speaker: Yes, Odanga. Take less than two minutes each.

Hon. Geoffrey Odanga (Matayos, ODM): Thank you, Hon. Speaker.

I applaud the petitioners on this matter. Teachers have stagnated in the same job groups for many years in this country. I was a teacher almost 12 years ago. Many of the teachers I was in the same grade and job group are still in the same job group. Interestingly, not just money has caused this. Sometimes it has been because of nepotism and corruption at the TSC. For instance, the current chairman of the TSC was my classmate. When he came for vetting, I found

out that he was four job groups ahead of our colleagues with whom I was in the same job group when I left teaching. Apart from funding, many other issues surround the stagnation of teachers in one job group for a long time. That should not be entertained anymore.

Hon. Speaker: Give Hon. Kemei the microphone.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker.

I stand to appreciate and support the petitioners, KUPPET, for the issue at hand; the stagnation of teachers. With this in mind, teachers play a very important role. It is not fair. It is demotivating to be in one job group for a very long time even with the standard of living going up. The growth of teachers needs to be improved. They have stagnated for long. They need to be supported. They need to move from one job group to another. The syllabus changes now and then, but the same teachers are expected to do wonders. It may not be very easy.

I pray that the support they seek from this House is granted. I ask this honourable House to support these very important teachers.

Hon. Speaker: Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker. I also applaud the petitioner.

Education plays a critical role in not only our national development but also in the promotion of Kenya as a human resource capital. The UN recently voted this country as one of the best in human resource capital simply because we have professionally trained teachers and we have had one of the best education systems. That is why the ruling you made recently to refer that Report to the relevant Committee was great. I urge these Members to save from other areas and support the promotion of teachers who have stagnated if our national development agenda is to have meaning. Without properly motivated teachers, there is no development.

Without speculation, because we know the Supplementary Budget will come tomorrow or the other day or after six months, I urge all of us to prioritise funding for teachers who have stagnated at that time. This way, we will have properly trained children who will take over our roles.

Hon. Speaker: Hon. Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Speaker, for giving me this opportunity. First, I laud the petitioners.

I have many cases of teachers in my constituency, both Mutomo and Ikutha sub-counties. They have been coming to my office asking me whether I can assist them in getting promoted. The promotion of a teacher should not be politically influenced. Someone should not know a Member of Parliament to get promoted. I have cases of three schools in my constituency that are waiting for teachers to be promoted. I have been waiting for the last year. These schools are Isaa Secondary School, Vote Secondary School and Sea Primary School. My Director of Education in Mutomo can attest that the information on my desk is that we need to wait for teachers to get promoted. It has taken more than one year. It is sad that very well-trained teachers and others who have gone for higher education are not getting promoted.

As this Petition goes to the Public Petitions Committee, I call upon Members of this Committee and the House to ensure we give the required support to our teachers.

Hon. Speaker: Hon. Omong'ina.

Hon. Jerusha Momanyi (Nyamira County, JP): Hon. Speaker, thank you for recognising me as *omong'ina* but I told you I am Hon. Jerusha Mong'ina and not *omong'ina*.

Hon. Speaker: It is not *omong'ina*. I know the difference.

Hon. Jerusha Momanyi (Nyamira County, JP): Thank you, Hon. Speaker. I also want to support the Petition because teachers have stagnated in the same job groups for very long. In my county, I have several cases of teachers who have been seeking the intervention of Parliament. As a Member of the Departmental Committee on Education and Research, we have deliberated on how teachers can be promoted from one job group to another. One of the impediments is the budgetary allocation. I urge this House, as we appropriate money to

different sectors, to allocate more finances to the Departmental Committee on Education and Research so it can help in the promotion of teachers. I support because I am a teacher and I know how much they are suffering. They are demotivated yet they are the people who best develop this country.

Thank you, Hon. Speaker. I support.

Hon. Speaker: You are a former teacher and not a teacher now. Chairperson of the Departmental Committee on Education and Research. You will be the last on this.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I rise to agree with the petitioners and mostly thank the Chairman of KUPPET, the Member for Emuhaya. Teachers have stagnated for long and I served as a teacher one time. Some teachers have stagnated in the same job group for as many as 10 or 15 years.

In the last financial year, Members of the Departmental Committee on Education and Research managed to get about Ksh1 billion, which was a drop in the ocean, to assist about 20,000 teachers to get promoted. In fact, the petitioners are asking for Ksh1 billion which is quite lethargic noting that thousands have stagnated and the current population of teachers in this country is about 400,000. So, we really need money. In subsequent budgets or any other budgetary processes, these teachers will need not less than Ksh3 to Ksh4 billion for them to be promoted adequately and well compensated.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Thank you. Hon. Members, the Petition is committed to the Public Petitions Committee for consideration, and to report back within 60 days.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: What is out of order, Hon. Bowen?

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker. I do not wish to comment on the Petition...

Hon. Speaker: I have already committed it.

Hon. Kangogo Bowen (Marakwet East, UDA): I want to ask if this Petition will be committed to the Public Petitions Committee?

Hon. Speaker: It has already been committed.

Hon. Kangogo Bowen (Marakwet East, UDA): What is the role of departmental committees given in our Standing Orders? We have a committee that is supposed to deliberate on public petitions. The Chairperson of the Departmental Committee on Education and Research may have helpful information. Not only that, there are many petitions touching on different areas like the blue economy and water. If there is a petition on water and I have information as the Chairperson because in one way or another we had allocated some money for a stalled project or other projects... What is our role as chairpersons of departmental committees in relation to petitions? I think this is something you need to give a ruling on so that departmental committees can assist with the many petitions.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Bowen, your Standing Orders say that public petitions be committed to the Public Petitions Committee. As a good citizen, whether you are a chairperson of a committee or not, if you have any information that can be helpful for the prosecution of the petition, you are at liberty to go to that committee and assist them in bringing a better report to the House.

Thank you. Next.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Owen. Is it on the same matter?

Hon. Owen Baya (Kilifi North, UDA): It is in relation to the guy who took my name and added a 'b' in front. Our Standing Orders allow joint sittings of committees. Due to the gravity and sensitivity with which this matter is carried and the Departmental Committee on

Education and Research is well versed on matters of how much budget is allocated, the progression of teachers and all that, I request you, if you may see it fit to allow the Public Petitions Committee to hold joint hearings on this matter. It will give credit to the report we will get.

Hon. Speaker, I request.

Hon. Speaker: The request is declined.

(Laughter)

Next.

NOTICE OF MOTION

ESTABLISHMENT OF EMERGENCY PRICE CONTROL FRAMEWORK

Hon. Speaker: Hon. Moses Kirima.

Hon. Moses Kirima (Cental Imenti, UDA): Hon. Speaker, I am ready and wish to move the Motion on...

Hon. Speaker: You are not moving any Motion but giving notice of Motion.

Hon. Moses Kirima (Cental Imenti, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware the stability and growth of a country's economy is dependent on sustained affordable prices of essential commodities thus allowing for regular uninterrupted consumption of goods and services; further aware that the Price Control Act, 2011 mandates the government, in consultation with relevant industry players, to declare any goods to be essential commodities and to determine the maximum prices of the commodities taking into account any relevant treaty or convention ratified by Kenya; noting that despite the provisions of the Act, global demand and supply can lead to unpredictable changes in the prices of essential goods and services; further noting that unscrupulous business practices often emerge during price fluctuations with some businesses taking advantage of price deviations to overcharge consumers in instances of increases in global prices while maintaining or insignificantly reducing prices in instances of a decrease in global prices; acknowledging that there is need to establish a framework to ensure affordability and accessibility of essential commodities and protect the economic well-being of citizens; now therefore, this House urges the National Government, through the National Treasury & Economic Planning, to develop a framework for the establishment of an emergency price control framework for essential commodities as a preventive measure to control inflationary spiralling and enhance economic stability.

Hon. Speaker: Thank you, Hon. Kirima. Next.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, the question time for today is not on. The Cabinet Secretary for Interior and National Administration who was supposed to be appearing today has requested to be excused for reasons that the Speaker is satisfied with. The House Business Committee was equally satisfied that we skip today's questions and have him here the following Wednesday after the one-week recess you will be going to tomorrow. So, let us deal with the statements.

Member for Mavoko, Hon. Patrick Makau, EBS, to give a personal statement.

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PERSONAL STATEMENT

ADVERSE MENTION OF HON. PATRICK MAKAU CONCERNING
ONGOING DEMOLITIONS IN MAVOKO, MACHAKOS COUNTY

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker, for giving me this chance to speak to the House.

Pursuant to the provisions of Standing Order 44(2)(e), I wish to make a Personal Statement regarding my adverse mention in the dailies concerning the ongoing demolitions in Mavoko Constituency, Machakos County. The circumstances surrounding these demolitions have raised a lot of concern to me and require clarification to the House on the matter. Several dailies of nationwide circulation and television stations have made a lot of adverse remarks regarding the ongoing demolitions and ongoing investigation into the alleged grabbing of East African Portland Cement land. My repeated caution and appeals to the County and the National Government to address the issue have gone unanswered. There have been attacks on my character arising from unwavering commitment to the welfare of the people of Mavoko, particularly in light of the ongoing investigations into the grabbing of land in Mavoko.

I believe that the recent demolitions could have been avoided if the following measures would have been taken into account:

1. The government agencies responsible for land matters should always expedite investigations in cases of land disputes and conclude them in a timely manner.
2. County governments should refrain from approving or allowing the construction of structures without the requisite ownership documentation.
3. Land control boards should physically inspect land sale locations to verify the agreements between buyers and sellers.
4. Demolition or eviction orders must only be carried out following clear legally sanctioned, court-issued directives. In fact, any court in Kenya gives the aggrieved 14 days to appeal. This was not the case in Mavoko.
5. Dialogue and negotiations should always be given precedence to safeguard the property and financial interests of innocent citizens.
6. The land registry in every county must be up to date and accurate in its records and transfers and should be centred in the locality of the county. The land registry of Mavoko is situated in Nairobi and Machakos counties. There are two entities that issue titles and that brings conflict.
7. Periodic rotation of government officers to prevent collusion and corruption should be enforced.
8. The survey office should immediately cease providing conflicting land maps for the same location.

Hon. Speaker, to correct the impression created out there by media outlets, it is imperative to underscore that I am a representative of the people, I conduct oversight and I am entirely innocent in the accusations levelled against me. My actions have been motivated by a genuine wish for the well being of the people I serve. We must all ensure that the rights of innocent citizens are protected and that our land administration processes are transparent and fair. I call upon the relevant authorities to urgently address these issues and ensure effective land management systems are adhered to.

Finally, the Bible and the Koran say that we repent sins that we knowingly and unknowingly commit. But for this case, I find these sins were committed intentionally and were premeditated. That is why those houses were demolished.

Hon. Speaker: You are now debating your statement.

Hon. Patrick Makau (Mavoko, WDM): I thank you, Hon. Speaker.

Hon. Speaker: You finished reading your statement and that is the end of the matter. Thank you very much.

Hon. Patrick Makau (Mavoko, WDM): Hon. Speaker, it is very painful for me.

Hon. Speaker: Hon. Patrick, you have already presented the statement that I approved for you to present to the House.

Hon. Patrick Makau (Mavoko, WDM): Hon. Speaker, we are representatives in this House and this is a political process. Today, this is a double wedge. Yesterday, Hon. Ichung'wah was in and out of police stations. Today, it may be me. Let me tell my colleagues in this House that we represent the people, for good or for bad.

Hon. Speaker: Order, Hon. Patrick Makau. Take your seat.

Hon. Patrick Makau (Mavoko, WDM): I thank you, Hon. Speaker,

Hon. Speaker: Hon. Makau, I gave you permission to make a personal statement. I looked at the content of the statement and approved it. You have absolutely no authority to debate your own statement. Once you have finished presenting it, it ends there.

Next is the Member for Muhoroni.

REQUEST FOR STATEMENT

PLANNED IMPORTATION OF DUTY-FREE SUGAR INTO THE COUNTRY

Hon. James K'Oyoo (Muhoroni, ODM): Thank you very much, Hon. Speaker, for giving me the opportunity.

Pursuant to Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding the planned importation of duty-free mill white/brown sugar into the country until April 2024. Kenya's sugar industry supports over 400,000 farmers and employs nearly eight million Kenyans directly and indirectly. However, the sector has faced acute deficits making it difficult to satisfy domestic demand. To this end, Kenya has been importing duty-free sugar under the East African Community Customs Management Act, 2004 Framework to satisfy domestic demand.

The Cabinet Secretary for the National Treasury and Economic Planning, vide *Kenya Gazette* Notice No.14093 of 6th October 2023, directed that 250,000 metric tonnes of mill white/brown sugar be imported duty-free into the country until April 2024 to bridge the shortage. The directive was triggered by a notification by the Cabinet Secretary of sharp decline in local sugar production due to shortage of mature cane that caused closure of sugar mills in the western and Nyanza regions.

Considering that this House recently approved various measures to revive the sugar sector in the country, duty-free importation of sugar in the country ought to be undertaken with caution. It is projected that revival of the sugar industry in the country will progressively meet domestic demand and produce surplus that could earn the country foreign exchange through export.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock on the matter. In the Statement, the Chairperson should:

1. Provide a report on the volume of duty-free sugar that has been imported into the country since the beginning of 2023 and details of companies that imported duty-free sugar into the country within the stated period, including the directors of the named companies.

2. Provide details of the companies that have been authorised to import the newly gazetted 250,000 metric tonnes of duty-free sugar into the country, including the directors of these companies.
3. Explain the measures that the relevant Ministries have put in place in ensuring that importation of duty-free sugar into the country does not slow down revival of the country's sugar industry.
4. Provide data on the country's current and projected sugar production vis-a-vis domestic demand that formed the basis upon which the Ministry of Agriculture and Livestock Development advised the National Treasury and Economic Planning to authorise importation of duty-free sugar.
5. Explain the measures that the Government has put in place to ensure that contraband and contaminated sugar does not infiltrate the market during the period of this importation.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. K'Oyoo. Your request for statement is committed to the Department Committee on Agriculture and Livestock. Is Hon. Mutunga here? The Committee should report back within 14 days. Leader of the Majority Party, you can communicate.

Hon. Members, we will go back to Order No.2. Proceed, Clerk-at-the-Table.

COMMUNICATIONS FROM THE CHAIR

RETAKE OF THE MOTION FOR ADJOURNMENT BY HON. ROBERT MBUI

Hon. Speaker: Hon. Members, the first one is a guide on authority to retake the Motion for Adjournment of the House pursuant to Standing Order 33 by the Member for Kathiani, Hon. Robert Mbui.

Standing Order 33(b) provides that any Member of the House may, with the support of at least 20 Members, seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance. Based on our rules and parliamentary practice, numerous Motions of Adjournment have been considered in the House among other subject matters, insecurity in parts of the country, state of education, health and agriculture sectors, as well as the country's stand on various international undertakings.

Hon. Members, while matters contained in a proposed Adjournment Motion may be of importance to a particular section of the membership of the House, the discretion to determine the admissibility is bestowed upon the Speaker. I have, in this regard, having approved a number of proposed Adjournment Motions on various subject matters for consideration by the House, the House will recall that on the 17th October 2023, I allowed the Member for Kathiani and the Deputy Leader of the Minority Party, Hon. Robert Mbui, to seek to move the adjournment of the House on the subject of demolitions in Athi River.

Having attained the prerequisite threshold as provided by the Standing Orders, I directed that the Motion be moved on Thursday 19th October 2023 at 5.00 p.m. However, before the appointed time on Thursday 19th October 2023, the House rose out of lack of quorum. This, therefore, meant that the Motion was not debated.

I have since received various representations from a number of Members that the Motion be renewed for consideration by the House. Noting that the matter is still live and the concerns raised remain active, and appreciating the deliberative role of the House as enshrined in Article 95(2) of the Constitution, I have acceded to the request to allow for the renewal of the Motion.

Hon. Members, in acceding to the request, I made due consideration to the fact that the Motion contains matters currently affecting the people and which if unattended, maybe detrimental to orderly conduct of operations in the country including within the land sector. This is especially so noting more recent court rulings relating to land occupation and ownership in parts of Nairobi City County.

In this regard, Hon. Members, I direct that the House adjourns today at 5:30 p.m. pursuant to the provisions of Standing Order 33 for the purposes of discussing the matter of demolition of houses in Athi River, Machakos County.

(Applause)

(Several Members stood in the gangways)

Hon. Members, take your seats. The nearest seat, Hon. Okuome. Hon. Kimani, what is your idea of nearest? Hon. Pukose, you are worse.

WINNOWING OF THE KENYA DRUGS AUTHORITY BILL

Hon. Members, the next Communication is on referral of a Bill — The Kenya Drugs Authority Bill, National Assembly No. 54 of 2022 — to a winnowing process under Standing Order 131.

Hon. Members, you may recall that during the afternoon Sitting of the House yesterday, Tuesday 24th October 2023, the Member for Homa Bay Town Constituency, Hon. Peter Kaluma, rose on a point of order, pursuant to the provisions of Standing Order No.131. Hon. Kaluma sought the indulgence of the Chair to stay the consideration of the Kenya Drugs Authority Bill, National Assembly Bill, No.54 of 2022, in the Committee of the whole House.

(A Member spoke off the record)

Order! This House recognises two languages: English and Swahili. And even in using those, you do so when the Speaker is not on his feet.

The Member for Homa Bay Town Constituency relied on the argument that proposed amendments in respect to the Bill were nearly on all the clauses. He averred that it was an established practice of the House pursuant to Standing Order 131 that where too many amendments are proposed on a Bill, the Speaker refers the amendments to the relevant committee for harmonization; a process popularly known as winnowing. He further implied that where the multiplicity of amendments appear to rewrite the Bill, the Speaker will order such a Bill to be republished.

Other Members including the Deputy Speaker, Hon. Gladys Boss, and the Chairperson of the Departmental Committee on Health, Hon. Robert Pukose, weighed in on the matter and gave their input and clarification on the nature of the proposed amendments.

Hon. Members, having considered the issues raised by the Member for Homa Bay Constituency in relation to this, the assurances of the Vice-Chairperson of the Departmental Committee on Health and other Members, I was inclined to commit the consideration of the Bill in the Committee of the whole House. In so doing, I was hopeful that the Committee will conscientiously consider and decide each of the proposed amendments including those that I approved after the publication of the Bill on the Order Paper.

I also guided the House that should need for certain proposed amendments to undergo winnowing arise while in the Committee of the whole House, the Chairperson of the Committee will be at liberty to stay the relevant clauses to allow further consideration. For the record, the

Committee of the whole House on the Kenya Drugs Authority Bill, National Assembly Bill No.42 of 2022, commenced yesterday and progressed up to Clause 22. As you are aware, the resumption of the Committee of the whole House during today's Morning Sitting was interrupted due to lack of quorum. The same business is scheduled to resume in this Sitting as listed under Order No.11 of today's Order Paper.

Before proceeding to the said Order, I wish to inform the House that several Members have approached me and canvassed their concerns on the Bill and the proposed amendments. These Members include several Members of the Speaker's Panel who participated in presiding over the matters. Without delving into the details of the Members' concerns, the bottom-line was for the Speaker to stay further consideration of the Bill to allow winnowing of the proposed amendments. Notably, the Members' concerns resonate with the point of order that the Member for Homa Bay Constituency raised yesterday.

In this regard, Hon. Members, I am inclined to defer further the consideration of the Kenya Drugs Authority Bill, National Assembly Bill No.54 of 2022 in the Committee of the whole House. To this end, I direct that the proposed amendments to the Bill be subjected to a winnowing process before the Departmental Committee on Health. All Members with amendments including all other Members desirous of proposing any further amendments to the Bill are required to appear before the Committee to prosecute their proposals.

For fairness, Hon. Members, I advise the Chairperson of the Departmental Committee on Health in whose name the Bill is published to consider recusing himself during the winnowing process and allow the Vice-Chairperson or another Member of the Committee to steer the process.

(Applause)

For clarity, the Committee of the whole House had concluded consideration of Clause 3 to Clause 22. In the event contestations arise with regard to those clauses, the House will be at liberty to recommit the clauses in accordance with Standing Order 133(a). The Bill will be resumed later on a day to be determined by the House Business Committee upon reporting of the results of the winnowing process by the Committee.

The House is accordingly guided. I thank you.

(Applause)

(Several Members stood in the gangway)

Members, take your seats. I still have one more Communication.

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

Hon. Speaker: Yes, Hon. Pukose.

Hon (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker, for your ruling and guidance. This Bill initially was my Bill but it got interest from both the Ministry and the Government and, therefore, this Bill was converted into a Committee Bill. This allowed the Government to make amendments to the Bill so that it is able to capture the Pharmacy and Poisons Board restructuring, making it a Level 3 facility. This is to allow Kenya to attain Maturity Level 3 as per requirements of the World Health Organisation (WHO).

Being a Committee Bill, I would like to know whether I have to recuse myself and have my Vice-Chairman or any other Member chair the Committee.

Hon. Speaker: You are recusing yourself from chairing to the extent that even if it is a Committee Bill, it has largely been associated with you as the promoter. Fairness requires that you participate in the winnowing process, but let your Vice-Chairman chair the Committee,

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so that you do not get yourself in any uncomfortable situation of conflict of interest or defending a position, like you would naturally do, where you ought not to do. Is that clear?

Hon. (Dr) Robert Pukose (Endebess, UDA): Well guided.

(Hon. Kimani Ichung'wah consulted with Dr Robert Pukose)

Hon. Speaker: Order, Leader of the Majority Party. I want to make another communication.

REPLACEMENT OF THE DEPUTY WHIP OF THE MINORITY PARTY
AND JUBILEE PARTY LEADERSHIP

Hon. Members, the next Communication relates to the replacement of the Deputy Whip of the Minority Party and Jubilee Party leadership.

You will recall that on Thursday, 8th June 2023, I issued a Communication on update of the replacement of the Deputy Whip of the Minority Party. In that Communication, I guided the House. The correspondence received on the replacement of Hon. Sabina Chege as the Deputy Whip of the Minority Party had been effectively suspended by a court order. The order in question was issued on Tuesday, 30th May 2023 in *Kiambu High Court Petition No. E025 of 2023: Association of Friends of Youths and Women versus the Speaker of the National Assembly and three others*.

I wish to inform the House of the developments in the cited case since my aforesaid communication. My office is now in receipt of a ruling delivered by the Kiambu High Court dismissing the matter. In the ruling, the court held as follows and I quote:

- (a) Notice of preliminary objection dated 12th June 2023 is partly found to have merit in view of the doctrine of exhaustion.
- (b) The notice of motion application dated 30th May 2023, is found lacking in merit and is dismissed accordingly.
- (c) The parties to move to the appropriate forum for further orders with regard to the petition and the application for rejoinder by the fourth and fifth respondents.

Hon. Members, I am advised that the upshot of the ruling is that in dismissing the application made by the petitioners, the court redirected the petitioner to an appropriate forum for further orders. In effect, the petitioners have been referred to the dispute resolution mechanisms provided for under the Political Parties Act, 2011. The matter, therefore, remains live within the jurisdiction of the competent authorities even as the Speaker is being urged to decide on the matter. Those urging the Speaker to decide on the matter, ought to realise that the Speaker's guidance only facilitates transaction of the business of this House. It is not in any way linked to the role bestowed upon other competent authorities by law.

From the onset, the process of the replacement of the Deputy Whip of the Minority Party has been tied at the hip with the request by a section of members of the Jubilee Party to be recognised as a parliamentary party. From my communication of 4th May 2023, upon the request for the de-whipping of the Deputy Whip of the Minority Party, I received a letter from the Member of Parliament for Nakuru Town West Constituency, Hon. Samuel Arama, seeking recognition of the Jubilee Party as a parliamentary party. The letter from Hon. Arama added to the already existing confusion with regard to the affairs of Jubilee Party. I had previously received two letters dated 21st September 2022 from Hon. Jeremiah Kioni on the leadership of the Jubilee Party and its nominee to the Speaker's Panel. At the time, Hon. Kanini Kega also claimed to communicate on behalf of Jubilee Party as the Acting Secretary-General. In my then guidance to the House, I noted the need to leave determination of political parties' disputes to competent authorities outside Parliament as envisaged by the law.

On whether Jubilee Party is a parliamentary party within the meaning of Standing Order 20A, the House will recall that I guided the party that having 28 Members clearly surpasses the threshold of 18 Members required by the Standing Orders. I was, however, hesitant to wade into recognition of the party on account of the lingering issue of the persons authorised to communicate with the Speaker with respect to the Jubilee Party. Unfortunately, the confusion relating to Jubilee Party did not abate. You will recall that in the communication of 8th June 2023, I noted receipt of a further flurry of communications said to be made on behalf of the Jubilee Party. I received further letters dated 4th May 2023, terminating the membership of Hon. Kanini Kega and Hon. Sabina Chege in the Jubilee Party.

(Several Members stood at the Bar)

Members at the Bar, take your seats. Take the nearest seats.

Hon. Members, additionally, I was copied in correspondence dated 20th June 2023 between the Jubilee Party and the Azimio la Umoja-One Kenya Alliance signed off by a Mr. Nelson Dzuya, as the National Chairperson of the party. In the letter, Mr. Dzuya urged that the Speaker refrains from putting into effect changes to House leadership and Committee membership pending determination of an alleged dispute between the Jubilee Party and the Azimio la Umoja-One Kenya Alliance.

It is against this backdrop and a lack of clarification on affairs of the Jubilee Party at the time that I again expressed my hesitation to recognise the party as a parliamentary party. Indeed, as Members, we will further recall that I granted the Minority Party and the Jubilee Party a period of 30 days to allow them to put their affairs in order. Whereas it would seem that the minority party has concluded the matter of replacing its Deputy Whip of the Minority Party, the same cannot be said with regards to the affairs of the Jubilee Party and its members in the House. As at today, the question of who constitutes the *bona fide* leadership of the party, especially in the House remains unclear.

On the 13th June 2023, barely a week after my last communication on this matter, Hon. Samuel Arama, again, wrote on behalf of members of the Jubilee Party conveying names and signatures of 21 out of 28 members, expressing their support of recognition of the party as a parliamentary party. In the past week, I have received two conflicting letters on the matter of the Deputy Whip of the Minority Party from the Jubilee Party. A rumbling letter dated 20th October 2023 from Hon. Jeremiah Kioni said to support the replacement of the Deputy Whip of the Minority Party is littered with insults and other unpalatable statements unworthy of my mention. The message in the letter is lost in its tone which is obviously beneath the standard expected of a person who has sat in this honourable House.

On 24th October 2023, I received yet another letter from Hon. Joshua Kutuny who claims to be the party's Secretary-General. In the letter, Hon. Kutuny claims that Hon. Jeremiah Kioni was expelled by the party and ought not communicate on its behalf. The letter contests the replacement of the Deputy Whip of the Minority Party on various grounds and alludes to the aggrieved members of the Jubilee Party not having been afforded access to internal dispute resolution mechanisms to address their grievances. It concludes by reiterating the claim for recognition of the Jubilee Party as a parliamentary party in the National Assembly.

Hon. Members, while it is not the duty of the Speaker to organise how parties are run, you will agree with me that the state of affairs in the Jubilee Party calls for an intervention especially for purposes of smooth conduct of parliamentary business. The myriad letters emanating from outside Parliament do not paint a clear picture as to the current leadership of the party. The pending disputes internally and before other competent authorities obscure the matter even further. The confusion of the Jubilee Party has permeated the walls of this House and affected transaction of parliamentary business. We now find ourselves in a situation where

a small fraction of the Members of the party seems to be aligned with the Minority Party, while 21 out of the 28 Members of the party have expressed their unwillingness to be associated with the Minority Party. This has been done in writing. A definite question arises as to which Members' interests Hon. Speaker should prioritise over the other, or whether Hon. Speaker should just accept the reality of the existence of these two factions and the parity of their interests.

From the myriad of correspondence from the various claimants in the leadership of the Jubilee Party including Hon. Kioni, Hon. Kanini Kega, Hon. Samuel Arama, Hon. Joshua Kutuny and Mr. Nelson Nzuya, the cardinal message is the desire by the Jubilee Party to be recognised as a parliamentary party. It is for this reason *inter alia* that I previously directed the Minority Party - Azimio Coalition, and the Jubilee Party to sort out their issues within a period of 30 days. To date, the issues highlighted have not been sorted out. Neither have I received any communication from the leadership of the Minority Party.

Hon. Members, in the initial letter from Hon. Arama seeking the recognition of the Jubilee Party as a parliamentary party, the Member for Nakuru Town West rightly observed that Article 36 of the Constitution of Kenya on the freedom of association and Article 38 of the Constitution of Political Rights confer upon each Member of the House the right to determine which entities they wish to be associated with and the right to make political choices. It, therefore, logically follows that the current uncertainty with regard to the affairs of the Jubilee Party does not bode well for the continuity of the business of the House and the full participation of the Members of the party in the House.

Hon. Members, Standing Orders 20A governs the manner of recognising parliamentary parties and designating party leaders and whips in the National Assembly. From my reading of the Standing Order, it allows a party or a coalition of parties that is not the Minority or Majority Party to designate their leader, whip and deputy whip upon recognition as a parliamentary party. Whereas the Standing Order notes that the whips of such parties are appointed for purposes of the transaction of the business of the House, it is strikingly silent on the purpose to be served by having such a leader in the House.

At the moment, I am of the considered view that apart from creating unnecessary confusion, allowing the existence of a leader other than the Leader of the Majority and that of the Minority Party would be an affront to the constitutional underpinning and recognition of the Majority Party and the Minority Party.

Hon. Members who served in this House before the promulgation of the current Constitution and who are well versed with the parliamentary traditions, bear testament to the fact that a party that is not the majority or minority party in a presidential system or which is not in Government or the official opposition in a parliamentary system is normally afforded minimal facilitation by the House. At most, such a party is only entitled to a whip.

Hon. Members, before making my determination on this matter, I would like to draw the attention of the House to a Press statement that was recently issued by the Leader of the Minority Party in the company of his deputy on this subject. I shall not reproduce the contents of the statement made by the Member for Ugunja, issued after the sitting of the House on Thursday last week because of their unpalatable nature. I will only note that it is unfortunate and highly regrettable that the Leader of the Minority Party chose to publicly cast aspersions on valid parliamentary processes even after he and his deputy had separately visited my chambers and held a very cordial discussion with me on this pertinent matter. The distinguished Members ought to have known that unlike the previous court orders in this matter, which will be validated through the e-filing system, the order for dismissal was manually extracted and served on Hon. Speaker by the Leader of the Minority Party. From our own records, there also existed doubt on whether the House was represented by counsel at the time the ruling was delivered.

The Leader of the Minority Party may have been unaware that I was only formally briefed on the developments of this matter on Thursday, 19th October 2023, upon verification of the status of the matter. It is incumbent upon me as your Hon. Speaker to ensure that any adverse actions I take are valid, justified and lawful. In this respect, I am enjoined to satisfy myself with regard to the authenticity of any information that I convey to this House. I expect the leadership of the House to conduct themselves with decorum and respect for the high office that they have been entrusted with.

(Applause)

In this regard, the conduct and statements attributed to the Leader of the Minority Party, including the wild aspersions cast on the person of the Speaker, leave a lot to be desired and are a stain on the privilege and prestige of the institution of Parliament. The Hon. Speaker takes a very dim view of this kind of unproductive and unhelpful conduct.

Hon. Members, going back to the matter at hand, you will recall that my predecessor, Speaker Kenneth Marende, was faced with a similar situation in April 2009 during the 10th Parliament. At the time, President Kibaki had appointed his Vice President as the Leader of Government Business in this House, which prompted the then Prime Minister to write a letter to the Speaker appointing himself to the same position. This resulted in an impasse that threatened to paralyse parliamentary business. In his ruling, Hon. Speaker Marende broke the deadlock by adopting an interim measure that resulted in the Chairperson of the House Business Committee being occupied by the Hon. Speaker. Additionally, the Hon. Speaker tasked the Joint Government chief whips to run the affairs of the Government in the House. He threw the ball back to the President of the then Prime Minister to solve the impasse.

The Hon. Speaker will not shy away from the reality that two factions of the Jubilee Party are tearing each other apart. They are unfairly dragging him into their wars of supremacy. However, to the extent that both factions collectively and separately have a stake in the conduct of parliamentary business., I am inclined to exercise the powers conferred upon me by Standing Order 1 to facilitate the continuity of the business of the House until such a time as the competent authorities make a final determination with regard to the disputes relating to the affairs of the Jubilee Party.

In summary, Hon. Members, I guide the House as follows: That there currently exists no bar against the decision made by the Minority Party to replace its Deputy Whip.

(Applause)

Standing Order 20 (5) requires the Hon. Speaker to convey a decision to replace a Whip to the House. In this regard, the Hon. Mark Mwenje, MP, forthwith replaces Hon. Sabina Chege, MP, as the Deputy Whip of the Minority Party. That to give effect the provisions of Article 36 of the Constitution on freedom of association and Article 38 of the Constitution on political rights which confer upon each Member of the House the right to determine which entities they wish to be associated with and right to make political choices...

(Loud consultations)

Order!

That the Jubilee Party is hereby recognised as a parliamentary party within the meaning of Standing Order 20a.

(Applause)

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Order!

This recognition does not in any way elevate it to or affect the status given to the Majority Party and the Minority Party by the Constitution of Kenya and the Standing Orders. That consequently, Hon. Sabina Chege, by virtue of the written support of 21 Members out of 28 Members of the Jubilee Party in the House in the letter dated 13th June 2023, and on account of having been the last officially recognised Member of the Jubilee Party forming part of the leadership, is allowed to perform, in the interim, the role of the whip of that party in the House.

(Applause)

That the foregoing guidance is issued in the interim purely for purposes of facilitating the continuation of the business of the House until such time as the Hon. Speaker will be properly seized of the final determination of the matters relating to the Jubilee Party by the competent authorities.

The House is accordingly guided. Next Order.

(Loud consultations)

(Several Members left the Chamber)

Hon. Speaker: Order, Hon. Wandayi. Order, Hon. Members. The House is still in session. Take your seats. For those who want to recess from the House, do so quietly. Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, first and foremost, I wish to thank you for finally effecting the communication from my office regarding the change in the holder of the office of Deputy Whip of the Minority Whip.

(Loud consultations)

Secondly, I reserve my comments on the status of the Jubilee Party for now. In view of your ruling or Communication, I submit that I wrote my first letter to you on 6th April 2023 communicating the removal of Hon. Sabina Chege which has now been affirmed by the court and Hon. Speaker.

The Speaker finds that the period between the...

(Loud consultations)

Hon. Speaker: Order, Hon Members. I can barely hear what the Leader of the Minority Party is saying. Hon. Mwenje, I know it is now time for your exuberance or excitement, but allow your leader to address Hon. Speaker.

Hon. Opiyo Wandayi (Ugunja, ODM): There is no need for excitement. My submission is that from the period between 6th April 2023 when I first wrote to your office concerning the changes and today, 25th of October, our position— as a Coalition— is that Hon. Sabina Chege has been holding that office illegally. Therefore, whatever benefits...

(Several Members spoke off the record)

Let me complete.

Hon. Speaker: Order. Let us hear Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): The second limb of this application is that Hon. Mark Mwenje has, in the opinion of the Coalition, been working since 30th May 2023. Therefore, he deserves to be compensated appropriately for the work he has been doing since that time to date unfacilitated. That is my point, Hon. Speaker.

Thank you.

(Applause)

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, firstly, allow me to thank you. As they said in 2009 when Speaker Marende made his Solomonic ruling on the issue of Leader of Government Business, your ruling also ranks among those that are informed by Solomonic wisdom.

(Applause)

It also ranks among rulings that have a win-win situation for those in the Minority Party and those who serve under the Jubilee Party. I also noted your concern. I also noted the same concern last week when senior leaders of this House like the Leader of the Minority Party and his Deputy attempted to disparage the Office of the Speaker. I found it to be completely out of order. I thank you for the guidance that you have afforded the Leader of the Minority Party and his Deputy. They will not engage in matters that disparage the Office of the Speaker or the conduct of Hon. Speaker outside and in the Chamber without a substantive Motion.

Secondly, I do not want to comment on the conduct of Mr. Jeremiah Kioni and the letter that you have said was... I cannot remember the words that you used.

An Hon. Member: Unprintable.

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is not unprintable.

Hon. Speaker: Unpalatable.

An Hon. Member: Rumbling letter!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker. I will also restrain myself from commenting on the rumbling letter by Hon. Jeremiah Kioni. As you have noted, he is a former Member of this House. He ought to address the Office of the Speaker and any Member of this House with the respect that they deserve, including Leader of the Minority Party.

I also congratulate Hon. Mwenje on his ascension to the office of Deputy Whip of the Minority Party. I equally congratulate Hon. Sabina Chege on her ascension to the office of Whip of the Jubilee Party. Hon. Speaker, you may note, with your Solomonic wisdom, that Hon. Sabina Chege has now been elevated from Deputy Whip to a substantive one.

(Applause and laughter)

She now ranks the same with Whip of the Majority Party, Hon. Silvanus Osoro, and Whip of the Minority Party, Hon. Junet Mohamed. Hon. Mwenje now ranks as a Deputy Whip of the Minority Party from being an ordinary Member of Jubilee Party.

I have heard what the Leader of the Minority Party has asked. At what point do these changes take place? It is my humble submission that the changes take effect today upon communication by Hon. Speaker to the House but not the time when the Azimio la Umoja—One Kenya Coalition sought to change. As you have clearly said, I believe the Leader of the Minority Party has listened to your very well-reasoned ruling. There were issues that stopped you from making that Communication, including embargoes by a court case which, as you

have rightly said, have now been lifted following the conclusion of that matter in Kiambu High Court.

In conclusion, the only thing that was left lingering on my mind, just like the Leader of the Minority Party had that issue on the time that your ruling takes effect, is that the Jubilee Party is now recognised as a parliamentary political party; 21 Members within that party subscribe to the Jubilee faction that supports...

Hon. Adan Keynan (Eldas, JP): 27 Members.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I can hear Hon. Keynan claim that they are now 27 Members. I do not know because I am a former Member of the Jubilee Party. There are 21 or 27 Members of the Jubilee Party who subscribe to the leadership of Hon. Sabina Chege and one faction which disassociates itself from Azimio la Umoja—One Kenya Coalition.

I have a question that lingers in my mind. Can Hon. Mark Mwenje, as a Member of the same Jubilee Party be a Whip in Azimio la Umoja—One Kenya Coalition if the Jubilee Party portends to have left the Coalition? Will that not put the Member for Embakasi West in a very precarious situation? He may be construed to have defected from the Jubilee Political Party to either Orange Democratic Movement (ODM) or Wiper Democratic Movement (WDM) that are members of the Azimio la Umoja—One Kenya Coalition.

Hon. Speaker, from your ruling on the question of Majority and Minority leadership in this House, the Act that brought to life Azimio la Umoja—One Kenya Coalition as a political party is a matter that is still contentious to date. Therefore, I advise my good brother and friend, Hon. Mwenje, to celebrate with some caution because he might be construed to have defected from Jubilee Party. I am not sure he wants to get into a by-election. Celebrate with some caution.

I thank you for your ruling, Hon. Speaker.

(Loud consultations)

Hon. Speaker: Hon. Members, I do not want to escalate this matter beyond where it is because it amounts to debating the Speaker's Ruling. I want us to proceed as follows: Hon. Mark Mwenje is Deputy Whip of the Azimio la Umoja—One Kenya Coalition with effect from today but not any other time.

(Applause)

If there are any privileges and trappings of that Office, they will land on him from today but not any other time.

(Laughter)

As to the issues raised by the Leader of the Majority Party and the Leader of the Minority Party, I will not delve into those. The chips will lie where they fell and we will proceed in the manner I have directed.

It is so ordered.

(Applause)

Next Order.

BILLS*Second Readings*THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL
(National Assembly Bill No.1 of 2023)*(Moved by Hon. Joshua Kandie on 18.10.2023 – Afternoon Sitting)**(Debate concluded on 18.10.2023 – Afternoon Sitting)**(Several Members stood up in their place)*

Hon. Speaker: Order, Hon. Members! Take your seats, Hon. Members. The House has not risen.

Hon. Members I will now put the Question on Order No.8.

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

Next Order.

THE LAND (AMENDMENT) BILL
(National Assembly Bill No.40 of 2022)*(Moved by Hon. Simon King'ara on 18.10.2023 – Afternoon Sitting)**(Debate concluded on 18.10.2023 – Afternoon Sitting)*

Hon. Speaker: Order, Hon. Members! Take your seats. Commissioner Makau, take your seat.

Hon. Members, I will now put the Question on Order No. 9.

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

Next Order.

MOTIONNOMINEE FOR APPOINTMENT TO THE TIATY
CONSTITUENCY NG-CDF COMMITTEE

Hon. Speaker: Where is the Chairman of the Select Committee on the National Government Constituencies Development Fund?

Hon. Musa Sirma.

The Leader of the Majority Party. It is your Motion, Hon. Musa Sirma

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the National Government Constituency Development Fund on the nominee for appointment to the National Government Constituency Development Fund Committee for Tiaty Constituency, laid on the Table of the House on Wednesday, October 25, 2023, and pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, approves the nominee listed hereunder for appointment to the National Government Constituency Development Fund Committee for the following Constituency—

TIATY CONSTITUENCY

| No. | Name | Category | Statutory Provision for Assumption of Position |
|-----|----------------------------|------------------------------|--|
| 1. | Daniel Kanyakera Rikuno | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |

[The Hon. Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

Hon. Deputy Speaker, I want to beg the House to approve this name because the position was created as a result of the death of one of the Committee members of that constituency. As the Chairman of the National Assembly Select Committee on the National Government Constituencies Development Fund (NASC), I represented Parliament in his funeral. Therefore, this Motion is in order so that we have a full committee in that constituency.

I beg to ask Hon. Pukose to second this Motion.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. You know, the NG-CDF has done a lot in this country. I want to congratulate the Chair of the Select Committee on the National Government Constituencies Development Fund, Hon. Musa Sirma for the good work he has done. He submitted the proposals early enough and now he is presenting this Motion for approval of the nominee for appointment to the NG-CDF Committee for Tiaty. That is a commendable job that has been done in time.

With those few remarks, I second.

Hon. Members: Put the Question.

Hon. Deputy Speaker: I am to propose the Question.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, the mood of the House is that I put the Question.

(Question put and agreed to)

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

IN THE COMMITTEE

[The Temporary Chairman (Hon. Omboko Milemba) in the Chair]

THE INSURANCE (AMENDMENT) BILL
(National Assembly Bill No.18 of 2023)

The Temporary Chairman (Hon. Omboko Milemba): Order, Hon. Members. We are now in the Committee of the whole House to consider the Insurance (Amendment) Bill (National Assembly Bill No.18 of 2023).

(Clause 2 agreed to)

(Loud consultations)

Order, Hon. Members! Just consult in low tones. I have no quarrel with you consulting. We need to move together. We are moving in tandem with the proceedings. Hon. Kaluma, just take your seat. Senior, please take your seat.

Very well. We may proceed with the Committee of the whole House.

Clause 3

The Temporary Chairman (Hon. Omboko Milemba): There is an amendment to this Clause. I call upon the Mover, Chairperson of the Departmental Committee on Finance and National Planning.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended in the proposed new Section 67H(1) by deleting the word “shareholder,” appearing at the beginning of the sub-clause.

Just for the comfort of the House, this is the only amendment to the Insurance (Amendment) Bill. We propose to delete the word “shareholder” from sub-clause (1) and leave it as “Any director, principal officer or management staff of an insurer...” We are placing personal responsibility on senior managers and directors of insurance companies in case of fraud or mismanagement. Including shareholders meant that all investors in insurance companies would be held liable. The amendment proposes to delete the word “shareholder” to leave only the director, principal officer or management staff of an insurer as those who will be held responsible for any misconduct in the company.

With that, I beg to move the amendment.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Yes, Hon. Makali.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Chairman. I support the amendment. This also came out during the Second Reading. We are enhancing accountability in insurance companies. I support the amendment.

The Temporary Chairman (Hon. Omboko Milemba): Yes, Leader of the Majority Party. Do you want to speak to this?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes.

The Temporary Chairman (Hon. Omboko Milemba): Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Chairman. I rise to support this amendment. As I said during the Second Reading, if we include shareholders, we will hold innocent people to account for things that they had no control of. I may own a single share or 10 shares in an insurance company but the management and directors of the company are the ones in charge of the day-to-day running of the company. Therefore, deleting the word "shareholder" is very progressive.

I support the amendment.

The Temporary Chairman (Hon. Omboko Milemba): Very well. There being no other interest to speak to the amendment, I will put the Question.

*(Question, that the word to be left out
be left out, put and agreed to)*

(Clause 3 as amended agreed to)

(Clauses 4 and 5 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. Omboko Milemba): We are done with the Bill. It was a short one. I, therefore, call upon the Mover to move reporting. Leader of Majority Party, proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the Insurance (Amendment) Bill (National Assembly Bill No.18 of 2023) and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. Peter Kaluma) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE
INSURANCE (AMENDMENT) BILL

The Temporary Speaker (Hon. Peter Kaluma): I am very sorry, Members. To err is human. Proceed, Hon. Chairperson.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Insurance (Amendment) Bill (National Assembly Bill No.18 of 2023) and approved the same with amendment.

The Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Melly to second the Motion for agreement with the report of the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I second.

Insurance is a very important aspect of the national economy. Functional insurance companies give assurance to financial institutions and money markets to function well. A country without a strong insurance industry covering the medical, financial or commercial sectors will have a shaky financial system. I thank the Chairperson for bringing this amendment Bill that entrenches ethics, integrity and financial performance in the insurance industry. It also ensures that institutions function well. If they do not, insurance entities will lose, especially to fraudsters and money launderers.

This is a very important Bill. I urge Members to support and enhance it.

The Temporary Speaker (Hon. Peter Kaluma): Did you second? Give him the microphone.

Hon. Julius Melly (Tinderet, UDA): I seconded before I even contributed.

(Question proposed)

Is there any Member who seeks to speak to this? Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Speaker, I just wanted to thank the Committee for this important amendment to the Insurance Act. We all agree that insurance is very important in this country. Insurance is one of the key players in our economy. It provides a lot of employment to our young people. It is also a major contributor to our GDP. As the Chair said, it is the right direction when we want to push for serious accountability in this sector. We are as a House doing the right thing for this country, the insurance sector and insured Kenyans. When this sector is collecting money from Kenyans, I indicated that they are very excited. They put on very smiley faces. When it comes to paying claims, they start dodging Kenyans. We are making sure they are as happy when paying claims, as they are happy when collecting money from clients.

I support and thank the House for this good amendment. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you for allowing me to contribute.

From the outset, I support the amendments done by the Committee. I thank the Committee of the whole House for accepting those amendments. Just as the Member for Kitui Central has put it, insurance companies are very aggressive. You will find them approaching you or calling even ten times to sell their products. When it comes to paying claims, it becomes a very difficult process.

We have also seen insurance companies collapsing with people's investments in this country. My neighbour here is telling me about the Kenya Reinsurance Corporation Limited (Kenya Re). Many of us bought shares in it. Unfortunately, those shares did not reap benefits accordingly. These are the challenges we face. This good amendment will address some of

those issues. It will also make sure we reap benefits when we invest in the various products marketed by the insurance companies.

With those few remarks, I support.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Dr Pukose. The last is Hon. Beatrice Elachi. Hon. Members, the next Order is very serious. It requires the participation of everyone. I urge Members to stay within the Chamber.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker.

I also want to support this amendment and thank the Departmental Committee on Finance and National Planning, especially the Chair. He has been very consistent in every agenda that he brings to the House. More importantly, we have Kenyans watching. Wherever they are, they are praying about their monies taken by lawyers that have been paid but clients have never received payment. Kenyans can now claim their resources. Many Kenyans have felt this sector, especially when you have gone through an accident or sickness, or even when you claim after all your things burn. One goes through a tall order for claims to be paid.

With those few remarks, I thank the House. This Bill will save too many Kenyans who have gone through hell in their lives because of their insurance money.

The Temporary Speaker (Hon. Peter Kaluma): Thank you.

(Question put and agreed to)

BILLS

Third Reading

THE INSURANCE (AMENDMENT) BILL (National Assembly Bill No.18 of 2023)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Insurance (Amendment) Bill (National Assembly Bill No.18 of 2023) be now read a Third Time. I also request honourable *mwalimu* of Kibra to second.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Temporary Speaker. I second

(Question proposed)

Hon. Members: Put the Question.

The Temporary Speaker (Hon. Peter Kaluma): Is it the mood of the House that I put the Question?

Hon. Members: Yes.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, I have confirmed that the House properly constitutes to make a decision. Essentially, we have the necessary quorum.

(Question put and agreed)

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

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

Second Reading

THE ASSISTED REPRODUCTIVE TECHNOLOGY (AMENDMENT) BILL
(National Assembly Bill No.61 of 2022)

(Moved by Hon. Millie Odhiambo-Mabona on 18.10.2023 – Afternoon Sitting)

(Resumption of debate interrupted on 18.10.2023 – Afternoon Sitting)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Elachi, you had some surplus time. Proceed and make your contributions for six minutes.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I remember when Hon. Millie, who is currently out of the country moved this Bill. Wherever she is, I thank her for thinking and making this happen for many women, our fathers and male colleagues who have gone through the challenges that this Assisted Reproductive Technology (Amendment) Bill talks about.

Hon. Temporary Speaker, you remember I said that many women have gone through a lot of challenges. They pay a lot of money to ensure they go through fertility procedures. One of the things we are challenged with within the country is that we do not have set regulations to deal with those practising in this sector. I just want to go through the Bill very fast. It will enable us to ensure we have regulations to take care of the use of embryos.

(Hon. Beatrice Elachi spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): Who has disappeared with the microphone of Hon. Beatrice Elachi?

Hon. Beatrice Elachi (Dagoretti North, ODM): I am talking about the consent of parties and the issues we have gone through whenever one agrees to assist. A bond develops with the child after giving birth. Many conflicts emerge. This Bill will cure that. The Bill also provides for regulating the rights of parents, donors and children, including the use of sperm after the death of the man. Indeed, sometimes one accepts. However, we do not have a regulation that says that your sperm can be used according to how you had agreed before you passed on. This Bill is coming to cure that and have the licences we do not have.

I remember we had a very huge crisis the other day. The Kenya Medical Supplies Agency (KEMSA) was about to agree to bring genetic contraceptives to this country. That is what was going to happen if the President did not stand firm. Our brothers in pharmaceutical companies had really pushed the agenda. What we are saying, as women in this country, is that we want to have regulations that will protect us. We are going through many challenges in the health sector. It is not just the health sector. The trends that have come make us wonder when we take drugs that our bodies are resistant to. It is a nightmare! It is the same way a woman finds herself when undergoing IVF or any method she prefers when looking for a baby. I have always said that a woman is transformed when God gives her a child.

Many women are struggling and it is not their wish. There are those who think that Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) individuals can play around with this but they will not. That is why we need regulations so that a person doing funny things cannot use our girls to say she can have a baby with another yet she does not want to... This Bill is very critical during these trying times we are facing in this country.

As I finalise, I want to plead with Members to seriously debate this Bill because even the Kenya Drugs Authority Bill is part of it. We are combining these Bills together to ensure they guide on how to deal with assisted productive technologies.

Hon. Temporary Speaker, I want to eulogise Jeff Khaemba, a young journalist who worked very hard. He comes from my constituency and it is sad to see such a young man pass

away. He was hospitalised for one week and given six pints of blood then he went home the next week and is now gone. I can only imagine what his wife and child are feeling. My condolences to the family.

As I finalise, I pray that as we debate this Bill and the Kenya Drugs Authority Bill, we look into the issue of medicines carefully to ensure they heal, save lives and are safe for use. I second and believe we will pass a Bill which will ensure safety of couples struggling to get children. I pray that this House passes it.

Hon. Temporary Speaker, I beg to second.

The Temporary Speaker (Hon. Peter Kaluma): This is what happens when a Bill is not fully moved at the first instance. Allow me to propose the Question.

(Question proposed)

Hon. Shakeel you can now proceed.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Speaker. I stand to support this Bill. For a long time, there have been no regulations yet assisted reproductive technology is all over the world. It helps couples who cannot get children and want to have them. Previously, many people were taken advantage of and there were many problems because there was no formal system and everything was done under the table.

Our girls have been misused, their eggs harvested and sold to other people. The Assisted Reproductive Technology Bill will put an end to this, create functions for the directorate, obligations of the national Government, give directions, guidance, rules and regulations on how assisted reproductive technology will be done. Previously, everybody was on their own and at one time it was ridiculous.

I speak from a point of not only interest but I was involved. Sometimes ago, I spent over Ksh1 million trying IVF and was taken advantage of by quacks who did not have experience. I can proudly say that my wife and I attempted assisted IVF four times and finally God was very kind to us and granted us quadruplets – 4 children at one time. It was a great feeling. The issue is having IVF recognised as a way of giving birth. Perhaps a person of my age might have problems but there is nothing wrong with assisted reproductive technology. It has been there since ancient Egypt and the consent of the parties is very essential.

During IVF procedure an egg is taken from the mother and a sperm from a father so there is no third party involved. There were times when eggs or sperms were donated. In as much as agreements were established, some people came from Europe and other places to get donations of embryos and surrogate mothers. The problem was that this was not being done in the right way and there was no law to establish agreements.

The Assisted Reproductive Technology Bill will end this and give rights of parents, donors, community and the country. As my sister Hon. Elachi has said, this is not a way for LGBTQ or same sex parents to have children. No, it is not and should be respected. In the Bill, I have seen something about rights to assisted reproductive technology by intersex persons, consent of assisted reproductive technology services and duties of assisted reproductive technology expert. We are creating a framework of all aspects previously left unattended and unclear in law

Hon. Temporary Speaker, you are a Senior Counsel, and you know very well that somebody adopts a child and then, after a long process, another comes back and says no, this is my child. I think one of the cases that we know was the...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Shakeel, how long do you need because yours is a personal testimony?

Hon. Shakeel Shabbir (Kisumu East, Independent): Give me another minute or two.

The Temporary Speaker (Hon. Peter Kaluma): Give Hon. Shakeel Shabbir two minutes, and maybe educate the House on how the process goes.

(Laughter)

Hon. Shakeel Shabbir (Kisumu East, Independent): Yes, Hon. Temporary Speaker. Mine is a personal testimony. We went through the whole process, as I said four times. Each time, we would lose the battle. In the process, we developed knowledge. For the first time, we were very green at this. We were just taken through, and at one time, we were treated like guinea pigs at a very good hospital. There was nothing different between us and what they were doing for maybe animals. This was about 15 to 20 years ago. That has redefined itself, and those things have been improved. The people have been able to pay much more attention to the issue of assisted reproductive technology. So, by the fourth time, we were able to. It is a long process, and it is a very painful process, especially for the mother. To go through that process, it needs a lot of strength. Even at the end of it, we were not sure even at the last trimester whether we would save all the children. It is only the strength of the hospital, the people behind it, and the professionalism of how it was done that we could go through.

We will now have a directorate to whom we can go and complain. It is over for those who probably went through and were making big money for no reason and treating you like animals.

When I used to go for those sessions, I would see many young girls coming to donate their eggs. They had no strength, and they had no right in law. This will give them the right in law. At least, this is the first step in taking this matter move forward, making sense of it, and joining what we call the cutting-edge technology of assisted reproductive health. From that point of view, I am a very pleased man to support this Bill, and I am giving my testimony. I stand here as one of you who has benefited and not one time. God has been great. The issue of assisted technology requires God's blessing. It cannot be done without that. I am proud to say that I am a father of four-year-old children who are a gift to us through assisted technology.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) James Nyikal

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this. This Bill has come here for the third time and has lapsed, but it is an extremely important Bill. The objective of this Bill is to regulate assisted reproductive technology. What that means is to assist couples or people who desire to have children and cannot, to assist people with infertility. Basically, it means that technology assists the eggs or the ovum from the lady and the sperm from the man to come together, fertilisation takes place and an embryo is formed. That embryo gets into a womb biologically and ready to grow into a baby. That is the issue. Normally, this would happen naturally, but it may fail either because the sperms are not there in the man, or they are there, and they are not functional, or the eggs are not there in a woman, or if they are there, the systems that bring them together fails. Or the womb itself is not ready, or in some circumstances, after surgery, the womb is removed, and the lady would still want to have a child. That technology is actually what we are talking about.

Infertility is a very serious problem. It affects couples; it affects people who are single and who would like to have children as single parents. Many times in our society, it has affected women more adversely than men because in couples, when fertility is a problem, and when reproduction fails, often the woman is blamed. In almost all languages, there are very derogatory words for that. Therefore, women suffer. In men, when it happens, it has problems. There are large numbers of people and couples that are affected and, therefore, they need this service as a medical service.

What is happening now is happening in this country, and sometimes people have to travel outside the country to get the services. The problem is that, as that is happening, there is

no regulation. Yet, this technology has a lot of issues with it. If you talk about medical issues, harvesting embryos from women, particularly young girls, or harvesting ova from those who offer to give the eggs, is a surgical procedure. They have to go through it. There are legal issues that are involved.

There are sperm banks, but sometimes there are specific offers. There have to be laws that regulate that. When you have those sperm form embryos, the embryos become available. They can be used to produce babies, or they can go into research, which will bring many ethical issues. Even when used, it brings issues of multiple pregnancies or embryos that are produced simultaneously. As Hon. Shakeel has said, this can go on to make multiple pregnancies and sometimes, there is even a need to reduce this. What is the ethical situation where you are killing a living embryo? That is an ethical issue or even a legal issue together.

Going into the Constitution on the definition of when life begins, those are issues that we have to look at. There are issues like sex selection. When you have the embryo, people can choose which embryo they let go, and which sex they want. Would it be right if now, you choose, I want this sex and therefore, I will destroy this other embryo? Those are issues that will come. There are issues with using surrogate mothers where wombs can be hired so that the person who carries the baby to term is not the mother who had the ova. This is hired by a couple. When that happens, it raises the issue of parenthood. Who is the mother? What are the legal implications? How do you agree on such issues?

The embryos can even be stored for future use. What laws will regulate such issues, and who will store the embryos? When young people fall sick and realise that they are likely to die, they may request that their sperm, ova or embryos be produced and stored for future use. How will this be controlled? Assisted reproductive health may even turn into a business. If it becomes a business, who sells what, and how will one get into surrogacy?

The Temporary Speaker (Hon. Peter Kaluma): Do you need more time, Hon. (Dr) James Nyikal?

(Hon. (Dr) James Nyikal spoke off the record)

I will give you more time because you are a medic. How long do you need to explain this to rest better? I will give you two minutes.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. I will repeat that if embryos are stored for future use, it introduces the aspect of business.

What about research? People can start to manipulate genes because embryos can be manipulated. It will be as ridiculous as using embryos from different animals and mixing them to produce something. Those are possible scenarios. That is why this area has to be regulated. All those issues are necessary, including the health of the people involved. Therefore, it is necessary that we have a law that regulates assisted reproductive health. To that extent, I support this Bill. It creates a directorate that will undertake licensing of who will use the assisted reproductive health technology and oversee how the sperm banks will be managed and how long embryos can be kept. The Bill also indicates what kind of agreements people have to go into if they decide to go into surrogacy.

Further, this will guide what happens in surrogacy when parenthood is involved, and the children want to know their real parents. What are the legal implications of that process? What are the legal implications in terms of inheritance? This is a health service, that has very many social implications that need proper regulation. That is why I support it. I ask other Members to support it so that we have an Act to guide what is happening illegally. We do not know the extent of the illegal activities that are going on because we do not have any laws.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) James Nyikal, just before you sit, how do you deal with parental responsibility in the context of surrogacy?

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, in the case of surrogacy, what is proposed in this Bill and what will follow is that there is an agreement that once you have given the child up after the surrogacy, then you have no parental responsibility. But there is a grey area there. For example, for a young man who donates a sperm and later finds himself as a parent, what is the child's right? Our Constitution states that there is parental responsibility, whether the people are married or not. So, what happens when a young person donates a sperm, then 30 years later, that person says that he is their father? What are your parental responsibilities? They will even ask for a piece of land because you are the father. There is even DNA to prove this.

Hon. Temporary Speaker, thank you for the additional time. This is an interesting topic. Let us support the Bill.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Omboko Milemba, Member for Emuhaya, also recognised as the defender of teachers. Proceed.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you very much, Hon. Temporary Speaker. Thank you, Hon. James Nyikal, for the great insights into this Bill. This assisted reproductive technology has been ongoing for the longest time. It is just that it has been happening behind closed doors, possibly under the table. Sometimes, it happens outside the country. Originally, the people involved would think that it is a big secret and, therefore, do it in the underworld. Partly, the result has been that the price is extremely high in terms of money paid. In fact, the Member for Kisumu East would have spoken on this pricing a little more. He can agree with me that the pricing is sometimes too high and not affordable for ordinary citizens who are still suffering or have such a challenge and cannot access that service. Therefore, mainstreaming and introducing a regulatory body that is dealing with assisted reproductive technology will demystify the stigma associated with it. Once mainstreamed, it will be easily accessible at a reasonable price, even for low-income families who cannot afford the service. But above all, the Bill will help manage the system because several risks may arise from this. This Bill tries to mitigate the many risks that are likely to occur from those who benefit from assisted reproductive technology.

There is a point which I should have brought last, but I will raise it now. This is the fact that we have to look at this assisted reproductive technology very carefully. As we mainstream and regulate the sector, we should remember that we may end up with a population of new humans that will not necessarily have attachment to their parents. They will grow up, know themselves, and start associating among themselves. In the same way, if one is a Luhya from western Kenya or the Kikuyu tribe or Luo, they will get their name for their tribe, which will also exist. They will demand certain rights and spaces and so on. They will form unions, like the teachers' union where I belong. They will also form political parties. They will be a force in this country. Hon. Nyikal has spoken very strongly about the multiplicity of this technology. So, they can multiply very fast. If they multiply fast enough, especially if they do not kill the embryos as we shall be doing within the Bill, they will grow to a much bigger population and do away with this other population that otherwise uses the normal reproductive system. Those are some of the imaginations of assisted reproductive technology. You must look at this Bill from a very imaginative position. It is beyond what we see now.

The Bill is also very important. As Hon. Nyikal has explained, the scientists and researchers are also likely, unless controlled by regulation, to produce even a superhuman being – who will be a merge of certain sperms either from the men and possibly other animals. Those researchers have all those sperms not only for humans, but also for other creatures. They can even produce a superhuman who will start cannibalising the existing human beings. I hope you understand what I mean. This is beyond what you think. Assisted reproductive health can go

to the extent of producing other superhuman beings. Hon. Member for Kibera, those superhuman beings can consume you, make you extinct, and the world will move on. So, creating a regulation and a directorate to monitor assisted reproductive health systems is very important. This will ensure that assisted reproductive health is managed by existing human beings.

Another angle is a situation where it will become a business. One can walk into a store and find several embryos. The attendants will have one for Hon. Omboko and will explain what he used to look like. There will also be one for Hon. Kaluma, and the attendants will describe his characteristics of arguing and speaking a lot. All those will be sold over the counter. This is why it is very important to have a regulation. The Bill will also help to determine how long an ovum or a sperm can be used. This is because some people may even store those ova and sperms long after the owners' death. But they may reproduce those people because they have stored semen from them. What are the legal implications for the person born out of that? Some of those children might face the existing family claiming to be part of them even 20 years later. Hon. Members, are you following? This is serious. As we make this law, do not take it lightly. This is going to affect the coming generations.

Hon. Temporary Speaker, with those many remarks, I support the Bill.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Omboko Milemba. Next is the former Minister for Internal Security, Hon. Julius Sunkuli. Before that, allow me to appreciate Hon. Shakeel Shabbir for coming out in the open as a leader who has gone through assisted reproductive technology. He has proven that this is a reality and that it works. This is not a myth. I first met Hon. Shakeel when he had his four children. I am happy that the joy of having children has never left. Those children are four years old now. Thank you for coming out in the open. This encourages other Kenyans not to hide when they can get help.

Hon. Julius Sunkuli, you may proceed.

Hon. Julius Sunkuli (Kilgoris, JP): Thank you, Hon. Temporary Speaker. I also want to associate myself with the supporters of this Bill. This Bill addresses the issue of surrogacy. Simply stated, surrogacy is when a woman carries a baby to term, but has no genetic relationship to the baby. A surrogate carries someone else's baby who does not have their genes. This law introduces two new terminologies. One is the surrogate mother who carries the baby. The other one is the intended parent, who takes the baby as soon as it is born. This new arrangement is now recognised by law in Kenya because it has been happening. It has been going on, but with some challenges.

The problem it is supposed to solve is that infertility is a reality in Kenya. We all know someone who does not have a child but desires one.

(Hon. (Dr) James Nyikal and Hon. (Dr) Ojiambo Oundo consulted loudly)

The two professors are distracting me a bit. Those people have no other means of getting a child other than by getting a surrogate to carry their baby to term. We want to solve this problem. This problem has existed for many years. Communities like the Luo, the Nandi, and the Maasai had a practice where a woman who did not have children was allowed "to marry." They would get a lady – not in the LGBTQ style – but one who would be assigned to her as a wife, but was allowed to get babies from a man. The children would then belong to the one who "married" her. The difference with this is that the intended parent had no genetic relationships with that child. Now, technology allows the genes to be implanted into someone else, and the child can be brought up by the parents who donated the egg and the embryo.

This new technology is widespread around the world. For a long time, European people, particularly in the United Kingdom (UK), used Indian women to carry their children. Even in our society today, this tends to be the case where poor women carry children for wealthy

women. This law addresses the issue of exploitation. When a surrogate carries a child, she has to be adequately compensated as per a contract between the intended parents and the surrogate mother. It also prevents the surrogate mother from running away with a child. A surrogate mother cannot say that a child is handsome, and they do not give it to the intended parents.

In Kenya, surrogacy agreements are recognised. They bind the surrogate mother to deliver the baby according to the contract. This law also ensures that the baby is well protected. For example, if a baby is born with a disability, and the intended parent refuses to honour the agreement, the surrogacy agreement prevents the intended parent from choosing the kind of child they will accept. The moment a child of their genetic formation is born, that child belongs to them. Those are some of the things that this law will provide. When a man ejaculates, the semen contains a million sperms. Out of the five million sperm, only one fertilizes the ovum.

Hon. Temporary Speaker, you and I are Catholics. We do not know whether it will be ethical to throw away the unused sperms. If they are going to be stored, the question is whether we can throw them away at some point without breaching ethics. This Bill does not address that. This Bill has been drafted such that ethical issues are minimised. Nevertheless, we need to ask ourselves those questions.

The Temporary Speaker (Hon. Peter Kaluma): Are you talking about the constitutional provision that life begins at conception?

Hon. Julius Sunkuli (Kilgoris, JP): Yes.

The Temporary Speaker (Hon. Peter Kaluma): So, in the context of assisted reproductive technology, are you asking whether the Bill defines when conception begins?

Hon. Julius Sunkuli (Kilgoris, JP): Yes. We had the opportunity to interrogate this Bill, and this issue does not stop us from passing this Bill, but it requires us to answer that question in the future. Hon. Milemba asked if an animal can crossbreed with a human being through assisted reproductive technology. We are not aware if such science is available. This Bill forbids such activities.

This Bill will solve many problems in Kenya. It will enable men and women who have desired children to use available technology to get children. Many things of interest are on the definition page. We will have to amend many things, including the meaning of a spouse as defined in the Bill. A couple is simply a man and a woman who are married. This should not exploit women in a relationship. A marriage must be recognised to be between a man and a woman. The word spouse must mean nothing else. There will be a lot of tinkering to be done here and there concerning the Bill. However, the spirit of this Bill is good. It is progressive for Kenya. I recommend this Bill to the Members of this House.

I support.

Hon. Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Julius Sunkuli. I do not see any further interest in the Bill. I want us to go to...

(Hon. Members consulted loudly)

Hon. Ruth Odinga, Woman Representative for Kisumu County.

Hon. Ruth Odinga (Kisumu County, ODM): Thank you, Hon. Temporary Speaker. I greatly thank you for recognising that this Bill affects women the most, and you have now decided to allow a woman to speak on this Assisted Reproductive Technology Bill. I am very grateful to Hon. Millie Odhiambo for introducing this Bill.

First, I would like to address the cultural issues surrounding this Bill. Where we come from in the Luo culture, it was very stigmatising and a big problem when there was lack of a child in marriage. As said by one Member, it also happens in other countries and cultures, but in the Luo culture, it was always assumed or presumed that the woman could not bear the child and, therefore, the burden of proof remained with the women.

However, in those days, it was allowed for a woman, especially if the man had a problem, to secretly be given the brother or the cousin to the husband, to be able to have a child so that nobody could know in the home that the man was not producing. The other way around, the man was allowed to have another wife. However, the first wife or the one who was not childbearing would endure many difficult times in that home. That wife who could not bear a child could sometimes be given the child of the second wife or allowed to bring the sister or the brother's daughter to get married to the husband, get children, and some of those children would be given to them. That is not the case these days. We all know that as we speak now, if you do not have a child, it is a torment, and normally the blame is on the woman throughout.

Therefore, assisted technology can support women going through this or couples with that problem. I am a witness to Hon. Shakeel Shabbir's case. He is my neighbour in Kisumu and has very beautiful children out of that. This Bill, when used properly, could help us culturally.

On the other hand, medically, we all know that right now, we have rampant sicknesses. Some of those rampant sicknesses, like cancer, come at an early age. You have those who get cancer even at 15, 14, or 12 years old, and mostly, when they do this, they go through what we call gonadotoxic therapies. Those are therapies like chemotherapy radiation that destroys the sperm or ovum. When this happens, those people will never have a chance of getting children.

It is important to consider them, and in most cases, it would be fantastic if they could have their eggs removed before the therapies are started so that they later have children when they want them. That is another fact that I think medically is important.

We also know we rampantly have something called endometriosis that many of us women are suffering now. Those are some of the sicknesses that, once you have, you cannot produce. It is, therefore, important that medically, we consider this technology to support those of us who cannot get children.

However, having been in Europe, I noticed that there were a lot of issues surrounding surrogacy, where those who agree to carry the child change their minds during childbirth or after giving birth. They say that they want the child when they were just a carrier of the child from the other couple. This couple tends to lose or engage in lengthy court battles that also end up affecting the child, and brings up many issues of how ethical or good it is for the child who now suffers because of this.

I believe, like Hon. (Dr) Nyikal, who is an expert and has discussed with us the laws, that laws must be put in place for us to ensure that people do not misuse this technology, especially in a case where they want same-sex children and all that, which I am afraid I have to disagree with. But then, let us have it.

I support this Bill. Thank you.

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Faith Gitau.

Hon. Faith Gitau (Nyandarua County, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance. I rise, at the outset, to support this Bill. It is quite sorrowful for a couple to desire children and yet be physically unable to be blessed with one. It is stigmatizing. Those couples need a lot of social support and love.

There have been many things that are going on around the inability to bear children. There have been unregulated practices of organ harvesting. We have many quacks here in Kenya who harvest organs, ovaries and sperm and sell them to desperate couples in need of children. It is sorrowful and quite heartless for those people. Those horrific practices must be put to a stop. I am of the opinion that proper regulations on how to deal with matters of infertility and inability to bear children must be put in place. Therefore, I am very delighted today to see this Bill come up. The use of assisted reproductive technology must be regulated.

We know what happens around those technologies. First, they are not affordable and so, we must make them affordable because some couples suffer here in Kenya.

I rise to support. Thank you.

Hon. Temporary Speaker Hon. Peter Kaluma): Hon. Wilberforce Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I did not conclude consulting Hon. (Dr) Nyikal, but I will take care of myself.

I stand to support the Assisted Reproductive Technology Bill that is before the House. As another speaker has indicated clearly, this is not the first time this Bill is coming to this House. I know it was here in the last Parliament, and we could not conclude it.

Let me confess I was a bit skeptical and uneasy about this Bill. When it was being debated on the Floor of the House, I took a French leave deliberately because being a Catholic and an African man, there are some issues we find very difficult to deal with. With hindsight, I discovered that even in our family's larger network, we have ladies and men who have been unable to sire children through the natural process. This has obviously forced me to rethink and come to make a comment on this Bill.

The Bill provides several professional solutions to a problem that has existed with us for many years. Since time immemorial, there has been infertility in human beings. Where I come from, we had a way of solving those issues through established networks that left the moral fabric of the society intact. However, I must admit that new times call for new approaches, and we must deal with it.

Hon. Temporary Speaker, in my community, when a lady did not have children, the stigma associated with it had a lot of moral issues, and would cause a lot of stress. More importantly, a man who could not have children faced even more scrutiny and public shaming more than anything else. Naturally, we had a way of solving that problem. A man who could not have children and was married could contract a cousin or a relative who resembled him in one way or another to do the job in an arrangement we currently call 'a contractor'. In that event, the kid would be born resembling him and the family, and there would be no suspicion at all. But of course, the problem would always remain when the lady could not have children. We did not have an arrangement where a woman could marry another woman to sire children for them. Therefore, we must find a way. Children are not just physical children.

In many societies, they come with emotional attachment and are welfare insurance in old age. We hope that we will spend all our working life to take care of the children. And when we cannot take care of ourselves, the children will offer moral support or support us in our old age.

The mere title of the Bill reference to technology leaves out an extremely important aspect: The traditional way we used to solve this problem. I would have used you as an example, but I will not since you are sitting on the Chair. Imagine a married lady and a man who cannot sire children for medical reasons, as they have clearly put it, and the lady contracts a husband's cousin to sire children. Whose are those children? We thought we could have institutionalised and legalised that particular aspect at this particular moment. Of course, technology found me. What I know about technology is a laboratory. But what about a natural process akin to adoption or something like that? When we come to the Committee of the whole House, if those issues are given enough time, and we have a bipartisan approach, I am sure we will address them.

The Bill has very far-reaching issues. One is the definition of infertility. We must persuade the proposer of the Bill where they said that infertility means the inability to conceive after one year of unprotected coitus or any other proven medical condition preventing a couple from conception. Dr Nyikal was going to consult if one year of continuous activity without results could amount to infertility because there could be other emotional issues pertaining to it.

There are three fundamental issues that I would like to raise here. One, and my colleagues have also raised it, as a Catholic, I would like to know who is supposed to benefit from this. Is it any person who is unable to accept to go through the process? For example, if a lady feels she probably does not want to deform her belly, would she go for surrogate motherhood? Will the law allow? Or is it a case where it is proven beyond reasonable doubt that the lady is unable to carry a pregnancy to term? Is it a case of genetic selection where a lady sees that the Speaker is a very prominent person in this country, and the husband is not, and convinces him to go genetic modification? What are we looking at? Secondly, is it for married couples only, or also for those who enter marriage for the convenience of getting children? Those are some of the issues that we must address.

Second is a very critical matter. Clause 35 of the Bill provides that at 18, a child born out of a surrogacy arrangement or under this Act can seek to know the correct position or get detailed records concerning their conception and the entire process. As I said, having a child is not only a physical and blood matter, but also an emotional matter. There may be a case where a child who has attained 18 years, and parents have invested heavily, finds out their rightful parents and thereafter abandons the surrogate ones. What recourse do we have under Article 57 of the Constitution that requires all members of society to be taken care of by the family? What are the moral obligations? This Bill only speaks on the rights of the child, the surrogate parents or the donor, but does not talk about the rights of the parents who have taken care of the child to maturity. At the Committee of the whole House, we must deal with those moral and medical issues.

Hon. Sunkuli raised a very critical issue: That by the very nature of this arrangement, an embryo is fertilised outside the womb of a woman. The Bill makes a provision that, that arrangement can be terminated before implantation in the event the contracting parties disagree. The question we will ask ourselves is: When does life begin? Does it begin at conception? That is where I will seek the technical expertise of Hon. Nyikal. Is an embryo fertilised in a test tube? Does life start there, or does it start when it is implanted into a woman's womb? We must delve into these moral, constitutional and religious issues. As much as this Bill aims to address a very fundamental issue, we must also not lose sight of our culture, the Constitution or religious arrangements. That will enable us to tie it all together. I must commend Hon. Millie for getting out of her way because those things are happening. We must also incorporate traditional approaches to solving issues of childlessness or barrenness that we have had for all those years. This will enable us to integrate technology, but also allow the natural process.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Naomi Waqo, you have one minute.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this important debate. I also congratulate Hon. Millie Odhiambo for coming up with this Assisted Reproductive Technology Bill. I stand to support it because of our knowledge of our society and country. We are aware of people who have had challenges with infertility, which has had a negative impact on their lives. In particular, women have suffered from the negative impact of that. Many have experienced violence, divorce, social stigma and emotional stress, while some have suffered from depression, anxiety and low self-esteem. As a result, many have committed suicide. For that reason, I stand to support this Bill so that this technology can be a relief to many people. Clauses 1 to 19 of the Bill provide for matters regulating and prohibiting activities, including using embryos and parties' consent. This will solve many problems in our generation, especially women who have in the past sunk into depression because of this.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Naomi Waqo. You will continue after the Adjournment Motion. I want to now call the Mover to move the Adjournment

Motion. If we can be done with it within time, we will revert to this Motion. Hon (Dr) Naomi Waqo, you will have eight-and-a-half minutes to contribute as we proceed to the others. Hon. Mbui

MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

DEMOLITIONS IN MAVOKO, MACHAKOS COUNTY

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker. The House approved that we adjourn the House to discuss this matter of urgent national importance regarding the ongoing demolitions and evictions in Athi River, Machakos County. Since Friday, 13th October 2023, which I will refer to as the dark Friday, up to date, the worst case of demolitions in the history of this country has been taking place in the County of Machakos in the constituency of Mavoko in the area of Athi River.

First, my sympathies go to almost 10,000 families that have lost their livelihoods, homes and abodes. Five churches were brought down, and 33 are on notice to be brought down. Most business premises, including three schools and a health facility, have also been brought down.

My sympathies notably go to one Mr. Mathenge, a hustler who took a loan to purchase land. He went to the point of trying to confirm whether that land was legitimate. That is only done when you go to the land registry and confirm that the people purporting to sell the land to him were genuine landowners. He took a loan and invested his money. He went to an architect and a civil engineer and got architectural and structural drawings. He also sought the county government's approval to construct his house. All this was granted. Based on that, he took a loan and built a house. It is not even ten years since that house was built. It has been brought down. What remains is rubble. It is important to note that Mr. Mathenge continues to pay the Housing Levy every month from his salary. It is a tragedy.

My sympathies go to those families whose houses were brought down on that first night and so, the children woke up the next day and had no school to go to. It is unfortunate. Also, families had nowhere to live because the destruction started in the evening, and people were thrown out by morning. Children spent the night out in the cold. Mothers with small children were out in the cold. Fathers had no answers for their families. It is a major tragedy.

I want to condemn, in the strongest terms possible, those who gave the instructions for the demolitions to take place. It is very unfortunate that 60 years after Independence, people can be hoodwinked to buy land, process titles, get connected to the national electricity grid, road networks put up and water supplied in that area by the county government, and all those suddenly came down.

I also want to condemn the police who were sent there in huge numbers. It was very unfortunate that I also went there as a local leader to go and condole with the families and see how we could help the children who spent the night out in the cold. Whether I provided them with blankets or bought them a cup of tea, we were chased like dogs. It is unfortunate.

The history of that land is such that this is our ancestral land. It is our heritage - the heritage of the people of Machakos. The land was given to the East African Portland Cement (EAPC). They did not purchase it. The reason that East Portland Cement was given that land was simply because that area was rich in minerals that are used in the production of cement. So, they were given that land for purposes of mining so that they could process cement. And that was the main business of East African Portland Cement.

Notably, the East African Portland Cement Company has run into billions of debts due to their poor management of the business; a business that was once a monopoly of cement

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production in this country. Therefore, to cover losses and poor business practices, the company now purports to want to sell the land that belongs to the community of Machakos County. That is something we cannot take for granted.

It is also good to note that evictions were done without an eviction order given by the court. The case that was taken to court was thrown out on technicalities. The only thing that the judge finally said was that we set a hearing date so that a discussion could take place for the case to be heard. The case was never heard. After it was thrown out on technicalities, the sound of bulldozers and the sound of wailing women and children is what we could hear from that place. It is ironic that 60 years after Independence, people can be thrown out in that manner. It is also notable that Clause 155 of the Land Act indicates that for one to be evicted, there must be two things: One, a court order so that you can be sure that the court process has taken place, and two, a notice of 60 days.

Recently, a ruling about the land owned by Gerishon Kirima, the late Hon. Member, was made, and they gave the occupants 60 days. They also opened an opportunity for discussions. That was not the case in Mavoko; that was not the case in our region. It is also good to note that it is on record that there are areas that had land disputes and evictions were to take place, and none other than the Deputy President said that he will not allow evictions to take place in Ol Kalou. Are the people of Mavoko any less than the ones in Ol Kalou? Or is it true that there are people that are shareholders and those that are not?

On the inauguration of the Kenya Kwanza Government, very clear information was given to us that Kenyans will now be safe, and no one will have their house brought down due to a land dispute. Shockingly, the worst case in this country's history of demolition of innocent Kenyans' homes has happened only 11 months after the leadership of Kenya Kwanza was sworn into office.

I plead that we look at it from this perspective. There may be culpable people, which is why the Directorate of Criminal Investigation (DCI) and Ethics and Anti-Corruption Commission (EACC) are getting involved. We know there were letters from long ago asking for people to be investigated, but those whose houses have come down are not guilty of any crime other than purchasing land and putting up a home. Unfortunately, this is happening to our people. The Government should do what was said during the inauguration. Let them take care of those Kenyan hustlers. Let them ensure that those people whose houses were brought down are compensated. Let them not work very hard to put up an abode for their families, and all that goes to waste in a split second.

It was also unfortunate and shocking when we saw the East African Portland Cement Company, after bringing down almost 10,000 homes, purporting to want to sell the land to the people who were occupying it. It is unfortunate. It is shocking and something that this House must condemn in the strongest terms possible. It is something that we must say should never happen again in the history of this country. It is a shame to the leaders of this country for this kind of situation to happen many years after Independence. As leaders, we must stand up to be counted. We must defend the rights of the people. We must represent the people. We must legislate on their behalf. In my view, we have enough laws. All that matters now is for us to represent them and say enough is enough, and no further demolitions of innocent Kenyans' homes will take place in this country.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): The Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, let me join Hon. Robert Mbuvi in condemning, in the strongest terms possible, the atrocities that were meted by the State against hapless dwellers of Mavoko in the recent past.

Even as we speak, the demolitions are ongoing. Court order or not, no sane Government... I am calling it the Government because the police were there. They were

mobilised to go and watch as people's dwellings were brought down. No sane Government on earth can participate in the kind of destruction of human settlements in the manner this Government has done.

Hon. Temporary Speaker, under International Law, displacement of populations and subjecting human beings to inhuman treatment are crimes against humanity. What the Kenya Kwanza Government has done to the dwellers of Mavoko in the last two to three weeks amounts to crimes against humanity. I want to warn whoever has been involved in this, with court order or without. The law eventually will catch up with you.

We have been told that there was a court order. Even as we say so, which Government can subject human beings to a treatment that even wild animals cannot be subject to? Even the Kenya Wildlife Service (KWS), when they want to transfer their elephants, lions and zebras, they treat them more humanely than how this Government has treated the inhabitants of the Mavoko area.

Hon. Naomi Waqo (Marsabit County, UDA): On a point of order.

Hon. Opiyo Wandayi (Ugunja, ODM): There will be no point of order because this matter is serious.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Naomi Waqo, you will speak immediately after the Hon. Leader of the Minority Party. Let us speak without interruptions unless there is a clear breach of the Standing Orders.

Hon. Opiyo Wandayi (Ugunja, ODM): Just relax. Hon. Temporary Speaker, the least any sane Government would do is give such homeowners a reasonable notice. Not a notice to eventually evict them, but one to allow them to come to some agreement or settlement with whoever is laying claim on the land.

That land that is being claimed by EAPC has a long history. We know that the Government is in a hurry to evict those people because they want to put EAPC for sale. They want it to be bought by those cartels. The cartels in Kenya Kwanza have lined up to buy it. Therefore, they want by the time they are buying it, it should be together with the land. The intention here is to clear this land off inhabitants. To clear this vast land of people who have settled on it so that by the time they grab EAPC, they can grab it together with the vast land. That is the issue.

I have to tell you today, Kenya Kwanza, that what you have done will go down in history as the most cruel thing any Government can ever do to its citizens. You cannot treat Kenyans as wild animals. You cannot evict people when schools are about to start doing their exams. Grade Six, Class VIII, and Form IV candidates are supposed to start doing their national exams in a matter of weeks, if not days. You cannot evict such people. You cannot demolish churches, the houses of God, and yet you proclaim to be God-fearing people. What hypocrisy is this? You proclaim on one hand that you are God-fearing. Every Sunday, you go out there masquerading as Christians and yet, you evict people and demolish their churches. You also demolish their schools.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wandayi, your time is up.

Hon. Opiyo Wandayi (Ugunja, ODM): Add me two minutes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): You have two minutes because you are the Hon. Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, thank you very much.

The Temporary Speaker (Hon. Peter Kaluma): This is a Motion of Adjournment on a Matter of Urgent National Importance which was not timed. Based on interest, it can go up to 9.00 p.m. That is why I am requesting Members not to intervene unduly because each Member speaks for only five minutes. All of you can speak as long as nothing is out of order.

Accommodate one another as much as possible. We have time for all the Members of the House. Proceed.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, we see other busybodies taking cues from the Mavoko incident. We have heard that there is a possibility of people being evicted in Njiru.

Hon. Kamande Mwafrika (Roysambu, UDA): Hon. Temporary Speaker, we are only supposed to use parliamentary language. When we use busybodies, is that parliamentary language?

Hon. Opiyo Wandayi (Ugunja, ODM): Is the Member addressing me or Hon. Temporary Speaker?

Hon. Kamande Mwafrika (Roysambu, UDA): I am addressing Hon. Temporary Speaker.

Hon. Opiyo Wandayi (Ugunja, ODM): Let me continue. Hon. Temporary Speaker, we cannot allow this culture of impunity to take root in this country under our watch. Kenya Kwanza Government must be called out for getting involved in those kinds of atrocities against helpless citizens of this country, whom they promised to protect. If you cannot protect an innocent home dweller who has taken a loan from a bank or Savings and Credit Co-operative Organisation SACCO to put up a home, whom will you protect?

(Applause)

Is this Government meant for the cartels or the whole country? Will it simply serve the interest of the cartels, or can it be trusted to serve the interests of all citizens? We do not want to know who owned or bought the land first, and how it was acquired.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Patrick Makau.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Temporary Speaker. Even before I speak, I urge my honourable colleagues to allow me to bring in some perspectives that will help all of us. In my language, we say that the bereaved does not speak much. I want to bring some history today about the Mavoko land. I urge Kenyans to approach this issue with a lot of sobriety and without emotions because it will address a lot of evils from all the agencies concerned with land dealings in this country.

I am the Member for Mavoko. Therefore, I have the institutional memory of this constituency. East African Portland Cement Company has many parcels of land. The only parcel that is in question is LR No.10424. Hon. Members, as we speak, let us not have a blanket condemnation of how many LR numbers we are addressing. Demolitions happened on LR No.10424.

Members who were here during the 11th Parliament will remember that I brought a Petition in this House requiring the Departmental Committee on Lands to urge East African Portland Cement Company to surrender its mined land with letters, which the Board signed. They agreed that they had 2,000 acres that they had mined and were ready to surrender to the local community.

Hon. Members, we should understand that once land is surrendered as per Article 67 of the Constitution, it goes back to the National Land Commission (NLC), which in turn surrenders it to the local county government of that area, which decides the land use. The land reference numbers that I brought here were 8786/144, 8786/145 and 8786/146.

Hon. Temporary Speaker, we agreed with East African Portland Cement Company and the Departmental Committee on Lands led by Hon. Mwiru that they were ready to give the land to the local community. We went ahead to the National Land Commission (NLC) and then Minister for Interior, Major-General (Rtd.) Joseph Nkaissey, and they agreed that they were going to give us the land. During that time, LR10464 was in existence. I want Members to note

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that Portland and Aimi Ma Lukenya Society claimed the land in question. Aimi Ma Lukenya Society had a title for that parcel of land of 4,280 acres. We must ask ourselves where Portland got that land from. I agree with the previous speakers that this land belonged to the people of Machakos County before it was allocated to Portland. There must have been people who were living there. The Aimi Ma Lukenya Society claims that their grandparents were buried there, and they are the ones who own that land.

Since 2013, when the new County Government of Machakos was in place, they have been approving buildings and collecting rates from the same parcel of land. Today, as you know, you cannot open a file in any county government without ownership documents. That is why I said there is no way one can build in any municipality or city in this country without approval from the county government. If from 2013 to 2023, the County Government of Machakos has been approving those houses, at what point did Portland know that it is not Aimi Ma Lukenya Society's land?

Two entities, Portland and Aimi Ma Lukenya Society, were competing for the same land. Their case went to court for a determination of the rightful owner of that land. The owners of the houses claimed on national television that they went to banks using the same titles and were given loans. The County Government used the same titles to give them approvals. They did a search and came out with the correct title deeds. I condemn with the strongest terms possible the demolitions of...

The Temporary Speaker (Hon. Peter Kaluma): The Member for Mavoko, because you are keeping to facts and not inflammatory statements, I will give you two more minutes to wind up because the Leader of the Majority Party has to speak.

Hon. Patrick Makau (Mavoko, WDM): Hon. Temporary Speaker, as we speak here, the Ministry of Lands must be held culpable. Why did they issue two titles for one parcel of land? Why was the County Government approving the houses with the same title deeds? We know it is the Government that issues title deeds. It is the Government that verifies and nullifies them. If you were to look at the title given to the court belonging to the Aimi Ma Lukenya Society, it was issued in 1980, and the title for Portland was issued in 2022 and 2023. I said it and am repeating that those could not have happened had we had dialogue with various interested parties. At least, we could have saved the houses. The affected Kenyans are very innocent. To build a 10 by 10 feet house today is very expensive.

This is an issue that should not be politicised. I am the Member of Parliament for Mavoko. I represent pastors, Members of Parliament, thieves and everybody else. So, if I answer a call of crime, I should not be associated with the crime. There is a process of buying land. If anybody is pointing an accusing finger at the Member of Parliament for Mavoko, let him bring his trail of evidence and show everything. We must be alive to the fact that titles are issued by the Ministry of Lands and verified by county governments.

The Kenya Power Company had put power lines on that land, and water had been connected. Where were they when this was happening? Why are they making Kenyans suffer because of political differences? I am ashamed of the Members of Parliament from Ukambani who did not support the community. I love Kenyans who go back to history. I once saw Hon. Ichung'wah – and I respect him - in Kikuyu talking about my people. So, my people of Mavoko should be respected...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Patrick Makau, your time is up. The Leader of the Majority Party, go ahead and make your contribution. You take precedence over everybody else in the House. Those people making requests, like Hon. Joyce Kamene, will have to wait until the Leader of the Majority Party is done.

(Hon. Catherine Omanyu spoke off the record)

Hon. Catherine Omanyo, you need to understand your Constitution and the Standing Orders. It does not matter how long you have been in the House. When the Leaders of the Majority Party and the Minority party come into the House, everything stops until they are done.

Proceed, Hon. Ichung'wah

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I hope she is well advised.

Let me say that the Member of Parliament for Mavoko started his contribution very well, but he finished it in a very unfortunate manner by attempting to disparage Members of Parliament who represent their people based on their ethnicity, like those from Ukambani. That is unfortunate. We should not make this Adjournment Motion to be an issue to do with ethnicity or political affiliation. That is why I am here to debate it.

I listened keenly to what the Leader and the Deputy Leader of the Minority Party said. I listened to them from my Office and I was rather perturbed that a senior leader like the Leader of the Minority Party can say that he does not care whether or not there was a court order and who owned the land. He does not care who bought the land first. He speaks about atrocities and yet our colleagues from the Minority side, especially those from the Orange Democratic Movement (ODM), fashion their party as one that stands at the forefront of the fight against corruption. How then would you not care when public land is grabbed? Land grabbers who grab public land with impunity have visited atrocities on the people of Mavoko and elsewhere.

We must also question the role of Government officers in land grabbing. There is no question as to who owns the land. It is owned by the East African Portland Cement Company. Even Hon. Robert Mbui knows that. He also knows that current and former leaders in the region, including former Members of Parliament, municipal council chairmen and councillors grabbed that land and sold it to innocent buyers.

It is one thing to pontificate about the fight against corruption in political rallies and funerals, and then come to this House to defend corruption and land grabbing. The leadership of Machakos County has visited atrocities on the people of Mavoko by perpetuating grabbing of public land. The County Government of Machakos continues to approve construction of buildings on land that they know is not owned by the people seeking approval permits. How did they build houses that were approved by the County Government of Machakos without requisite ownership documents, including title deeds? Those are the people who have visited atrocities on the people of Machakos and Mavoko. The Governor of Machakos County and former chairmen of the Mavoko Municipal Council, like the Member for Mavoko, must be held to account. They must tell Kenyans how and when that land was grabbed and what their roles were.

You cannot hide behind politics, as Hon. Robert Mbui has attempted to, by raising issues about where people are being evicted. Hon. Robert Mbui and I were in this House when the Uhuru Kenyatta administration evicted people from Mathare around the sewage treatment plant.

The Temporary Speaker (Hon. Omboko Milemba): The Leader of the Majority Party will have two additional minutes to conclude.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Hon. Robert Mbui, Hon. Opiyo Wandayi and the Member for Mavoko sat with me in this House during the last "handshake" regime when, in the midst of the COVID-19 pandemic, the Government mobilised tractors on a cold, rainy night to demolish houses in Mathare and Ruaraka. You never condemned those actions. You were cheering.

I do not stand here today to cheer the demolition of houses. I stand here today to tell you that you must never ever defend corruption. You must never defend land grabbing. You must be at the forefront, as leaders in this House, to defend the sanctity not just of a title deed,

but also the sanctity of court orders. The Leader of the Minority Party cannot say he does not care whether there is a court order or not. What will happen tomorrow, Hon. Temporary Speaker, if people invade Hon. Opiyo's two or 20-acre farm in Ugunja, he gets a court order to evict them and he cannot evict them?

(Loud consultations)

The Government must be allowed to work and enforce court orders just like any other agency. You remember last year there was an incident where people invaded former president Hon. Uhuru Kenyatta's land.

(Hon. Catherine Omanyoo consulted loudly)

Hon. Temporary Speaker, protect me from this lady from Busia. She has a penchant for shouting many things that do not make sense to anybody.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Omanyoo.

Hon. Kimani Ichung'wah (Kikuyu, UDA): You know I once said something about her hair. Now, do not make me say something about your teeth.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Catherine Omanyoo. You talk to the House through the Speaker. I have said each one of us will be heard in silence. Leader of the Majority Party, you have 15 seconds to wind up.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I issued a cautionary statement to Uhuru Kenyatta and his family when people invaded Uhuru Kenyatta's land last year.

(Hon. Mark Mwenje spoke off the record)

Hon. Mwenje reminds me it was this year. The other day, you heard the Chairman of Mungiki asking his members who invaded Hon. Uhuru's farm and stole his goats or sheep to return them.

(Loud consultations)

If I can stand to defend Uhuru Kenyatta's right to own land, we must equally defend the East African Portland Cement Company Limited's right to own land and hold its land peaceably without anybody defending those who have grabbed the land.

In conclusion, let me say that the leadership in Machakos County must come clean.

(Several Members spoke off the record)

It does not matter whether it is from pre-independence or post-independence.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker.

Let me also start by conveying my sympathies to the families that suffered the demolitions. You know it is a known fact that two wrongs do not make a right. If you look at the history of this country, demolitions have been very expensive to families involved. I remember one of the things the Kenya Kwanza Alliance used to hammer our former president with during the campaign period. It was demolitions. I remember they clearly said that no Kenyan will suffer in future, after they take over, through the way demolitions were done by the last regime. This was basically because of the associated human rights issues when it came to demolitions.

I have listened to leaders in this House make their statements. At times, I wonder whether we really feel what the affected people are feeling. Are we really the representatives of the people? I feel bad when I see my friend Hon. Makau making statements. Hon. Makau is the Member of Parliament for Mavoko Constituency. He was elected by everybody who votes in Mavoko. That means he is the voice of that constituency when it comes to matters of representation. Anytime he talks, we should see him that way. We must lay this blame where it belongs. The truth is that the custodian of title deeds in this country is the Ministry of Lands, Housing and Urban Development. They are the ones who know which land belongs to whom in this country.

I want to explain a scenario and wish to be excused for using this example to put the point forward in a situation where a woman gets pregnant. Even if you do what as a man, she cannot conceive again before she delivers. That is a biological fact. So, if you have a title deed for a piece of land in this country, how come someone else also has a title deed for the same piece of land? This should be brought to a level where once I have a title deed written, 'Hon. Makali Mulu,' no other Kenyan should have a title deed to the same land.

Every corner of Kenya is represented in this House. Every time we make statements and discuss national issues, we must remember that the whole of Kenya is represented here. So, I beg Hon. Members to rise above their basic bipartisan approach to issues and political matters. For sure, very few Kamba houses were demolished in that area. Kenyans from all over this country are the ones who have suffered because of the land they bought.

Yesterday, we saw the issue of Kirima land in Ruai. People have built and lived on that land for the last 10 or 15 years. Then, one day, they are told the title deed belongs to the Kirima family and yet they also have title deeds. I want to plead with the Leader of the Majority Party, and this is not for this Government only. We should review what has happened in the past and establish the original owners of title deeds to ensure this never happens again. Never again in the history of Kenya will one piece of land have more than one title deed. If we go that way, we will help Kenyans, and this country will head in the right direction.

Hon. Temporary Speaker, with those many remarks, I submit. I want to tell the people of Mavoko who have lost their houses that they must be...

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Moses Kirima make his contribution.

Hon. Moses Kirima (Central Imenti, UDA): First and foremost, I pass my sympathies to the people of Mavoko. This is a situation that every Kenyan should understand, especially those surviving on meager earnings because of building a house like the ones I saw being demolished. This is a sympathetic situation.

We must come to the point of knowing those responsible for making Kenyans suffer this way. We cannot point fingers at a few people because there is a process when one owns land in Kenya. I have been an advocate for a long time and I know very well that you must have a sale agreement to possess a piece of land. Where we have vendors and purchasers, there must be exchange of documents. Who owns those documents without blaming or pointing fingers?

Kenya is, indeed, full of cartels. If you go to the land registries, in one way or another, there is duplication of title deeds. You will find a party with an original title deed while others use different methods and end up with the same title deed. If you are not careful enough, you will buy a duplicate title deed and become a sufferer.

You cannot say that owners of those houses be compensated because the first question that will come is by who? To me, those vendors who sold those pieces of land (because there must be agreements) where they came from, they must be scrutinised. Whoever sold the land, if he is in this House or not, if he has returned or not, must be culpable as it is in the Constitution.

He must be liable. He must compensate those people who have lost because they have lost their lifetime earnings.

First, you must produce a title deed for a plan to be approved by a county government. But still, let us not forget there can be undue influence where we make calls to the people approving plans and bills of quantities. When you make calls as a Member of Parliament or anybody with influence, I tell you approval will be there, and then you will be promising that titles will follow.

Court orders must be obeyed in one way or another because without court orders being obeyed, I am telling you it will be anarchy. However, this is not the first or last case pitch this House will hear.

We have a similar case in Kenyatta University (KU), where there is Kamae area, which wealthy people have invaded because they have been promised that they will purchase or there will be negotiations.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Moses Kirima (Central Imenti, UDA): Hon. Temporary Speaker, you said there will be no point of order. If it is Kamae, and the Hon. Leader of the Majority Party has a house there, I guarantee he will face the same problem.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of information, Hon. Temporary Speaker.

Hon. Moses Kirima (Central Imenti, UDA): No, I do not want to be informed. Like this Kirima issue, if the family of Kirima is not willing to talk with those squatters who are there, the court orders have to be obeyed despite the consequences. We must respect the courts and the law as it is.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Moses Kirima (Central Imenti, UDA): I do not want to be informed, and the Hon. Temporary Speaker said there will be no point of order.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Kirima. Do you want to be informed?

Hon. Moses Kirima (Central Imenti, UDA): No. I am not interested because I know.

The Temporary Speaker (Hon. Peter Kaluma): Yes, Hon. Kimani Ichung'wah. Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I was seeking to guide my brother, Hon. Kirima. He said he does not desire to be informed and is completely out of order. The debate before us is about the land in Mavoko, and not KU and Kamae. That is because the KU case, unlike the East African Portland case, is one where KU has already agreed with the squatters that they will get a share of the land, and they move away from the rest of the land.

Hon. Moses Kirima (Central Imenti, UDA): Most obliged.

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is extremely out of order for the Hon. Member to be misleading the House and, indeed, the country because that is what makes everybody feel that there is unfairness. This is because even the people of Mavoko could sit and negotiate with EAPC as genuine squatters to get a part of the land. It has happened.

Hon. Temporary Speaker, I can tell you I have bought land using those share certificates.

The Temporary Speaker (Hon. Peter Kaluma): Are you still on a point of order?

(Laughter)

Hon. Kimani Ichung'wah (Kikuyu, UDA): To clarify, I have bought land in Nairobi on a certificate. However, I knew the certificate was not a title; it did not confer ownership to me. We went and negotiated with the owner of the land in Embakasi. Hon. Kivasu Nzioka is here, and he can bear me witness. We were squatters with him. We negotiated with the owners of the land, and we paid for the value. We paid for the land and ended up getting title documents. That is what we should encourage our people to do. When you occupy land that is not yours, negotiate with the owner, pay for value and own the land. But do not encourage anarchy.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Leader of the Majority Party, we do not want...

Order, Members. Do not seek to debate beyond your time under the guise of point of order. In fact, Hon. Kimani Ichung'wah was saying the same thing that Hon. Kirima was saying, only that the contexts were different.

I hear you talking about how once a court issues orders, they must be obeyed and enforced. That is what the Hon. Leader of the Majority Party is talking about. So, I overrule that point of order and hope none like that will be raised again.

You have one minute to conclude, Hon. Kirima.

Hon. Moses Kirima (Central Imenti, UDA): I have been informed by the Hon. Leader of the Majority Party, but he has deliberately misled this House.

To conclude my remarks, I will say that although the Leader of the Majority Party has informed me, it is clear that he has misled this House deliberately. With due respect, the submissions by the Leader of the Majority Party are misleading. He has decided to mislead this honourable House. This is because, in his remarks, he has not touched on the KU issue. I am very much seized of the matter. I am aware that a section of the squatters have negotiated with KU. That section is already taken care of. But there is another part which has high-rise buildings. That is the one in contention. In the case of the high-rise buildings, KU wants them to vacate, but they have refused to move out. I do not know if Hon. Mwafrika Kamande knows the owners of that land. But it is held by highly esteemed members of society. The Leader of the Majority Party ate up my time, but unless we take care and honour the court orders, we will go the Zimbabwe way.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nelson Wamboka. Members, remember that this is a very important Motion that has caused the House to adjourn other business. So, could you tell us who has the title, whether there are titles, and when they were issued?

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Temporary Speaker. I take this opportunity to join my fellow Members in discussing this Motion. I also sympathise with the people of Mavoko, who are now homeless because of a Government that they voted into power. It is surprising that the Leader of the Majority Party now talks about respecting court orders. Those are the same courts that ruled that Azimio protests were legal, but the Government went ahead to order the splash of teargas canisters on protesters and even killed innocent people. It is surprising. It is not only immoral, but amoral to the person of the Leader of the Majority Party.

(Loud consultations)

Please, protect me from my leaders here. It surprises me because the Ministry of Lands has to be involved before land changes ownership from one person to another. Even the county government must be involved before land changes ownership. In this case, we had a government led by the former Governor of Machakos County, Hon. Alfred Mutua, who

approved the construction of all those houses. We also had a Cabinet Secretary in the Ministry of Lands when those pieces of land were changing hands. Where are they in all this?

(Loud consultations)

Hon. Temporary Speaker, protect me from the noisy Leader of the Majority Party. Where were they when all this was happening? As we stand here today, when the President of the Republic of Kenya, His Excellency William Ruto, came into office and was asked about this matter, he said that the Government would find a win-win mechanism where there is a land dispute; a situation where people must sit down and discuss. That was from the President. Where is he now? Why does he leave ‘hustlers’ now? This is just because the Azimio brigade was in Kitui the other day and indicated that Hon. Kalonzo Musyoka could be our candidate. Why are we now seeing all this after that declaration? Kenya Kwanza Government, do not panic. Why is all this happening now? We have a rogue Government that does not listen to the cries of its people. We must, by all means necessary stop this Government. We must make this Government start listening to the cries of Kenyans.

(Loud consultations)

Hon. Naomi Waqo (Marsabit County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Naomi Waqo, what is out of order?

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, is it in order for the Member to keep calling the current able Government that is giving its best to this nation a rogue Government? Is it in order to talk about cartels, yet they know the cause of all those problems?

(Loud consultations)

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, in another forum, I will substantiate all that to Hon. Waqo. I will explain to her the meaning of rogue. Nothing works in this Government – healthcare, education, and even security issues, including Baringo. That is the meaning of rogue in basic English.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nelson Wamboka, it is not within your powers to determine whether you are out of order or not.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, I am well guided.

(Hon. Naomi Waqo consulted loudly)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Naomi Waqo, you will speak after Hon. Wamboka and prove to them that the Government is not rogue.

Proceed, Hon. Wamboka.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, you cannot destroy churches and expect them to have mercy on you. That is why nothing is holding water now. This Government cannot hold water. School-going children have nowhere to go, and exams are around the corner. What a heartless Government. How do you destroy schools, mosques and churches? A curse will befall this Government. We will continue speaking against

this. Where I come from, a hyena once said: “Even if you keep quiet, you have heard me.” Hon. Ichung’wah should tell his Government that even if they keep quiet...

(Hon. Wanami Wamboka’s microphone went off)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mary Emaase, you may proceed.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this Motion.

(Loud consultations)

Hon. Temporary Speaker, please protect me! I have to be heard in silence.

The Temporary Speaker (Hon. Peter Kaluma): The leadership of the House from both sides, would you consult in low tones so that Members can speak?

Hon. Mary Emaase (Teso South, UDA): Thank you. I know land is a very emotive issue. From the onset, I sympathise with the families from Mavoko. I am a resident of Mavoko. My Member of Parliament has said that he represents leaders, thieves and all manner of people. I also happen to be one of his constituents.

We all know that every land has a rightful owner. This is rightfully so through registration, and thus it is legally recognised as such. However, land grabbing in this country, not only in Mavoko but also in many other areas that have been cited in the past, has increased over the years. What is saddening is that the people who suffer the consequences of land grabbing are not the grabbers or the powerful individuals who grabbed the land either directly or through proxies and sold it illegally to innocent Kenyans. This is the case in Mavoko. This is a manifestation of failed institutions.

I was surprised when my friend, Hon. Wamboka, referred to the Kenya Kwanza Government and yet, we all know that those illegal allocations and grabbing happened during the handshake Government.

(Loud consultations)

I have watched clips on social media where some grabbers are pressurising the people they sold land to build. Let the DCI...

Hon. Mishi Mboko (Likoni, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Mishi?

Hon. Mishi Mboko (Likoni, ODM): Hon. Temporary Speaker, I wish to inform Hon. Emaase that this happened long ago in 2013.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mishi Mboko, you cannot inform Hon. Emaase unless she allows you to. If you want to contribute, sit down. You will make your contribution afterward.

Proceed, Hon. Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker. We have oversight institutions. This matter needs to be brought to rest. Let the EACC and the DCI look for the powerful individuals who grabbed the land since it is confirmed that it belongs to EAPC. The individuals grabbed this land, allocated it to innocent Kenyans, and are now trying to politicise and use the innocent Kenyans for political expediency. That is unacceptable. Those individuals in Government offices must take responsibility. If you are given an opportunity to serve Kenyans in any capacity, you must take responsibility. You cannot approve land that does not belong to that individual and allow it to be legally allocated to another individual to

suffer. It is even happening with many private land where you find an individual who has already sold land to someone else, continues selling it to others.

The Departmental Committee on Lands must relook at the law and put very stringent and punitive consequences to deter any further illegal allocations and preying on innocent Kenyans and then begin to use them as bait to politic, put ourselves into our cocoons, and bring our ethnicity in it. It has nothing to do with that. Our institutions must work, and people must...

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Joyce Kamene.

Hon. Joyce Kamene (Machakos County, WDM): Thank you very much, Hon. Temporary Speaker. I want to add my voice to this very painful issue of Mavoko land. Let me start by saying that two wrongs do not make a right. Indeed, people were there and had settled, but for the Government to decide to demolish all those houses, I think...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Joyce Kamene, the Leader of the Majority Party is on a point of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, my apologies to Hon. Joyce Kamene for interrupting her contribution.

I rise under Standing Order No.90 on declaration of interest. When I mentioned that I had been a squatter at one point somewhere, the Member for Embakasi West was very keen to listen, and I clarified to him that it was not the matter before the House. Standing Order 90 says that a Member who wishes to speak on any matter in which the Member has a personal interest shall, and the word is shall, first declare that interest. Hon. Members can read the other provisions of that Standing Order.

With due respect to Members, I have noted that many Members have an interest in this matter, but have contributed without declaring an interest. I would like to advise those who are contributing after Hon. Kamene to express interest if they are interested in this matter. We have heard from the Member for Mavoko that there are Members of Parliament who are constituents in Mavoko, and Hon. Emaase has confirmed that she lives in Mavoko, although not on the disputed land.

Therefore, you must guide the House that those who have an interest, whether living on this land or have invested in this land, declare an interest. Since I came in after the Member for Mavoko had begun his contribution, I have not rose. I should have been allowed at that point to ask the Member to declare interest because he has a personal interest in this matter. The DCI has summoned him on matters that are touching this land, and he ought to have expressed interest before his contribution.

I do not know whether he was summoned as a witness or suspect. He should have informed the House so that as others contribute, they may contribute knowing whether they are addressing someone who is of interest to DCI as a suspect or witness. I seek your guidance.

(Hon. Patrick Makau stood up in his place)

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Patrick of Mavoko, sit down.

(Hon. Patrick Makau spoke off the record)

No! Please sit down. The enforcement of Standing Orders of the House lies with the Seat. The Leader of the Majority Party is assuming that the Speaker is not aware of Standing Order 90. The fact that the Member for Mavoko was at the DCI is a matter of public knowledge. We should not demand he declares any interests unless that is the matter under discussion here.

He has confirmed he is the Member of Parliament for that area and spoke with a lot of latitude, giving details on this matter. Unless you believe he has not disclosed some interests in his contribution, let us allow Members to proceed. In any event, the Leader of the Majority Party, the contribution by Hon. Patrick Makau is now water under the bridge. We are on Hon. Joyce Kamene.

(Hon. Kimani Ichung'wah spoke off the record)

This is a caution to all Members: Do not stand on a point of order against a Member who is done speaking. I will consider it disorderly conduct henceforth. Hon. Joyce Kamene, you will have five minutes beginning now.

Hon. Joyce Kamene (Machakos County, WDM): Thank you, Hon. Temporary Speaker. The Leader of the Majority Party has told us to declare interest.

Yes, I am a resident of Mavoko, and my biggest interest is the residents of Mavoko. It is of great concern, very hurting and painful because I visited the scene and saw how heinously their houses were demolished. Young, innocent children... In fact, the biggest concern right now is that the Government should tell us what it is doing about the children who are supposed to sit for their examinations. Nothing has been done so far, and no one is interested in knowing what the outcome of those children will be.

The other issue is EAPC. I think it does not sell cement but sells its land. It has been doing this for the last five years, receiving more than Ksh6 billion. This is the case and yet, they came to our committee and said they were bankrupt and wanted to sell their land. This is where the houses are being demolished. Can EAPC tell us who is using them? Who are those cartels using them, and why are they so evil that they are demolishing houses?

(Applause)

Our Government is talking about housing. We saw houses worth billions and billions going to the ground. What are they trying to tell us? We want the Government to compensate those who were living on that land. It has refused to devolve land matters, and all title deeds are issued from Nairobi. Why are those transactions not done in Machakos or Mavoko since the Ministry of Lands offices are there? It is simple: We know the cartels behind this and what they are planning to do.

They should remember that this land is in Ukambani and it is ours. The people of Machakos County are demanding what is theirs. A Cabinet Secretary in this Government authorised those houses to be built. This matter started in 2013, and we know very well what happened then. Two buddies worked hand-in-hand in State House coordinating this. When the love was too much, they decided to do what has been done. That is why our people are suffering.

I do not care what tribe those people are, but they should not be treated the way we have seen them being treated. Can the Government plan to compensate the people of Mavoko and the remaining land be reverted to the county government because it is our land? The Machakos County Government will decide what to do with it. There is nothing like EAPC. *Tuliwapatia shamba* which belongs to Machakos County.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, I wish you could have the spirit that Hon. (Dr) Makali Mulu spoke with. He spoke to a solution we can deliberate upon and proffer in future. Henceforth, could people tell us whether they were dual or single title deeds? If they were dual title deeds, when were they issued? Were both issued by the Ministry of Lands, Housing and Urban Development? If so, what responsibility does the Ministry have to the people? Most of the lawyers here will recall the Administrative Estoppel

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doctrine. I am just saying this for guidance. When we adjourn the House to discuss matters of national importance, we talk as if we are playing politics.

We are talking about Kenyans. I cannot say with clarity which side of the political divide that the people I saw in Machakos voted for. I only saw Kenyans. Can we address issues and, as the House of Representatives, come up with solutions? Were those houses built without planning approvals? Is it possible that if there are planning approvals, they were given without title deeds? Were those services being supplied there without approval? If there were title deeds and approvals, who were involved, and to what extent are they culpable or liable for the damage caused to those Kenyans? Is it true that some of those houses were built on loans? If so, is it possible that banks gave loans without proper documentation? If they did due diligence, did the Ministry of Lands, Housing and Urban Development confirm that they duly owned those title deeds? If so, how do we deal with them regarding the money they still owe those financial institutions? Let us talk about those areas. Remember that the Ministry of Lands, Housing and Urban Development is digitizing title deeds. Could it be a solution that we are talking about? Let us discuss issues.

Next is Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I would like to truly sympathise and empathise with the people of Mavoko. I do not know whether or not those Kenyans whose properties were demolished are Kamba. As you have guided, settlement on a prime piece of land in Kenya, particularly in an area of high value, is not something people invade. Those are not Internally Displaced Persons (IDPs) or squatters. From the characteristics of the buildings we saw, those are people with means of education and are well versed in the kind of property they need to develop. I am inclined to think that those people knew what they were doing when they were settling on that piece of land. I am sure we have all visited the Ministry of Lands, Housing and Urban Development. There is what is called an original title deed and the plan. If you go to the Survey of Kenya, where I believe it needs to start, they will provide you with the original ownership of the land. None of the movers or supporters of the Motion have disputed that the land belongs to East African Portland Cement. Many of us here are addressing demolition. We need to start dealing with the owner of the land, when this land was allocated to the original owner, and whether those who settled were aware that this land belonged to the East African Portland Cement.

As I am talking to you, and this is on record, I have three primary schools whose land has been grabbed and the title deeds issued. One secondary school is called Silimoni Secondary School. Its six acres of land had nine title deeds. If we start talking about the legality of title deeds, yes, there were nine, but the original owner is Silimoni Secondary School. So, the people who acquired EAPC's land could have title deeds that are not original. They may have been given out by land grabbers and brokers.

If I am not wrong, this case did not just appear last month when the court issued orders of eviction. I believe there were eviction orders that had been issued before, but were never attended to.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mugambi, I heard the Mover of this Adjournment Motion say that the case between the rival owners — EAPC and another company — was dismissed on technicalities. So, the issue of ownership never arose. I also heard him say there is no order for eviction. In fact, that was the complaint placed before the House. Do you have the eviction orders?

Hon. Rindikiri Mugambi (Buuri, UDA): No. Thank you, Hon. Temporary Speaker. I am saying that there could be records because we saw the tail-end representation of house owners by Party Leader Kalonzo Musyoka. That matter was also thrown out by the courts. That means the court arbitrated. The court issued a judgment based on the evidence that EAPC

presented. Therefore, it was declared that they are the owners of the land. What am I saying? This land and the people who bought this land...

The Temporary Speaker (Hon. Peter Kaluma): You will have one minute, Hon. Rindikiri.

Hon. Rindikiri Mugambi (Buuri, UDA): The people who sold the land to those Kenyans are known to the buyers. From what we are hearing from the media, they are ready to come forward and say so and so sold them the piece of land. When those people come forth, we shall separate the beans from stones. We cannot sit here and start blaming the Government. The Government has nothing to do with this. We are telling Government agencies like DCI and NIS to move with speed and bring to book some of those culprits. I saw some Kamba leaders issuing contradictory statements. Are we talking about the same thing? There is something...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Charles Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this dehumanising act that has been committed against Kenyans. Let me join other Members in empathizing with Kenyans who faced this atrocity of the highest order. We all agree that how this demolition was done was dehumanising, and executors committed atrocities of the highest order that we have never witnessed in the history of this country.

If you look at the issue, we have been apportioning blame to very few people who are incapable of assigning land in any way, like the current Member of Parliament for Mavoko. We know it is the county government that gives absolutely everything. We know the county government gives approvals when you are constructing. Those issues started way back in 2013. We know those who were in the office then. There was the governor, Cabinet Secretary for Lands, Housing and Urban Development, and people in Government. Without even apportioning a lot of blame on the current leadership, we need to know how, when, and who executed this matter from the beginning.

Without even answering many questions, we know the people who are supposed to answer the atrocity that the Mavoko people have gone through. I witnessed this matter because I had a relative who lived there. The students have been going to school there and are waiting for exams. We have to look for a way of relocating them to other schools. We have not even seen our President giving directives on how those people will be compensated or how those students whose school has already been demolished will sit for exams. What do you expect from parents who have invested in those students for almost eight years and watched their education go down the drain? You cannot expect that student to even sit for an exam and pass.

This atrocity deserves the condemnation of the highest order.

The Temporary Speaker (Hon. Peter Kaluma): Are you saying any school was demolished?

Hon. Charles Nguna (Mwingi West, WDM): Schools were demolished. Churches were destroyed too.

The Temporary Speaker (Hon. Peter Kaluma): Public or private schools?

Hon. Charles Nguna (Mwingi West, WDM): Private schools were there, and some students will sit for their national exams starting 30th October 2023. We need to find a way of how we are going to compensate them even in exam marking. Churches, mosques, and many other structures were demolished. I wish we benchmarked how the National Social Security Fund (NSSF) in Tassia handled the situation when the land was invaded. I am one of the owners of the Tassia plots. We got the land illegally, but the NSSF reasoned with us.

The Temporary Speaker (Hon. Peter Kaluma): Did I hear you right? You said you did what?

Hon. Charles Nguna (Mwingi West, WDM): Yes. We got the land illegally. The title deed belonged to the NSSF, but it reasoned together with Kenyans. We agreed that it was not worth demolishing existing buildings. You can have a way of negotiating instead of demolishing. We have now gone back to zero. Who is gaining here? Is it the President or the Government? Everybody is losing. You could not even apportion blame and say that the people crying out there voted for Kenya Kwanza or Azimio la Umoja One Kenya Alliance. This issue needs to be de-politicised. We need to find a solution on how we will, at least, compensate those Kenyans. This should come directly from the Ministry of Lands, Housing and Urban Development. They are the ones who issued the title deeds.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Timothy Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this very important Motion before the Floor of this House.

To begin with, when we are in this House, our fundamental role is to represent our people. It does not matter where those people come from. We are here to represent the citizens of this country from every corner of this Republic. The issue of Mavoko and the matters of eviction indict the entire land regime in Kenya. There is something called the sanctity of ownership; sanctity of title deeds in this country. It puts us off when someone goes to the Ministry of Lands, Housing and Urban Development, does a search, is told the land is valid, proceeds to construct property, and after that, the person is told that the property is not properly documented. This is the case and yet we have only one Ministry in Kenya - the Ministry of Lands, Housing and Urban Development that issues titles deeds.

Hon. Temporary Speaker, these are innocent Kenyans who have borrowed loans. They have gone to banks and secured loans. There are Kenyans who have built properties using mortgages. Thereafter, they are evicted under the pretext that the entire process of ownership of the land was not proper.

I want to speak for those people. It does not matter whether I am on this side of the aisle or the other side. The issue of protecting our people cuts across. Some people must be held responsible. If they are in this House or in the Ministry of Lands, they must be held responsible. Imagine the level of mistrust that we have had in the Ministry of Lands. There is a joke going around that if you want to buy land in Kenya, you consult a lawyer, surveyor, land valuer and then a drunkard. That is an insult and indictment to the land regime in this country.

The people in this Government must see a way of compensating them. It does not matter. They must be taken care of. It is unfortunate that innocent Kenyans' properties can be demolished. Children are not going to school and churches are being brought down. I am on this side, but I am here to represent and defend the interest of every Kenyan irrespective of where they come from.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity once again. It is unfortunate that over 25,000 people have been affected by the eviction. When we are here, we should be human and have feelings for others.

It is unfortunate that this case has been going on for many years and this is the time the court has ruled that the land belongs to the EAPC. That means that the innocent Kenyans have never known the truth of the matter. Matters to do with land have affected many Kenyans. Many people, including us here, have been affected. We have been conned by people and as you think of purchasing land and growing your wealth, then you land in the wrong hands. That has happened to the innocent Kenyans.

As I stand here, I support and feel for them, especially women, school going children and the many churches and mosques that have been destroyed. If we cannot talk about the cartels that are behind all these, then we are not doing justice. Even if we stand here, make

noise and debate, we must call out the cartels. We must call out the corruption that has been going on in matters land and title deeds.

Hon. Temporary Speaker, everybody knows that you may be holding your title today and another person will also have almost a similar copy. A time comes when you realise that the title you are holding has someone else who is claiming ownership over it. That is why as a country, we have been suffering because of corruption. Today, in this Kenya Kwanza Government, our President has said that he will not condone any corruption.

As Members of Parliament, we must speak, stand up for these innocent Kenyans and fight for justice to happen. We must also call out cartels, that is, people who are behind this matter. Even if I do not know a lot about this land and what is happening around there, I am sure there are faces behind this corruption. There are faces behind this chaos. Innocent Kenyans are sleeping out. Imagine the season we are in. It is raining and people are suffering. Children are supposed to sit for their examinations. I am sure expectant mothers do not have a place to lay their heads. That is why as leaders, we should condemn what happened and stand up for the innocent Kenyans, so that justice can be found. Those who are behind this land issue at the Ministry of Lands, Housing and Urban Development and corrupt leaders who are there must be called out so that we can know the cause of the problem. When something happens, people blame the Government. Why should the Kenya Kwanza Government be blamed today when this has been going on for over 10 years? We should know the root cause and what happened at that particular time for this to happen today.

Even if we say that it has happened in the presence of the Kenya Kwanza Government, the root cause of this problem must be known. That is why we are calling upon all the people who are concerned to bring out the individuals behind this for it to be known to others that it is not the Government's fault, but cartels are putting them in this situation.

Hon. Temporary Speaker, it is my prayer that one time, all the cartels in this country, because they are not only there in land matters, but everywhere... The other day, we were talking about pyramid schemes and everybody was crying. Kenyans are losing their money. They are suffering because of cartels who are trying to steal from them and frustrating their efforts. I stand with the people and pray that we will soon bring out the cartels and corrupt leaders in this land issue.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Naomi, for your tone of address. It is very healing. Hon. Fatuma Mohammed.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. I stand here to sympathise with the people of Mavoko.

My sister who has just spoken said that this problem was caused by the previous regime. I would like to inform the House that when you become a Member of Parliament, you do not run away from mistakes that happened before, if they are there. The current Government should not look for problems of the handshake Government. Claiming that these things happened during that time is an irresponsible statement. It is inconsiderate of the people who are suffering because they lost their money. I saw a mother with a one-day old child crying and cursing the Government. Which one does she know? She knows the one that took oath. We cannot run away from this.

Instead of the Government doing what they did, the majority owners of this land who have title deeds today do not know whether the land was grabbed or not. As a Government, we should have looked into how to solve the problem. The houses are down and the people are suffering. Then the person who claims to own the land told them that he wanted to sell it to them and they would be given first priority. That is mockery and ungodly. If such a scenario was to be considered, they should have done that before they demolished the houses. What they are doing now is adding insult to injury.

These things will happen again. We will hear of another house that will be demolished next day or next year. We will hear of another piece of land that was grabbed. The bottom line is that as the Government sits down and demolishes the houses, how about those other houses that have three or four title deeds out there?

This reminds me of the Lang'ata Primary School, and I remember there is a hotel next to it. There was a story that the land did not belong to the owner. What happened to that situation? That hotel was not brought down. The parents of that school were not compensated when their children were teargassed.

(Applause)

The same people are sitting in office. I am supposed to declare that I come from Nyatike Sub-County and I own a clean piece of land. I live in Lavington and I own a mortgaged house. I do not have interest in Mavoko. When it affects you, you defend it. When it does not affect you, you throw emotions and tantrums, and blame the previous Government. Those who have spoken here spoke with emotions, threats and unsympathetic words because their houses were not brought down. Let us behave humanly and Godly and think of those who are affected. We cannot say they will not be compensated because we did not grab their land. As a Government, we swore to protect Kenyans. Those who had houses there are Kenyans and so is the person who claims to own that land today. So, what should be done? In case the Government does not know, there is something that is called "arbitration." We should bring the person claiming the land and the person saying he has the right title deed to the table, arbitrate and have a way forward so that the majority of Kenyans do not suffer. There is a rule of the jungle - if I may use it - that says that the majority win. whoever claims to own that land today is one person. The property of the majority of the people was demolished. In such a scenario, we should listen to the majority. The economy is already hurting. We cannot give one person priority over poor innocent Kenyans.

Let us be sympathetic with the Mavoko people. A Government inherited what it got from the previous regime. It does not come with any Constitution. It uses the same Constitution that was in place which guards wananchi. So, I beg the Government to consider the Mavoko people and compensate them. That was not their mistake. That was the mistake of the Government and the Government is one. The Government is not Uhuru Kenyatta or Ruto; the Government is not Moi or Kibaki; the Government is the Government of Kenya. So, the Government should take responsibility and compensate these people and guard the future from this happening again.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, today we are sitting up to 9.00 p.m. Going by the numbers on intervention, I can assure you that you are all going to speak. I will even add some of you more time. So, do not worry.

Hon. Kakai.

Hon. Bisau Kakai (Kiminini, DAP-K): Thank you, Hon. Temporary Speaker for giving me this opportunity. First, I want to express my sympathy to the affected families in Mavoko. I have seen how casual the legislators have been discussing this matter. Having worked with refugees across the globe, the situation first starts with internally IDPs then it ends up being refugees. This is a grave matter. In the interest of public good... Majority of the people are affected. In fact, all of us swore to protect the people who elected us. What has happened in Mavoko is that schools and churches have been destroyed. As a nation, how do we expect the Almighty God to bless us if we are bringing down churches and mosques? Many children and women have lost their homes. It is very painful when you go to your home where you hide in your bedroom and you do not find it. We are sitting here engaging in political posturing. We forget that when we sit here, we are supposed to legislate and debate for posterity. Today, you

could be sitting on the Government side of the aisle and tomorrow you could be on this other side. In the spirit of bipartisanship, I expected the Leader of the Majority Party not to take a certain position that distorted the humanitarian component.

There is a drive to increase affordable housing by this Government, including me who sits on the Departmental Committee on Housing, Urban Planning and Public Works. The affected people in Mavoko are Kenyans who took loans to own homes there. Some of them are retiring. Where do we expect these Kenyans to go? Why are we killing them this early? It is unfortunate. The Leader of the Majority Party has stepped outside. There is a prominent phrase that he likes to use, especially during campaign time. It says: “Come let us reason together.” How come this time round they could not reason together? What was so difficult for the national or the county government to sit down with the affected persons and reason together?

Ignorance has no defense. If the county government has been enjoying the taxes that they have been collecting from these Kenyans, it means there is a document that is binding the sanctity of titles that they used. We talked about digitising title deeds, what happened? So, the persons who were responsible are the former Governor and the Minister for Lands. They should be held responsible. We want to create a responsible leadership. For me, we should use this opportunity to set an example. What happened in Mavoko can happen tomorrow in Kiminini, Lugari, and any other place in this republic. So, we should use this opportunity to set an example so that the public good is protected. I condemn land grabbing and cartels in the land sector. However, we must use this occurrence as an example so that it does not happen again. Otherwise, if we continue like this, we will create IDPs, yet we are viewed within the continent as a country that respects democracy. Historically, refugees are a result of IDPs. That is usually the first step.

Let us work for the interest of the public and hold those guilty responsible. Everyone who has been affected must be compensated. The County Government of Machakos should be the first entity to compensate them because it has been collecting taxes from them. This is not the time for political posturing. We must come together as legislators and leaders with humanity to ensure that Kenyans do not suffer any more. We should stop such things so that they do not happen again.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Catherine Omany.

Hon. Catherine Omany (Busia County, ODM): Thank you, Hon. Temporary Speaker. It is staggering to watch families that have worked and fought very hard to own something in their motherland lose it overnight. We have seen clips of some Kenyans abroad who even do shoddy jobs to get money to send back home so that when their contracts end and they finally decide to come back, they have something to come home to. Many Kenyans lost their houses in a second after building them for years.

Land grabbers sold land to Kenyans whose houses were brought down, as well as to churches and other institutions which were demolished. Those land grabbers are connected to the Land Registrar, who is connected to county planners, who are connected to everyone who pays stamp duty. County planners know that they will get money from taxes paid on land parcels. Title deeds are finally issued. This is a cartel where one person knows the other. Everybody gets a percentage of the commission, if there is any.

Kenyans whose houses were brought down are not land grabbers. Where are the land grabbers? What has happened to them? Are Kenyans safe? Will they ever get back what they built for their entire lives? Some of them are still paying off bank loans. Will we sympathise with them and not auction their property? Even if that were to happen, what will banks auction? The houses that were brought down served as collateral for loans. I weep in my heart and hope that the Government will quickly help those Kenyans who are now IDPs or refugees. They are now “strangers in Jerusalem” in their own nation.

It is heavy to see one of our colleagues displaying a sunny disposition, playing and joking around. I am talking about the Leader of the Majority Party. I do not know if he has a home somewhere. He will change how he talks if his home is brought down one day. Whenever anything like this happens, leaders should not rush to seek revenge.

The Temporary Speaker (Hon. Peter Kaluma): Is the Leader of the Majority Party in the House?

Hon. Catherine Omany (Busia County, ODM): Leaders should sit down and talk cohesively and peacefully so that no one loses. It should be a win-win situation.

Hon. George Sunkuyia (Kajiado West, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Omany. You will get additional minutes. What is out of order?

QUORUM

Hon. George Sunkuyia (Kajiado West, UDA): Thank you, Hon. Temporary Speaker. I rise under Standing Order 35 to state that there is no quorum.

Hon. Catherine Omany (Busia County, ODM): We cannot hear you.

The Temporary Speaker (Hon. Peter Kaluma): Just a minute. What is your name?

Hon. George Sunkuyia (Kajiado West, UDA): Hon. George Sunkuyia.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Sunkuyia, I cannot see you on the log. Therefore, I cannot notice your request. I have not recognised you. Just sit down.

Hon. George Sunkuyia (Kajiado West, UDA): Thank you, but I am already on the Floor of the House.

Hon. Catherine Omany (Busia County, ODM): Thank you, Hon. Temporary Speaker. I was saying that we should, as leaders, do something whenever we hear somebody has bought land, whether legally or illegally. These people have settled with their families and may have a child who is to sit for her or his examination in a couple of days and was used to her bedroom. Life will no longer be the way it used to be when the family of this child goes to stay with an aunt. The knowledge or feeling of homelessness spoils for such a child.

We are affecting our future leaders and generation by our actions that come from revenge or something. We do not want leaders with a lot of vengeance. Let us leave vengeance to God. However, these Kenyans must be compensated. A decision needs to be made to, at least, get them back on their feet so that they can continue giving back to the nation.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mishi Mboko. Let me just declare that I want to give lady Members first priority because of those other obligations. They need to go. Male Hon. Members will need to bear with us for some time.

Hon. Mishi Mboko (Likoni, ODM): Ahsante sana, Mhe. Spika wa Muda. Tunajua tuna dhuluma za kihistoria za mashamba katika taifa letu. Ninaamini lazima ardhi hiyo ilikuwa ya wenyeji kabla ya EAPC kuwa na umiliki wake. Tukichakurachakura, ninajua tutagundua kwamba hawakuipata kwa njia inayostahiki.

Niseme hivi: Serikali ya nyuma ilikuwa ya Mhe. Uhuru Kenyatta na Rais wa sasa alikuwa naibu wake. Kulikuwa na kesi kama hiyo kule Likoni, kesi ya shamba la Waitiki. Wakati huo, viongozi waliwaita wakaazi waliokuwa wameingia katika shamba lile la Waitiki na wakafanya mazungumzo. Walitoa fidia kiasi fulani na Serikali ikatoa fidia nyingine. Wananchi hawakufurushwa. Kwa nini wakaazi wa Mavoko walifurushwa na kukandamizwa katika haki zao za kimsingi?

Jambo la pili ni kuwa tuliona Mheshimiwa Naibu wa Rais akitetea wakaazi wa Nyandarua juzi na jana. Hawa walifaa kufurushwa na shirika la reli. Alisimama kidete akasema hawatafurushwa na kwamba watafanya mazungumzo. Kwa nini wakaazi wa Mavoko

walifurushwa kwa hali ambayo si ya hadhi wala utu? Serikali ina wajibu na haki ya kupatia Wakenya makaazi na elimu. Ni vipi makaazi, shule na makanisa yatabomolewe na kuvunjwa illhali Katiba yetu inatupatia haki ya kuabudu? Kwa hakika, nimemnukuu sana Mheshimiwa Rais alipokuwa akifanya kampeni. Alisema kwamba Serikali yake haitagandamiza Mkenya kwa kumfurusha kiholela kutoka katika mashamba. Vipi sasa amepata kura, akawa baba wa Taifa la Kenya, na anagandamiza Wakenya katika hali kama hii ambayo si ya kimsingi?

Tumeona akina mama na watoto wanavyopata shida. Hata kama ni kufurushwa, basi iwe kwa njia itakayolinda hadhi, heshima, maisha na usalama wa Mkenya. Swali ni: Je, kulikuwa na usalama? Hakuna. Tuliona *tear gas* zikirushwa kila mahali. Je, kulikuwa na hadhi? Jibu ni kwamba hakukuwa na hadhi. Vyombo vilirushwa huku na kule. Kila kitu kilikuwa kinaangushwa kila mahali na hakukuwa na hadhi yoyote iliyowekwa.

Mhe. Spika wa Muda, ninataka kusema kwamba sisi tunasikitika kama taifa ikiwa EAPC sasa wanasema kuwa wanataka kuuza ile ardhi wakati wamefanya hasara kubwa kama ile na kuwatia Wakenya dhiki. Kuna Mkenya alijitoa uhai kwa sababu ya kufikiria gharama alizotumia kuwekeza kwa kujengea familia yake makazi. Jamani, sisi Wakenya! Tunazungumzia kuwapa watu makazi halafu kwa upande mwingine tunavunja makazi ambayo wamejenga kwa miaka mingi tena katika hali ngumu sana ya kuchukua *loans* na tunachoita *mortgage* kwa Kiingereza. Akina mama wameunda vyama ili kupata pesa. Inakuwaje katika siku moja tu, wanafanyiwa dhuluma kama hiyo? Kama Taifa la Kenya lazima tujue sheria ni msumeno, unakata mbele na nyuma. Haiwezi kuwa sheria ifanye kazi Mavoko lakini katika sehemu nyingine inachukua mkondo mwingine.

Jamani leo ni Mavoko na kesho itakuwa sehemu nyingine ya Taifa la Kenya. Hawa Wakenya tutawapeleka wapi? Wakati uchumi wa Kenya in mgumu, mwananchi ana shindwa kupata chakula, kupeleka mtoto shuleni na leo anabomolewa nyumba ambayo imemgalimu karibu shilingi milioni ishirini na kwenda juu. Jamani hilo halikuwa suluhisho. Sasa wanasema watauzi hayo mashamba. Kwa nini Serikali haikufikiria hivyo mwanzoni? Anayetoa stakabadhi za shamba ni nani? Ni Wizara ya Ardhi. Wizara ni nani? Ni Serikali. Kwa nini hawakujua kulikuwa na utepetevu na ufisadi kisha kufuatilia jambo hilo kabla ya kufurusha Wakenya? Wametesa akina mama na wanafunzi walioko pale. Ni masikitiko makubwa. Lazima Wakenya wasome kwa sababu wengi hawataki kuambiwa wanataka kuona. Wameona sasa Kenya Kwanza ilipowafikisha. Sisi tuliwaambia ingekuwa ni Mhe. Raila...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Suzanne Kiamba, as Hon. Ann Wamuratha and Hon. Esther Passaris prepare.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for giving me time to contribute to this very important Motion. First and foremost, I empathise with the families of Mavoko for what has happened to them.

In pre-Independence Kenya, unless *tuko na wazungu hapa*, there is no ownerless land. All the land in Kenya in pre-Independence period belongs to people. It is important to realise that when parastatals came up, people gave up their land for purposes of benefiting their own. They never gave away land with full rights of ownership. It is very strange when we see people using the law to own land and deny the real original owners the right to own it.

I am very surprised because two weeks ago, the President was in Tana River, Tana Delta. There is land owned by the Tana and Athi Rivers Development Authority (TARDA), and he gave orders that the local people be allocated that land and then TARDA can have the rest. Why could this not have happened in Mavoko? Are these people animals? Are they not Kenyans?

(Applause)

Do we have sacred cows in this country? This is because in Tana River, there is an order concerning the land belonging to TARDA. The President gave a decree that the people be allocated that land. I believe the same should have happened in Mavoko.

I have heard many Members saying that the demolitions happened because the land belonged to grabbers. Did the houses belong to grabbers? Did they lack time to establish the grabbers and individual owners? Why were they impatient? They said the land belonged to grabbers. I believe it is the role of the Government to identify grabbers and genuine owners – Kenyans who deserve to own this land.

One thing I find very wanting is the lip service with regard to solidarity of Kenyans. When we say we want unity, it must be demonstrated through what we do. I find it very difficult, as a person from this community, for somebody to tell me about unity while killing my people or other Kenyans and with a bias because we know those whose houses were demolished are suffering. We already have a man who committed suicide because of the demolitions.

I think it is in order for the national Government, in collaboration with the Machakos County Government, to compensate the people of Mavoko. As other people are being given land, whether they are squatters or otherwise, I believe it is in order for the people who were evicted in Mavoko to get their land back.

Finally, I find it very difficult that we are being treated the same way Chief Kivoi was treated. By the way, Portland bought the land from who? We would want to see their agreement.

(Applause)

Did they come here with land? If the original community was there, how did they come to possess the title deed? We cannot have institutions that are the owners of title deeds and owners of the land while the local people suffer. It is very dehumanising a House of this honour to start thinking very tribal or very... How do I put it? Are we a House with a lot of partisanship? There is no Kenyan blood that is composed of the UDA neither a Kenyan house that is Azimio. We all need to fight for these Kenyans. If Parliament cannot fight for these Kenyans, I do not know where else they will get justice. I believe this House must get solutions. We cannot sit here and mourn.

The Temporary Speaker (Hon. Peter Kaluma): I will give you one minute exactly. Hon. Wamuratha, I will give you your extra minute. Do not worry. Can you conclude?

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker this is one of the highest decision-making organs in this country. We need either to have the cabinet secretary here to come and give us an explanation or we need to make a decision and inform the powers that be that our people need to be compensated.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ann Wamuratha, you will have seven minutes, you have waited for long. So, you should be speaking for five minutes, but you will have seven minutes if you can speak. Please do.

Hon. Ann Wamuratha (Kiambu County, UDA): Thank you, Hon. Temporary Speaker.

First, I want to empathise with the people of Mavoko just before I bring out my input. I have listened to all of us as we share this issue in Parliament and I think it is about time we became honest with one another. I think the debate we are having needs to change its course. As the leaders of this country, we need to be very honest with ourselves and speak the truth. When someone comes here and tells us that the land in Ukambani belongs to the Kambas... I am a neighbour of Kenyatta University and the Jomo Kenyatta University of Agriculture and Technology, and you cannot tell me to come here and say that that land belongs to the people

of Kiambu. It does not. The Jomo Kenyatta University of Agriculture and Technology sits on land of the people of Kenya in as much as it is in Kiambu. So, you cannot come to Parliament and start telling us that the land that is in Ukambani belongs to the Kamba. It does not. It is land of the people of Kenya. That one, we need to be in agreement. So, when we come here and start bringing issues of land belonging to this or that community, then some of us will be the biggest beneficiaries. What is in Kiambu belongs to the Government.

We have had issues of land in this country. What happened in Mavoko is very clear and was put on the table. All of us watch news on television and are on social media. We are seeing what is happening. We know what has been happening in this country on matters land, and in particular the land in question. We have seen someone speaking to the people and telling them: "Title ni karatasi, jengeni nyumba." So, what was this guy trying to tell the people? He told them: "Can we do this as fast as possible because when it will come to issues of demolishing, there are people who will come to support you. The land will still revert to the owner, so go and sell it."

We saw the governor addressing the people and even the company itself putting a poster there telling the people that the land belongs to Portland Cement. So, can we have an honest discussion, because here we are talking about lives. We have students there who are supposed to sit for exams in the next few days. I am in the Committee on Education, and we need to ask ourselves questions about the plight of the children who will be sitting their exams soon. That is what we need to discuss in Parliament and not to increase volume on issues that seek to buy us loyalty from our people and yet we know what is happening. I see all the leaders from that region speaking very strongly, but at the back of their minds, they know the true story. The problem here is because of rogue Government officers, who cheated our people and made them buy land that did not have title deeds.

They even went ahead and approved constructions. I insist these are rogue Government officers. They are known. We are even dragging the name of the President. The President does not work with the County Government of Machakos. There are employees in that county who have been assigned the work. So, the people we need to address are the EACC and the DCI. They need to take over the matter and get the people who did this to innocent Kenyans. The culprits should pay for every pain they have caused the victims. We cannot continue talking about or doing the same things the same way, every year, and expect different results.

In essence, the people who sold this land are the same ones who got elected into this Parliament and then brought the issue to the fore so that this land becomes a topic of discussion. These same people should tell us who sold the land to innocent Kenyans. Who approved the selling of the land? When all these culprits are brought to book, then it will go on record in this country that during the reign of the Kenya Kwanza Government, all these problems came to an end. Therefore, let us have an honest discussion. Leaders from that region should start speaking the truth because they know what happened. They know who sold the land and how it was sold. We have seen them engage with the people. They tell innocent Kenyans to go build because they know that once you put up a construction, no one will come there.

Finally, I have heard God's name being invoked in all these things just because a church had been constructed on that land. I am a Christian and I believe that we speak about God of order. Our God is a God of order. Even when God created the world, He set boundaries for rivers, oceans and lakes. God knew there is a purpose for everything. That land belongs to EAPC. It is not for building a church. I say this as a Christian. So, the fact that a church was demolished should not arise. The church needs to be constructed in legally acquired land. However, the church leadership are not to blame. The person to be blamed is the one who sold that land to the church. That person needs to be condemned with the strongest words possible. I still insist that the people to give us answers are the people from that region, the DCI and EAPC. They have answers to these questions. The likes of my friend, Hon. Robert Mbui, need

to come clean and tell us the people from that region that sold this land to the people yet they knew very well who the land belonged to.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wilberforce Oundo.

(Hon. Robert Mbui spoke off the record)

Hon. Robert Mbui, I did not hear anything out of order. You are a leader in the House. Can you deal with that issue when the speaker is already done? I doubt that can happen. Hon. Wilberforce Oundo, proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for this opportunity. Let me also thank Hon. Robert Mbui for bringing this matter for debate on the Floor of the House. The people of Kenya can get to know a few issues here and there about that issue. Let me also take cue from the Leader of the Majority Party: Members contributing to the debate must declare their interest pursuant to Standing Order 90. Let me declare my interest that this is my area of practice. I have trained and practised for over 40 years, so I know the genesis of the problem at hand here.

Secondly, let me also declare that the Member for Machakos County, who spoke earlier, and I sit on the Departmental Committee on Trade, Industry and Cooperatives with, we are privy to some documentation that the EAPC laid before the Committee. So, I want to avoid the politics and the specifics. I will deal with the wider concept at hand. I must sincerely thank Hon. Mbui, once again, for bringing this matter to the fore. This is not the first time, neither is it the second time and it is unlikely to be the last time. The genesis of this problem dates back to 1990, 1991 and 1992, when there was the infamous reward for the people when we were transiting from a one-party State to a multiparty State. By then, the Kenya African National Union (KANU) felt threatened in their strongholds by the leadership of this country. I will give you an honest example that shocked me as a valuer then. At that time, the National Bank gave out free loans to KANU kingpins. Among the lands they loaned to, were the Jogoo Road and Outering Road roundabouts. I am just laying the genesis of where the rain started beating us.

Someone processed title deeds and superimposed them on the Jogoo Road and Outering Road roundabouts. Once they got the loans, the records at the registrar of companies were destroyed immediately. Five years down the line, when the loans were not serviced, we were contracted to do a valuation for auction purposes. With the skills we had learned at the university, we found ourselves at the Jogoo Road roundabout. Money had been misused already. Everybody in the KANU Government, the honchos and the wingers, took advantage. They grabbed any land that was perceived to be unoccupied. That mirrors what is happening to the land that is the subject matter here.

How the East African Portland Cement Company acquired the land, either through acquisition, donation or public guarantee, is now immaterial. They acquired a big chunk of land which they were to use to mine raw materials for cement making. As my colleagues have indicated here, once they exhausted the mine, they were to return the land to the rightful owners, whom I do not know. This land had long been occupied by the settlers. You and I know how the settlers got the land. They owned land and title deeds to the land. As you are aware, title deed ownership is exclusive. Not two people can own a title.

(Hon. (Dr) Ojiambo Oundo's microphone went off)

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Oundo, I will give you three more minutes because you are an expert in this field.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, as I was saying, the way the white settlers acquired land is known to everyone. No one challenged those

title deeds then. When they were leaving, they had a right to transfer that title deed to any other party that was willing to meet their demands. That is what happened.

After the 1992 case, the land buying companies and cooperative societies emerged. They would walk into any empty vast land, entice gullible Kenyans who wanted somewhere to settle and issue them with share certificates. In many cases, this was properly regularised. In other cases, the matter was never regularised. The issue of the ownership of the EAPC went all the way to the National Land Commission and the courts. I can only sympathise with innocent buyers. This begs the question: What do we do with racketeers and profiteers? Because of the social and political influence they wield, they are able to entice people to purchase land while knowing that there is no genuine title deed. As a country, those are the people we must deal with ruthlessly, perpendicularly, and once and for all.

This presents a case example. I have sat here patiently because I was doing some research. Listening to people talk is like conducting an interview. It is a questionnaire that they are filling for me. This is where all the security agencies and the Government need to weed out this group. We have the other parcels of land, like the Kirima land and many other such cases in this country.

I, therefore, urge for soberness. I would like to tell the Departmental Committee on Lands that this is the time they need to show their expertise in land administration and information management system. They need to resolve this matter once and for all.

Finally, as I conclude, Government is a Government in perpetuity. The current Government cannot remain blameless. These things were done in the name of the Government. During campaigns, we were very categorical that the suffering of people through enforced eviction will be addressed. I thought there was an Act of Parliament on how to deal with eviction, whether illegal or lawful eviction. If we do not have such an Act of Parliament, I want to again implore upon the Departmental Committee on Lands to develop that Bill. This will ensure that whenever we have disputes, there is a humane way to evict people. We are talking about housing. Once a structure that houses people is demolished, we are reducing the housing stock in the country. We cannot run away from that fact.

I want to urge my colleagues that this should give us an impetus to change the law and strengthen our land administration system. We need to debate what constitutes a title deed and its sanctity? What is it that you are looking for? It is not just the space that matters, but the interest you hold in the spirit of that space. For all those who want to go and buy land, failure to consult a consultant or an expert at that particular moment, might be cheaper for you, but cheap is expensive in the long-run. There can never be any substitute to consulting a consultant or expert in whatever you do.

Thank you, Hon Mbui. We hope that whoever listens has heard and as you said, even if they do not listen, we have talked to them. It is upon them to pick up from here and solve these matters once and for all.

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Eve Obara.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much Hon. Temporary Speaker, for giving me this opportunity to also contribute to the Motion.

From the onset, I want to condemn in the strongest terms the destruction of property. I am not calling it demolition, but I am calling it destruction, because I would not wish what I saw on my enemy. I have listened to the expert, but the question is: With the kind of infrastructure that we saw being demolished in Mavoko, I am not sure anyone could have put in all that money knowing very well that the land is not theirs. Members here have told us that these people paid taxes and rates to the county government and the Ministry of Lands, Housing and Urban Development. They did everything that was supposed to be legally binding, but nevertheless, properties were destroyed.

Hon. Temporary Speaker, I cannot reconcile myself with what I saw, namely, the broken men and women looking at their life savings going down into ashes. Upper Hill is whose land? All those buildings in Upper Hill are on whose land? The land was given by the Government. The Kenya Railways and the Agricultural Development Corporation (ADC) in Eldoret are on whose land? It is Government land. My question is: Who is East African Portland Cement? Fifty-two per cent belongs to the Government of Kenya through the National Treasury and the NSSF, 42 per cent to Lafarge, and 6 per cent to Kenyans. Therefore, 58 per cent of that land belongs to Kenyans. So, who is the Government? We call it: Of the people, by the people, for the people.

The Government has the moral authority and ability to solve the Mavoko issue. They did not have to wait for those properties to be pulled down and then talk about arbitration. When do you arbitrate? How was judgment made that day and the following day bulldozers were on site? It means somebody had the script and was waiting to do what they did.

As I finish, it is high time we called for compassion because it is lacking. People should have looked at their consciences when pulling those houses and schools down. This is the time when examinations are about to start and schools and churches were pulled down. It is the time when people are going for Christmas and they end up homeless. Being a predominantly Christian country, we celebrate Christmas yet we are pulling down houses three months to Christmas. Where will they go? I did not see compassion and people's conscience being pricked. I saw cold-hearted Kenyans destroying other Kenyans' homes. My question is: What happened to our value system as a country? It is a time for reflection and as my colleagues have said, we need to look at this matter soberly as leaders of this country. I call for arbitration and for people to be compensated for loss of property.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Mboni and then Hon. Esther Passaris will follow.

Hon. David Mwalika (Kitui Rural, WDM): He said Mboni not Passaris.

The Temporary Speaker (Hon. Peter Kaluma): I said Hon. Passaris will speak after Hon. David Mboni. So, proceed. Your time is running out.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker. Let me also join my colleagues in sympathising with the situation at Mavoko. We all know that land acquisition in this country is very risky. Most of the land in the eastern part of Nairobi has no title deeds and there is a lot of double allocation. I think the Ministry of Lands, Housing and Urban Development is the most corrupt in this country. If the Government really wants to fight corruption, the way they are saying, they should start with this Ministry.

Many people have lost money because of what is happening in this Ministry. In fact, I am a victim. I bought some land, put up a building and later realised it did not belong to the person who sold to me. But the real owner was very lenient because he sold the land to me at an agreed price and I am still paying.

A few years ago, there was a Government attempt to digitise land records at the Ministry of Lands, Housing and Urban Development. However, because of land cartels, this process has completely failed. This is a process which we thought would clean the land registry. The records were supposed to be digitised and put in soft form to enable clear verification of any title deed. Let us face the facts. The Mavoko land was donated to the East African Portland Cement Company by the Kamba Community. They did not buy the land. It belongs to the community. The agreement was that the company would mine the limestone and revert the land to the Kamba Community. We, therefore, still expect that land to go back to the community. We are aware that under the privatisation programme, EAPC is one of the companies which the Government is willing to sell. We are also aware that the factory and machines are obsolete. The target is the land and nothing else. The land belongs to the community.

In 2014, the then Governor, Mr Mutua, wrote to the DCI and asked him to investigate what was happening with the Mavoko land, but the DCI did nothing. In fact, I am surprised that they are now calling people left and right to come and record statements and are accusing people, who are very innocent, of having sold the land. What did the DCI do at that point? If they intervened at that point, the situation we are seeing in Mavoko would not be happening. They should have stopped the land division in that area. Who approved the housing plans? Is it the Ministry? Is it the county government? Who approved the division of the land despite complaints by the former Governor, Hon. Mutua? Those are the questions we need to ask ourselves. Instead of looking for a few small people, we need to get the big people. I sympathise with my colleague, Hon. Makau, on being accused. How does a Member sell land? You demolish people's houses and then tomorrow you tell them you are selling the same land and will give them the first priority. Who does that? The Government should have negotiated with the people who had already put up houses.

The Temporary Speaker (Hon. Peter Kaluma): I will give you one minute.

Hon. David Mwalika (Kitui Rural, WDM): The Government should have negotiated with those people, sold the land to them and left their houses untouched. Currently, people are helpless and homeless. They have used their lifetime savings and taken loans to put up houses which have been demolished. Seriously, which Government does that? These people need to be compensated so that they can live decent lives.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mark Mwenje. Apologies, Hon. Passaris. Could you indulge the Deputy Whip of the Minority Party, who was just confirmed today, to speak before you?

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker, for the opportunity. Let me first support Hon. Mbui and thank him for bringing this very important Motion. When this Government was elected, during the inauguration speeches, especially of note by the Deputy President, he promised Kenyans that the days of inhumane demolitions and evictions would come to an end. I quote what he said. That was him speaking. There was nothing humane in what we saw in Mavoko.

It is also important that I remind those in the Government that claim that 47 per cent of those who voted for them came from Mt. Kenya. Quite a significant number of those who had their houses demolished come from Mt. Kenya and they voted for this Government. That is something we must always remember.

Hon. Temporary Speaker, there was a court case, but it did not run to its natural conclusion. Normally, there is an eviction order, there is a notice and there is a period that is given. This did not happen. Whenever we have seen this kind of orders, there is always some form of notice, some reprieve and a chance to go to a higher court to be heard. This was not the case.

More importantly, this kind of matters create a security risk because what you have done is destruction of wealth. One day you have people living with basic necessities like water, food, clothing, shelter, clothing and electricity, and the following day, all that is thrown away. This creates a risk even to our own security agencies there.

I want to expand beyond Mavoko because these kinds of court orders for evictions are all over especially in Embakasi where I come from. We have resolved some of these issues. Tassia, of note, is an area where people settled. There was a land dispute. It was determined and the people there were given an opportunity to regularise. We have an area in Maili Saba known as Mwingenye that people were given that chance. The people who were misled by our own Government and ended up buying land because they were conned have been given a chance to regularise that. Our own Leader of the Majority Party today spoke of a similar instance because that is common in Embakasi. People have acquired land through certificates

and through other means, but eventually they have been given a chance to sort some of these issues.

Hon. Temporary Speaker, the failure here is by the Government; by the land officials and the administration. You will find it even in our areas in Embakasi that there is collusion through the national Government officials, county government and the administration officers and Kenyans end up getting defrauded. So, most of the people who acquire land acquire it believing genuinely they are acquiring a genuine title deed where they can build their lives. And that is something that must always be considered especially in matters where livelihoods of Kenyans are going to be destroyed.

This Government has been talking about low cost housing. How can we be talking about low cost housing yet we are destroying the very houses Kenyans have built using their money, especially retirement savings? Some of these court orders must be interrogated. They cannot be implemented. The issue that happened in Ruai is that the court that determined the matter in Ruai gave an opportunity to the affected residents to try and sort out the issue.

As I conclude, it is important that we allow residents to regularise land so that those who find themselves in trouble can be given an opportunity to try and sort out their issues.

For the case of Mavoko, I believe innocent people...

The Temporary Speaker (Hon. Peter Kaluma): Did you say you want one or two minutes?

(Hon. Mark Mwenje spoke off the record)

You will be given one minute.

Hon. Mark Mwenje (Embakasi East, JP): Thank you, Hon. Temporary Speaker. On the issue of Mavoko, there are innocent Kenyans - bona fide buyers, who genuinely believed they acquired good title deeds for those parcels of land. I believe in that case, it is the Government, the Land Registry, that was at fault. It guided the Kenyans and allowed them to build their lives there. They must be compensated. This is not the time for politicking on this issue.

Hon. Temporary Speaker, I must state that we will not allow demolitions. Even in my constituency, we have some similar orders, but we must ensure we are given a chance to regularise. Yes, we must be given a chance to regularise those parcels of land because if we continue down this trend, we are going to destroy the lives of Kenyans and lose a lot of wealth. This must come to an end.

This Government must be held to account to keep its promise that these demolitions will be a thing of the past and will end with the previous regime. Let them stick to that promise.

Thank you, Hon. Temporary Speaker.

(An Hon. Member spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Esther Passaris. The Member who keeps on shouting "point of order", you know the procedures of the House. You cannot seek an intervention by shouting point of order. In fact, shouting point of order without seeking intervention, which must be recognised by the Speaker, is in itself disorderly conduct and is punishable. Proceed, Hon. Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion.

First, I would really like to say that as a country, and as a Government, we have failed not just the people of Mavoko. There are many historical injustices in this country where houses have been demolished, even here in Nairobi, and we have never found the solution. People pick

their pieces, some lose their lives, and some get sick with cancer or mental health. This is very emotive. Having yourself dragged out of your house with bulldozers, your property destroyed, your children looking at their lives crumbling down right before their eyes and seeing their parents looking totally helpless, shows that we have failed. We have failed, and we continue to fail.

What would be the solution? We can blame each other and say it is this one or the other one, but at the end of the day, we are all Kenyans. We fought for Independence and got rid of the colonisers. We took possession of our land, but we did not do that for certain people or to frustrate, harm, injure, economically destroy other people and financial institutions. In this country, if you want a loan for your business, you go with your title deed. Today, banks are not able to lend you money using title deeds because they do not trust them. The issue of Mavoko, was a miscarriage of justice. I really want to appeal to the Chief Justice, who is a mother and a woman, that we need to stop making decisions in courtrooms when it comes to emotive matters like land which involves a huge community. We need to take the courts to the grassroots. Take the courts to the grassroots and have an open session. Nothing stops them from going to the grassroots to see what is happening. We have a decision made in court that will affect and impact a number of households in Nairobi. The residents of Nairobi in the Kirima case, have been given up to 31st December 2023 to move. Why can we not have a multisectoral approach when we have land matters involving the community? The Judiciary keeps telling us to go for alternative dispute mechanism. The Judiciary itself can initiate the arbitration and the alternative dispute mechanism and bring the Ministry of Lands, Housing and Urban Planning, the police and the community so as to look at how we can safeguard the dignity of the people we are supposed to represent.

I understand where the people of Mavoko are coming from when they say this was their land. We gave you the land to do business because you would bring some economic gain for our people. This land was sold to innocent Kenyans. The county government gave approval for construction of houses. The services were provided by the Kenya Power and the Ministry of Water, Sanitation and Irrigation. The title deeds were provided by the Ministry of Lands, Housing and Urban Planning, and then all of a sudden, you wake up one morning and the land is gone. With all those 4,000 acres of land that the East African Portland Cement Company has, could they not have figured out how to compensate the people or give them 200 or 300 acres of land? And tell them that since we have survived and made profits out of this land, we will give you this piece of land so as to end this court battle. The land in Nairobi which we are talking about is the Kirima's. I really would like the Government to seriously look at the Ndung'u Report.

We came up with a task force that gave the Ndung'u Report which was supposed to cure the injustices that came up on land. Up to today, we have never implemented the report. I want the Government to have a humane face. We are saying we want to build houses for the people and give them dignity. How do we give dignity to them when today we erode that dignity by 'bulldozing' houses, schools and churches? Even if the churches were built on land that is not theirs, how was that church build with a title? How was that church build with approvals?

All of us are culpable. As a Member of the Departmental Committee of Lands, we shall do what we can, but we...

The Temporary Speaker (Hon. Peter Kaluma): Do you need more minutes? Adjournment Motion contribution is for five minutes, except with the leave of the House. I assume the House is the Hon. Temporary Speaker. So, you have two minutes.

Hon. Esther Passaris (Nairobi County, ODM): Thank you, Hon. Temporary Speaker. The land issue is emotive and we need a multi-sectorial approach. We need to get to the grassroots and stop harming Kenyans. They need to be engaged in a manner that is dignified.

That is what the Government has promised. We are all part and parcel of that promise because we are part of the Government.

We need to make sure whether we are in the Minority or Majority Party, that together we uphold the dignity of the people. It is not enough to come and say that we feel sorry for you. The pain that they are feeling is continuing and it is growing. Mental health is real. We are going to have a lot more challenges if we continue being too harsh and rough on the citizens of this country. I pray that the President and the Cabinet, when they meet, they will address this issue. Business cannot thrive when the people of the community are being destroyed.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Eng. Paul Nzengu.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute to this debate.

At the outset, I want to empathise and sympathise with the people of Mavoko Constituency for that barbaric action that was meted upon them. It is a pity that a lot of people may have lost their lifetime earnings through this act of carelessness. I want to condemn the whole act with the strongest terms possible. I also condemn a section of Members who tried to trivialise the whole thing by associating the grabbing of the land as reported to having been orchestrated by the Wiper Democratic Movement brigade. They claimed that the elections of 2022 were financed by the proceeds obtained from the sale of this land. This was a careless statement and a mockery to the people that lost their earnings.

Hon. Temporary Speaker, two wrongs do not make a right. Assuming that there was a problem in that area where the titles were mixed up or rather some authorities somewhere made a mistake, that does not qualify the people that were affected to be hurt in the manner it was done to them. We have examples of land where people were inadvertently misled into buying land that was not with the right title, but later, people were sat down and negotiated.

A case in point is land opposite Bollore Logistics along Old Airport Road, where I know, Kenyans were duped to buy land which had apparently been issued by the Government, by the then Kenya African National Union Party sympathisers, but the owner resurfaced later. I am privy to the information that the owner who was an Indian agreed to negotiate with the new land owners. They agreed on a middle ground. They negotiated for the true market price at that particular time and they paid the owner who vacated possession of that land. In this particular case where the land belongs to the Government, the alternative would have been to negotiate with the land owners and developers, agree on a market price and ask them to buy the said land.

Hon. Temporary Speaker, the idea of the Government demolishing property of its people, for whatever reason, scares investors. Individuals do not issue title deeds. They are issued by the Government which cannot recede on title deeds that it has issued. This Government proves to be insensitive. When you own up and say that the title deeds that were issued are not genuine, then an investor who wishes to invest in Kenya will definitely be scared. Therefore, we will not attract investors in this way.

Lastly, I agree with the speakers who have spoken before me. This land belongs to the Kamba because they are also Kenyans. If you say the land belongs to Kenyans, Kamba are also Kenyans. I support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joshua Mwalyo.

Hon Joshua Mwalyo (Masinga, Independent): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity to contribute. I am a Member of the Departmental Committee on Trade, Industry and Infrastructure which has been dealing with this matter. I do not want to go into the details because I already know them.

It could have been better, if the people whose houses were demolished had been treated like the way Abraham pleaded with the angels that were going to destroy Gomorrah. He asked them whether they would destroy Sodom, if they found 20 people. God kept on saying that he

would not destroy them. This is the formula that should have been used there because those who live there are Kenyans. They should have been spared because they were cheated about the land.

I saw a video of one of the people who cheated them saying that if they were given that piece of land, they must build something very fast, even if it is a toilet. In other words, the people who were innocent did not know that they were cheated. We should have sympathised with them because they spent their money and they are Kenyans. In fact, it is only 5 per cent of the Kamba nation who had built there. The rest are Kenyans. It is not a matter of being in Ukambani...

The Temporary Speaker (Hon. Peter Kaluma): Did you say Kenyans or other Kenyans?

Hon Joshua Mwalyo (Masinga, Independent): Other Kenyans. Because the land is in Ukambani, it is not the Kamba people who had built there. All Kenyans were there because they were cheated into buying the land. The people who should be punished are the ones who are in police cells who go to court every now and then. They are the ones who sold this land to people who did not know that they were being cheated and their money was taken. The people should be compensated because there are too many parcels of land which have been left there and are supposed to revert back to the Government. The people whose houses were destroyed should be given a free piece of land so that they can build. If the parcel of land that is needed by the Government is the one that has been vacated after the demolitions, then the rest can be given to the affected people so that they can start their lives again. These are Kenyans and they pray to the God that we pray to. I am sure something will happen. The leadership is one that fears the Lord. It always prays every Sunday. It will be persuaded to compensate these Kenyans. I rest my case.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker. I rise to stand with the people of Mavoko during this difficult time. I consider them IDPs because they have nowhere to call home. I also want to thank Hon. Mbui for seeking the leave of the House to discuss this critical matter. I empathise with the people of Mavoko because this is a matter that came as a surprise from a Government that they trusted. It assured them that it will build affordable houses for them. However, instead of building affordable housing for them, it has demolished their homes. This is the sixth wonder of the world from such a Government. That is why this Government is cursed. It does not say the truth. It spoke about lowering the cost of living, but the cost of living has gone up. It spoke about lowering the fuel prices, but the price is going up. It spoke about lowering the cost of *unga*, but it has not. That is why this Government is cursed. It will continue to be cursed if it continues doing this kind of heinous acts. Those demolitions were worse than the massacre of Shakahola. How do you demolish a mosque? How do you demolish a church? How do you demolish a school when children are preparing to sit exams? That is worse than Shakahola.

So, I consider the demolitions as purely orchestrated and planned by the Kenya Kwanza Government. They had planned all this. The moment we started speaking about succession politics in Azimio and Kalonzo being the heir of Azimio, the Kenya Kwanza Government decided to hit the homeland - Machakos County - of Kalonzo Musyoka.

(Applause)

Therefore, I want to tell the Kenya Kwanza team not to be scared. They should not panic. We are not a threat. We shall be a threat in 2027. Why on earth will they go to Mavoko to demolish houses in the same week the Deputy President of Kenya is protecting the people of Nyandarua living on the Kenya Railways land? That is displaying double standards. During the same week,

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the President of Kenya was in the Rift Valley compensating sugar cartels. He was also in Tana River. Are Mavoko people second rate citizens? These actions have made title deeds look like pieces of paper. It is very scary. Some of us who live in our own houses do not know when the Government will come and demolish them because a title deed is now valueless. Conducting a search and obtaining a title deed from the Ministry of Lands means nothing. It is now impossible to use your title deed as collateral for a bank loan because it is just a piece of paper. How will Kenyans know if the title deeds they are given are genuine? If we are alerted to fake title deeds, we will not proceed. Therefore, I request...

The Temporary Speaker (Hon. Peter Kaluma): I will allow you one more minute. We need to conclude this Motion.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Temporary Speaker, I want to warn Kenya Kwanza Members of Parliament from Ukambani, who planned a press statement and dragged Kalonzo Musyoka into this land scandal. This is a land scandal by the Kenya Kwanza Government. We know who the land grabbers in Kenya are. If we are given the opportunity to name them and table documents, we shall do so. I support the compensation of Mavoko people. Parliament should investigate this matter and come up with a solution.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nabii Nabwera.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Temporary Deputy Speaker. I will start by agreeing with the views of majority of my colleagues, who ostensibly agree that the Mavoko land issue is not just a regional or a Machakos issue, but a national disaster.

I keep asking myself two questions during my term in Parliament. What did we mean when we took an oath to defend the Constitution? One of the national values enshrined in the Constitution is human dignity. Is it human dignity when you demolish a house and leave people in the cold, including pregnant women and children?

Secondly, what is common good? Is common good in Lugari where I come from similar to common good in Kiambu or Machakos? I ask that question because all land on which Government-owned institutions are situated is held in trust on behalf of the people of this country. That is a basic fact. We were recently defending land on which Miwani and Nzoia sugar companies sit on from privatisation. How is that different from land that belongs to the East African Portland Cement Company?

We have a law on public land acquisition, which has been used to remove people from their land for particular causes. To understand the problem of Mavoko, look at it this way: We will demolish the houses today, advertise the sale of the land tomorrow, and claim that the original owners of the houses will be given first priority. What does that mean? The management of the East Africa Portland Cement Company must be held to account on this. The Kenya Kwanza Government, which knows very well that it has made the people poorer by demolishing their houses, orchestrated this. After that, that Government makes an offer to them knowing the people will be unable to buy that land. Then, the shenanigans of the Kenya Kwanza Government will go and buy that land.

We were addressing a presser with Hon. Mugabe today because surveyors from the Ministry of Lands, Public Works, Housing and Urban Development together with a County Commissioner in Uasin Gishu called Nyale were in Turbo Forest. The forest is in Lugari and Likuyani. They were purporting to survey land to give to the people. This is being done without public participation and without Parliament excising the forest. That is what Mavoko is.

I am requesting for an extra two minutes. We, as a country, must come to our senses. Why am I saying so? There are actions we take that will have far-reaching socio-economic impacts. An economy that is not performing and a country that cannot meet its basic needs should do better.

The Temporary Speaker (Hon. Peter Kaluma): The Standing Orders say that you do five minutes in an adjournment Motion, and sit. Hon. Rashid Bedzimba.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipa nafasi ili pia nikemee na kulaani ubomoaji wa majumba uliofanyika Mavoko.

Ni jambo la kusikitisha, kuhuzunisha na kushangaza. Mimi nimeomba kuzungumza tangu saa nane na nusu - nimebonyeza kitufe cha ombi tangu Hoja hii ikija. Lakini kwa sasa, ninakushukuru kwa kunipa nafasi hii. Ni kwa sababu tunataka kukemea hili jambo ili lisifanyike tena sehemu nyingine nchini. Ndio sababu tunakaa kwa muda mrefu. Hata ukiweka kikao hadi saa saba tutakaa. Hili ni jambo la kusikitisha. Watoto, akina mama na wazee wametoa machozi pale. Mtoto hajui jinsi amnyamazishe babake; baba hajui iwapo amnyamazishe mtoto; na, mama hajui afanye nini.

Mhe. Spika wa Muda, ninakuhakikishia kuwa hii itarudia wale wote waliohusika katika ubomoaji huo. Iko siku nao watalia kwa jambo lilo hilo. Na kama hawakulia wao, watalia wa familia yao. Watalia vizazi vyao. Lakini watalia kwa sababu wamefanya jambo la kinyama sana. Taifa ni mahali panaolinda wananchi wake. Mtu amekuja, amenunua ardhi, hakuna mtu amemuuliza. Amechimba msingi, hakuna mtu amemuuliza. Ameanza kuweka jiwe la kwanza, amekata vyumba, amemaliza paa, amevuta moto, amevuta maji, hata wamezaana hapo hapo na wamekaa kwa miaka, ndio mtu anakuja leo na kusema hapa sio kwao. Hili ni jambo la kusikitisha sana. Ulikuwa wapi wakati akichimba msingi? Wengi kati ya wale watu wamechukua mikopo. Wengine wamelipwa pesa zao za uzeeni wakaenda kujenga maisha yao pale. Unawamaliza hapo hapo, na hasa ukiangalia uchumi ulivyo mbaya.

Waliojenga pale walipewa stakabadhi na serikali za ugatuzi au *county governments* na *municipal councils*. Walipewa *approvals*. Kuna halmashauri ya ujenzi iitwayo NCA au the National Construction Authority iliyowapa *approvals*. Halmashauri ya mazingira au National Environment Management Authority (NEMA) imewapa *approvals*. Sasa, hapa watu hawajui ni stakabadhi ipi iliyo sawa katika taifa hili. Mtu huwa na *title deed* lakini hana uhakika wa alipo hata akikaa pale na anawezakuja kuaambiwa hii *title deed* ni feki. Atakaa pale, halmashauri iliyompa stakabadhi kama vile NEMA itasema “sisi hatujui” ilhali waliwatembelea na walihusika. Hii ingekuwa funzo kwa sababu Serikali ilihusika. Wawekezaji hawangenjenga hapo wakijua halmashauri haijawapatia idhini ndiyo kesho iwageuke. Haiwezekani! Sheria iko wapi? Ninasema hao watu walipwe. Utakuta tuna kambi za wakimbizi na Serikali imewawekea hema, maji na chakula, huku Wakenya ambao wamevunjwa manyumba wanalala barabarani. Haiwezekani! Hili jambo lazima likemewe, lisitokee sehemu nyingine.

Ninaomba Wizara ya Ardhi itembelee sehemu hiyo ilitupitishie hawa watu walipwe na Serikali. Hii ni kwa sababu inahusika katika uvunjanji huo na ukosefu wa mwelekeo wa kuongoza watu wake. Kwa hayo mengi, ninasema asante sana, Mhe. Spika wa Muda kwa kunipatia nafasi.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Fatuma Masito.

Hon. Fatuma Masito (Kwale County, ODM): Asante sana Mhe. Spika wa Muda, kwa kunipatia nafasi hii na mimi niweze kupiga pondo au kuongezea Hoja iliyoko mbele ya Bunge hii. Kwa kweli, ninataka kulia pamoja na watu wa Mavoko wanavyolia. Wao ni majirani wangu. Pale Kwale nimepigwa kura na jamii ya Wakamba walio wengi sana. Na tangu juzi, wamekuwa wanasikitika na kunipigia simu sana. Nikiwa nao katika mikutano wanauliza, ‘Mhe. ni kwa nini viongozi mnaangalia wakati watu wa Mavoko wanauwawa mkiona?’

Hii ni kwa maana, watu wa Mavoko wamepokonywa haki yao ya maisha. Ninahakika kuna watu sasa hivi wameshikwa na mishipuko ya maradhi ambayo hawakuwa nayo kama *high blood pressure* kwa sababu ya tendo lililotokea. Akina mama wameteseka na watoto kwenye baridi tangu juzi na serikali bado haijafungua mdomo, imenyamaza. Hii ni dhahiri shahiri serikali imeshindwa kufanya kazi yake.

Huwezi kumuua binadamu ukinwangalia. Umemshikia kisu na kumwaambia unakufa saa hii. Mtu wa Mavoko unafikiria siku ile alisikia aje? Yeye ako na hati miliki ndani ya

nyumba yake, ana mkopo, ameekeza na kujua maisha yake yote yako pale. Leo hii unamwambia hana makao. Serikali ya Kenya Kwanza imeshindwa na ndio maana saa zingine nintamani tungeichukua sisi watu wa Azimio, chini ya Mhe. Raila Amollo Odinga. Yeye in mtu mzima na mwenye busara. Kwa sababu huwezi kumwalia mwananchi wako ambaye amekupigia kura juzi na hata yule ambaye hakukupigia kura akifa.

Poleni watu wa Mavoko kwa kitendo hiki. Sisi watu wa Kwale tunasimama na nyinyi, tutatia ubani ama uvumba. Tunaomba na kuuliza kama hii ni haki imewatendelea watu wa Mavoko. Mwenyezi Mungu simama na watu hawa. Pia, ninaomba Bunge hili litengeneze tume maalum ya kuweza kuagalia swala hili la Mavoko na kupitisha kwamba hawa watu walipwe. Tena walipwe vizuri na waweze kuishi maisha mazuri.

Ninataka kujenga matumaini kwa hawa watu; wasivunjike moyo. Kuna kesho yenye inakuja hapa duniani, na sio kesho ya aheli. Kama ndugu zangu Waislamu wanavyosema, malipo ni kesho aheli. Tunataka malipo yawe hapa dunia ndiyo kila mtu aone.

Asante sana Mhe. Naibu Spika. Ninasema poleni sana ndugu zetu wa Mavoko, tunalia na nyinyi usiku na mchana.

The Temporary Speaker (Hon. Peter Kaluma): Member for Kibra.

Hon. Peter Orero (Kibra, ODM): Thank you Hon. Temporary Speaker, for giving me an opportunity to contribute to this very emotive Motion. In the history of Kenya we have not seen such an act. This Government is led by rogue officers, a people who do not have morals. According to the culture of where I come from, I am very reluctant to talk about land matters because in our days when you passed somebody's *kiewo* – I cannot translate this to English... Hon. Temporary Speaker, maybe you can translate for them.

The Temporary Speaker (Hon. Peter Kaluma): If I were to help you, Hon. Orero, *kiewo* means border or land boundary.

Hon. Peter Orero (Kibra, ODM): That is it. I thought it was the same in Kamba land, because these people would have not lived by now. The atrocities that they have inflicted on people, they do not deserve to exist. This Government is supposed to lead people, but they are destroying the people they are leading. We are in a Government that does not care for the lives of the people.

(A Member spoke off the record)

Hon. Temporary Speaker, protect me. Last year, this Government...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Orero will be heard in silence just like the others were.

Hon. Peter Orero (Kibra, ODM): The Former Prime Minister of the United Kingdom, Mr. Boris Johnson, was taken to court because he celebrated during the COVID-19 Pandemic. He was the Prime Minister. In this country, we are destroying people's homes. The Cabinet Secretary for Lands should have resigned by now, but if it was a mature democracy, the whole Government should have resigned.

Many people in Mavoko are affected. This Motion of Adjournment today has brought both sides of the House. You could even see that the Kenya Kwanza was actively participating knowing that this is a serious matter that this country must sort out once and for all. On matters of land in this country, we have something called adverse possession. There are people who have lived there for more than 12 years. The court cases such as the Embakasi Ranch and Kirima cases where they want to remove people from their land,,, We are setting bad examples with Mavoko. What are we going to with people who have used their whole earnings to buy land in this country? They have taken bank loans. I am asking that we set up a parliamentary commission to inquire about the Mavoko land and other lands in the country. If we go on like this, we will not have people living on this land ,and land grabbers in this Government will

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continue grabbing land by simply destroying other people's properties. If we do not stop these rogue people in the Government, we will not have a country in the next one year.

I sympathise with my brothers from Mavoko. The only problem is that Mavoko is cosmopolitan. It is where different tribes are living even from my village, we have people living there. We have people from western Kenya living there. This is a national issue and it is not a Mavoko, Eastern or Kamba issue. We must come together as Kenyans and agree that this "man eat man society" kind of Government should stop. We have people who believe that this country can only go on with them at the helm. We must say that this act that we have seen in Mavoko must never occur anywhere in this country. We are ready to stay here even up to midnight to try and look at why this happened in this region.

Thank you, Hon. Temporary Speaker for giving me this chance.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Thuddeus Nzambia, you will be the last to speak to this Adjournment Motion. I would advise the Members who have stayed up to this time to wait so that we can close the business that we had under Order 12.

Hon. Thuddeus.

Hon Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon Nzambia.

Hon. Omar Mwinyi you wanted to speak to this Adjournment Motion? Then you will be the last to speak.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker, for granting me this noble opportunity to join my colleagues in sympathising with the people of Mavoko. What happened in Mavoko was a heinous act. It is always good to be sensitive to our people at any given time. As we speak, we should first...

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Allow Hon. Nzambia to be heard in complete silence, the way we have been doing. Let me also congratulate the House because for the first time, we put politics aside. In as much as we have a bit of banter, we are proffering solutions to a matter of national importance. Proceed, Hon. Nzambia. The more you consult loudly, the more his time gets extended.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker. Kindly protect me so that my time is not eaten up by Members who are noisy and moving up and down. This is a very sensitive and emotive matter. As Members of this House, the next course of action is to look into the safety of our children in schools which were demolished. What is the situation in those schools? We are aware that in the next few days, our candidates will be starting their exams. The Government should take this opportunity to make sure that they look into the welfare of our students, especially the candidates that are affected. This matter has taken long to be settled.

In the 12th Parliament, there was a taskforce which was tasked with coming up with a report regarding the EAPC land in Mavoko area. I do not know how long it will take for this report to be implemented. We spend taxpayers' money to come up with serious reports, but when it comes to implementation nothing happens.

The affected land belongs to the Kamba Community. When mining is done in any area, the law is very clear that after the extraction or mining, the land should revert back to the owners. I condemn this Government. The Government talks about introducing affordable housing yet houses are being demolished. It is very clear that the houses which were demolished were of high value. We should be very sensitive to our people. How can you talk about affordable housing yet you continue demolishing very valuable houses meant for Kenyans? I insist, we must be very sensitive to our people. I am a Member of the Departmental

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Committee on Lands and I will use the strongest words possible to say that this Government should compensate, 100 per cent, those who have been affected.

(A Member spoke off the record)

I request the Member who is agitated over there to listen to this sensitive matter. The people who have been affected are crying. We must stand with our people. The Government should be ready to compensate our people.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nzambia, because you have been interrupted, the Chair, on his own discretion under Standing Order 1 and Standing Order 31, adds you three minutes.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker, for being considerate as I debate this sensitive issue before the House.

The Temporary Speaker (Hon. Peter Kaluma): Allow me to let Members know that the Government includes you, on both sides of the aisle. You are in the first arm of the Government.

(Hon. Fatuma Mohammed spoke off the record)

Hon. Fatuma, there is nothing called opposition under our current constitutional arrangement. You are a Member of Parliament in the first arm of the Government under the current constitutional arrangement. So, you are in the Government. Nobody should be irritated when we say that the Government has done something. We might be referring to an agency or those of you who are speaking in the House. There is no reason to worry unless we are talking about a specific individual in the Government.

Hon. Nzambia, you may continue.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker for being considerate. Some Members do not understand that this is not an Akamba affair. It affects everyone across the country. It does not matter which region one comes from. The point is that they need to be compensated. In our current budget, we allocated money for the compensation of squatters. I am a Member of the Departmental Committee on Lands and we allocated money for compensation of land squatters.

The Government should have consulted and given the people of Mavoko time. They should negotiate with them. These are Kenyans and not foreigners. Even if they were foreigners, they ought to have been given time, and to be heard. It is time this House stood with our people. The cost of living is unbearable. You cannot demolish and destroy houses belonging to Kenyans in these harsh economic times. Let us be sensitive. This matter needs a lot of urgency.

The issue of land is sensitive. One might wonder what the cost of producing title deeds is? Why do Kenyans not own title deeds of the land they occupy? We have allocated enough money for the digitisation of title deeds. I can report with a lot of honesty and sincerity that not much has been done. A lot of money has been put into that, but with no output. As Members of this House, we have to do an investigation on the money that was allocated to digitisation. We need to know where the taxpayers' money is going.

Hon. Temporary Speaker, this is a sensitive issue because the Kenya Railways Corporation (KRC) bought land from the EAPC. Where on earth can a Government institution sell land to another Government institution? Most of you might not be aware that the demolitions were done to pave way for the KRC to pay the over Ksh500 million balance. This is sensitive. There are people behind the push for the KRC to pay the balance to the EAPC. As you know, the word corruption is not mentioned in all of these. We need to form a task force

led by the Departmental Committee on Lands. It is high time the Departmental Committee on Lands goes to the ground and gets us a report that can be discussed here.

Thank you, Hon. Temporary Speaker, for adding me a few minutes to deliberate on this sensitive issue.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Omar Mwinyi.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Temporary Speaker for giving me time to weigh in on this sensitive matter. I want to support this Motion by standing in solidarity with the people of Mavoko.

I also support this Motion by condemning the act by the Government. We are not talking about the Kenya Kwanza Government here. We are talking about the Kenyan Government. The actions taken by the Government are barbaric and are not different from what the Israeli Government is doing to the Palestinians. I also join my fellow colleagues in condemning the trivialisation of this matter by any Member of Parliament. As Members of Parliament, we are national leaders. We do not belong to either wing. When it comes to such issues, we are supposed to forget about our political parties and rise to the occasion.

Hon. Temporary Speaker, I also support this Motion condemning anybody who wants to settle a political score by harming innocent Kenyans. The onus of settling people is on the Government. Our successive Governments have failed to arrange how people are going to be settled. That is why you find that when people see a piece of land lying idle anywhere, they start building, then *wazee wa nyumba kumi* and *wazee wa mtaa* are elected, and then the assistant chief. Of course, the county commissioner is also aware because he also takes part of the money when people are coming there. Later on, you find the same Deputy County Commissioners (DCCs) and Government officials coming with bulldozers to bring down the shelters. This is very unfortunate and it should come to an end.

We have seen successive Governments ignoring reports that are given about land grabbing and malpractices and nothing has been done about it. Nobody has been taken to court or jailed. It means all our governments have been supporting these malpractices.

We have been hearing about digitisation of the land registries since the 1980s. To date, we still want to collect cash money because we want to steal the money. We are not interested in digitising because we still want to do malpractices in land matters.

If the Government is the culprit, how then do you go and demolish people's homes? I call them homes, I do not call them houses. You then do it after declaring it in a public rally that they are going to be demolished tomorrow, and then it happens. This is very unfortunate.

Such things need a discussion. We need to ask ourselves what is the best way out. I believe the Government has funds to compensate the owners. They would have done that to make sure, at least, people's homes are saved. We shall ask one question: Was the action taken by the Government the best action at the time?

Hon. Temporary Speaker (Hon. Peter Kaluma): You will have two minutes.

Hon. Omar Mwinyi (Changamwe, ODM): Was there a better way or option than what was done? Was the action taken by the Government, perhaps, a vendetta? If so, to who? As it has been alluded here, the people living there are Kenyans of all shades. So, if it was vendetta, then was it against Kenyans? That is very unfortunate.

Hon. Temporary Speaker, I propose that we should not only have the Departmental Committee on Lands, but also a select committee to look into this matter. Remember there is somebody called Mr. Baraza, a notorious auctioneer, who takes contraband and illegal court orders to demolish people's homes like what happened in Westlands. He also did the same in Changamwe in Dunga Unuse and he was left to go scot-free. If such things can happen and we just look at them as if nothing has happened, then we are not a republic, but a banana republic.

I urge this House that whenever we have such matters, let us forget our political divide. Let us all be Kenyans and debate as Kenyans with this nation at heart. If the people of Mavoko

are hurt, we should also feel that pain. We feel the pain of the people of Gaza; the way they have been affected. How about the people of Mavoko? Suppose they come from your area, would you be happy? I will give an example. There is a Member of Parliament from Samburu who blames the Government because his people are affected security-wise. He belongs to this Government. This is how we should all be feeling. The select committee should recommend that these people be compensated.

Without further ado, I support the Motion that was brought by Hon. Mbui. He did not do so because he comes from that area. He is a human being with a heart. Any human being with a heart has a feeling which should be expressed in the manner that Hon. Mbui and others did.

With those many remarks, Hon. Temporary Speaker, thank you, for giving me this opportunity to contribute.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Motion. I thank our very able Deputy Leader of the Minority Party for bringing it. This is a very sensitive and emotive issue to many people.

We live in very interesting times in this country. We have a Government that promises *El Nino*, but it does not deliver. It does not think about its people.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Irene Mayaka, when did any Government start delivering rain?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, the Government gave a lot of preparedness messages, promised boats in Nairobi and everywhere else saying *El Nino* is coming. However, they told us there was no *El Nino* the other day. That is lack of delivery of something they had already promised. I digressed.

(Laughter)

Due legal process was not followed in Mavoko. By the time you want to displace people from where they live, you first ensure that you are re-locating and compensating them. We have a humanitarian crisis now. Children have been displaced. We have seen them crying on social media. Class Eight and Form Four candidates are suddenly living in makeshift houses. Athi River is an area that does not have a lot of tree coverage. So, you can imagine the kind of cold that these children feel at night. I want us to look into our conscience as leaders. We sit here and allow someone to make a declaration in a public rally that he will destroy houses and he does it.

It is not surprising that when the Right Hon. Prime Minister, Raila Amolo Odinga and His Excellency Kalonzo Musyoka were passing through Kitengela the other Sunday, they were stopped by the people by force. They had no plans of stopping, but Kenyans stopped them because they were crying out. They felt that if they had the leadership of these two gentlemen, together with Hon. Martha Karua, they would not be in that situation. We must have compassionate leaders. To Members who are shouting that it will never happen, you do not know about tomorrow. The Government can “eat” its children. It can “eat” you as well. Do not make declarations that you cannot justify. Nobody knows about tomorrow.

Secondly, I want to talk about urban planning. Before we go ahead and do what was done the other day, we ought to start thinking about urban planning. Kenya and Singapore were at par back in 1963. Singapore is currently many years ahead of us because of bad leadership. We have leaders who do not think about tomorrow, and what we need to do to ensure that the basic needs of our people are guaranteed.

By the time someone builds a house in Athi River, he or she has lived there for many years. You suddenly want to come and destabilise them. We keep saying that Kenyans have

mental health issues. They feel destabilised. We are dealing with an extremely high cost of living and high taxes. You then introduce more problems to the people, which could be avoided.

I have heard a couple of Members suggesting that we need to sit down and review our laws. We need to review our Penal Code which criminalises some of these things. We should first think about humanity before chest-thumping. There is a lot of chest-thumping in the country. I urge leaders, especially those in the Government, to remember that they do not know about tomorrow. Can they stop chest-thumping and start thinking about Kenyans, their lives, their children, and how ideal...

The Temporary Speaker (Hon. Peter Kaluma): You will only have one more minute.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. The Government should be guided by its conscience. Five years from now, Kenyans will ask why they should vote for you when you destroyed their homes. Why would you give me your vote?

I support the Motion. This conversation should not end here. We should put in place long-term measures such as sustainable laws and regulations, which will help our people in the long run. We should not have a repeat of this action. We will eventually stop having kneejerk reactions to some of these issues.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, there is no further interest in the Motion. I thank the Speaker for according time for consideration of the Motion, and for restoring it. I thank every Member who has stayed up this late. I know you have other obligations at home, particularly those in leadership such as Hon. (Dr) Naomi Waqo, Hon. Robert Mbui, and Hon. Mark Mwenje. You have stayed up very late. I appreciate all the Members, including those who have left, for ensuring that we also come up with solutions in as much as we talk about politics.

I was very pleased to hear about the need for digitisation so that we do not have multiple title deeds. You can check online to see where the land that you want to acquire is available. We also need to ensure that Government agencies always act right and stop land grabbing.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 9.00 p.m., the House stands adjourned until Thursday, 26th October 2023 at 2.30 p.m.

The House rose at 9.00 p.m.

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