

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 11th February 2021

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

**RECALL OF REPORT OF AUDITOR-GENERAL ON STATE DEPARTMENT
FOR UNIVERSITY EDUCATION FOR YEAR ENDED 30TH JUNE 2019**

Hon. Speaker: Hon. Members, I wish to inform you that my office is in receipt of a letter dated 7th December, 2020 from the Office of the Auditor-General seeking consent to recall the Audited Report of the State Department for University Education for the year ended 30th June 2019. In the letter, the Auditor-General requests that the Certified Audited Financial Statements in respect of the State Department for University Education in the Ministry of Education be withdrawn since the report, as submitted, contains an inadvertent error.

Hon. Members, Article 229 of the Constitution requires the Auditor-General to audit and report to Parliament the financial statements of all public entities within six (6) months after the end of each financial year. The submission allows for consideration of the reports for appropriate action by Parliament. The subject Report was submitted to the National Assembly and laid on the Table of the House on Thursday, 19th November 2020. It was subsequently committed to the PAC for examination in accordance with the requirements of Standing Order 205.

Hon. Members, in order to ensure that only the accurate and certified report of the Auditor General is examined by the Committee, I hereby accede to the request and direct that the Audited Financial Statements for the State Department for University Education for the year ended 30th June, 2019 be hereby withdrawn from the records of the House. Further, any publicisation undertaken by the Clerk in accordance with the requirements of Section 32 of the Public Audit Act, 2015, is also hereby withdrawn forthwith.

The Committee, and indeed the House, is accordingly guided.

I thank you.

SUSTAINANCE OF QUORUM OF HOUSE DURING EVENING SITTINGS

Hon. Speaker: Hon. Members, this other Communication arises out of the decision taken by the House on Wednesday Morning Sitting. It is a bit surprising that I do not see many of the

Members that are supposed to deal with the issues that will arise here on. I hope that they will be communicated to.

Hon. Members, as you will recall, yesterday Wednesday, 10th February 2021 during the Morning Sitting, the House adopted its Calendar for the Fifth Session regular sessions.

In the First Part of this Session (from February 9 to May 6, 2021), the House will be holding five Sittings each week as follows: this is important for Members to note. If need be, you can take note of this in your communication gadgets.

- (i) Tuesdays (Afternoon) from 2.30 p.m. to 6.30 p.m.;
- (ii) Tuesdays (Evening) from 7.00 p.m. to 9.00 p.m.;
- (iii) Thursdays (Morning) from 10.00 a.m. to 1.00 p.m.;
- (iv) Thursdays (Afternoon) from 2.30 p.m. to 6.30 p.m.; and
- (v) Thursdays (Evening) from 7.00 p.m. to 9.00 p.m.

Hon. Members, you will notice that two additional Sittings have been introduced on Tuesdays and Thursdays, commencing 7.00 p.m. until 9.00 p.m. The recommendation by the House Business Committee that the House holds additional sittings in the evenings was informed by a proposal to create additional sitting time to allow for consideration of more business by the House, particularly due to the increased number of Private Members Bills and Motions.

Hon. Members, this initiative by the House Business Committee can only be achieved if Members dutifully attend the sittings so as to ensure compliance with the provisions of Article 121 of the Constitution on quorum as read together with our Standing Order No.34 providing for quorum at commencement of any sitting. To this end, I wish to urge party whips and their deputies to endeavour to rally their memberships to ensure that the House quorates at all times for purposes of achieving the agenda of the House for this part of this Fifth Session.

I thank you.

Hon. Members, that begins today. In this Sitting, the House will rise at 6.30 p.m. After 30 minutes, we will resume at 7.00 p.m. for the evening Sitting. This is not unusual, Hon. Members. Many jurisdictions hold such sittings, especially if they have a larger number of Members.

We also noticed that we deny Members who have researched on certain issues sufficient time to contribute and indeed inform their colleagues of the results of their research work. When Members are given only five minutes to contribute and a Member has researched on a matter, there is very little one can really deliver. So, this is a trial to see whether we can transact more business and Members be given more time to contribute. Again, there are Members who have engagements in the afternoons of Tuesdays and Thursdays and are able to make their way into Nairobi by about 4.00 p.m. or 5.00 p.m. That sitting allows them to still come and transact or participate in the transaction of business in the House.

I hope the Whips have taken note. I only see Hon. (Dr.) Eseli. The others have taken leave of absence or what? I hope the party leaders will assist. We want to see whether it is possible for us to transact more business. Indeed, if you recall, towards the tail-end of the last Session, we had to move a Motion here to save very many private Members' Bills which ordinarily would have died. We felt as the House Business Committee that it would be better to save them and allocate ourselves more time so as to transact business.

People who do not understand how parliaments work out there are today making their own innuendos as to reason for the extra sittings. But they are the same ones who will still argue that we have passed very few Bills. It is difficult to understand them. They think Bills should be passed when people are in the village. We have to adjust, of course, with the COVID-19 situation still prevailing. We felt as the HBC that this would be a better way to try and accommodate Members,

not to respond to those who are talking about the number of Bills passed, but at least to accommodate Members who go to great lengths to come up with legislative proposals, Motions and, indeed, even petitions, which ordinarily do not seem to get sufficient time given the limited hours of sitting and the competition between Private Members' Bills and Government business and, of course, business coming from the other House.

That is what informed that decision, for those who may not have been present when the Leaders of the Majority and Minority parties were explaining that decision of the HBC. We also want to see how many of you are able to stand up to 9.00 p.m. We have seen it happening in other jurisdictions. We believe we are more than equal to the task. Hon. Omboko Milemba thinks it is overtime. There is no overtime in Parliament.

Let us proceed.

PAPERS LAID

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

Report of the Board of the National Government Constituency Development Fund on project proposals approval, disbursement status and restrictions imposed on the constituency accounts for the period 1st October 2020 to 31st December 2020.

Annual report of the Commission on Administrative Justice for the period January to June 2020.

Annual reports and financial statements in respect of the following institutions for the year ended 30th June 2019—

- (a) The Independent Policing and Oversight Authority.
- (b) The Insurance Regulatory Authority.

The third quarterly report covering the period 1st July 2020 to 30th September 2020 from the Ethics and Anti-Corruption Commission.

Reports of the Auditor-General and financial statements in respect of the following institutions for the year ended 30th June 2020 and the certificates therein—

- (a) The State Department for Irrigation.
- (b) The Kenya Revenue Authority.
- (c) The Kenya Electricity Generating Company (KenGen).

Reports of the Auditor-General and financial statements in respect of the following institutions for the year ended 30th June 2019 and the certificates therein—

- (a) The Kenya National Examinations Council.
- (b) The Government Clearing Agency.
- (c) The Nuclear Power and Energy Agency.

I thank you, Hon. Speaker.

Hon. Speaker: Next order!

NOTICES OF MOTIONS

ADOPTION OF REPORT ON FORMULATION OF PARLIAMENTARY BROADCASTING CHANNELS

Hon. Justus Kizito (Shinyalu, ODM): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

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THAT, this House adopts the report of the Select Committee on Parliamentary Broadcasting and Library on the formulation of parliamentary broadcasting channels, laid on the Table of the House on Thursday, 3rd December 2020.

Thank you.

ADOPTION OF REPORT OF MEDIATION COMMITTEE ON
PRIVATE PARTNERSHIP (AMENDMENT) BILL

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the report of the Mediation Committee on the Public-Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017), laid on the Table of the House on Thursday, 3rd December 2020, and approves the mediated version of the Public-Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017).

I thank you, Hon. Speaker.

APPROVAL OF PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY CAR LOAN)
(MEMBERS SCHEME FUND) (AMENDMENT) REGULATIONS

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I beg to give notice of the following Motions:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan) (Members Scheme Fund) (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, 24th November 2020, and pursuant to the provisions of Section 24(2)(a) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Car Loan) (Members Scheme Fund) (Amendment) Regulations, 2020, published as Legal Notice No.184 of 2020.

APPROVAL OF PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY MORTGAGE)
(MEMBERS SCHEME FUND) (AMENDMENT) REGULATIONS

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Mortgage) (Members Scheme Fund) (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, 24th November 2020, and pursuant to the provisions of Section 24(2)(a) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Mortgage) (Members Scheme Fund) (Amendment) Regulations, 2020, published as Legal Notice No.185 of 2020.

ADOPTION OF THE PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY CAR
LOAN STAFF SCHEME FUND) (AMENDMENT) REGULATIONS 2020

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan Staff Scheme Fund) (Amendment) Regulations 2020, laid on the Table of the House on Tuesday, 24th November 2020 and pursuant to the provisions of Section (24)(2)(a) of the Public Finance Management Act, 2012 approves the Public Finance Management (Parliamentary Car Loan Staff Scheme Fund) (Amendment) Regulations 2020 published as Legal Notice No.187 of 2020.

ADOPTION OF THE CROPS AND FIBRE CROPS REGULATIONS 2020

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Crops and (Fibre Crops) Regulations 2020 laid on the Table of the House on Tuesday, 17th November 2020 and pursuant to Section 18 of the Statutory Instruments Act, 2013 and Standing Order No.210 (4)(b), annuls in its entirety the (Fibre Crops) Regulations, 2020 and Legal Notice No.120 of 2020.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Order!

ORDINARY QUESTIONS

Question No.003/2021

COMPENSATION FOR FISHERMEN DISPLACED
BY LAPSSET PORT PROJECT

Hon. Ms. Ruweida Obo (Lamu CWR, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for the National Treasury and Planning the following Question even though the Question ought to be directed to the Cabinet Secretary responsible for transport:

- (i) When will the fishermen in Lamu County, who lost their source of livelihood as a result of the development and construction of Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Port Project, be compensated?
- (ii) What is the status of the 1,000 LAPSSET Educational Scholarships from the Government meant for Lamu residents?
- (iii) What is the actual size of land allocated to the LAPSSET Port Project?

Hon. Speaker: Is it within Lamu or the entire county?

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): It is in Lamu.

Hon. Speaker: It cannot be just in Lamu, Capt. Ruweida.

Hon. Ms. Ruweida Obo (Lamu CWR, JP): The people affected are Lamu fishermen.

Hon. Speaker: The last Question is on the actual size of the land allocated to the LAPSSET Port Project. It should have been in Lamu. This is because it will go beyond Lamu.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): I meant in Lamu.

Hon. Speaker: To be replied before the Departmental Committee on Finance and National Planning.

The next Question is by the Member for Laikipia County, Hon. Catherine Waruguru Wanjiku. Kindly have the Floor.

Question No.005/2021

UPDATE ON CONSTRUCTION OF NANYUKI-GWAKUNGÚ-RUMURUTI ROAD

Hon. Catherine Waruguru (Laikipia CWR, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question. Could the Cabinet Secretary provide an update on the progress of construction to bitumen standards of the Nanyuki-Gwa Kungú-Rumuruti Road in Laikipia County?

Hon. Speaker: That Question is referred to the same Departmental Committee on Transport, Public Works and Housing. They should prioritise it for response.

Next Question is by the Nominated Member, Hon. Sossion. Kindly have the Floor.

Question No.009/2021

NON-COMPLIANCE WITH LAW ON DEDUCTION
REMITTANCES TO TRADE UNIONS

Hon. Wilson Sossion (Nominated, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Labour and Social Protection the following Question:

- (i) Could the Cabinet Secretary explain why the Ministry's Labour Officers all over the country are not being facilitated to preside over the on-going trade unions elections, contrary to the norms and provisions of the law?
- (ii) Why were check-off deductions and remittances to trade unions in the health sector stopped vide a letter dated 22nd December 2020 from the Cabinet Secretary for Health to the Ministry of Public Service and Gender?
- (iii) What measures has the Ministry put in place to ensure that all employers fully comply with the provisions of Section 48 of the Labour Relations Act, 2007 regarding deductions and remittances to all trade unions?

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

The next Question is by the Member for Kisumu West, Hon. Olago Aluoch.

Question No.010/2021

COMPLETION OF KISUMU-KAKAMEGA-WEBUYE
HIGHWAY PROJECT

Hon. Olago Aluoch (Kisumu West, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain the circumstances under which the contractor for the Kisumu-Kakamega-Webuye Highway Project abandoned the Migosi-Mamboleo junction stretch of the road, leaving it unmotorable?

- (ii) When will the construction of the said stretch resume considering that assurances were made regarding its completion by the Ministry in the presence of H.E. the President and other national leaders?

Hon. Speaker: That Question is to be replied before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by specially elected Member 001.

Question No.019/2021

CONCERNS OF PERSONS WITH DISABILITY

Hon. Ole Sankok (Nominated, JP): Hon. Speaker, with the extension of our sittings to 9.00 p.m., if there is a person who will not strain because of that extension, it is you. I have witnessed you sitting continuously for 10 hours in that sit while some of us are up and about for short calls and tea breaks. How you strain yourself, God knows.

I rise to ask Question No.019/2021 directed to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary provide the status of investigations into the killing of Christopher Nderitu of ID Number 21160864, a person with disability, by a speeding and carelessly driven Government-owned motor vehicle that was thereafter, run over by two other allegedly Government-owned vehicles, along the Sagana State Lodge-Chaka Road?
- (ii) Could the Cabinet Secretary further explain the status of investigations into the case of defilement and subsequent death of a minor named Nimoo Gabale, a 12-year old girl with cerebral palsy who hailed from Isiolo County and later on rejected in the mortuary?

Hon. Speaker, they reject us when we are alive and even reject us in death.

(iii) What measures has the Government put in place to address the concerns of persons with disability arising from such occurrences that may be seen to be part of a move to sacrifice persons with disabilities for purposes of witchcraft, sorcery, black market trade and other illicit reasons?

Hon. Speaker, there was also an unfortunate utterance by Hon. Junet, whose mouth has just been his eating apparatus on junk cactus.

Thank you very much.

(Laughter)

Hon. Speaker: I suppose the latter bit is not part of the Question. Well, the Question is to be referred to the Departmental Committee on Administration and National Security to prioritise it for a response. I suspect they may not invite Hon. Junet. But if you want, you can direct the Question to the appropriate Committee. The next segment is Request for Statements. The first one is by Hon. Rashid Amin.

REQUEST FOR STATEMENTS

INCREASED INCIDENCES OF DETENTION OF RESIDENTS OF WAJIR EAST CONSTITUENCY

Hon. Rashid Kassim (Wajir East, WDM-K): Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the increased incidences of indefinite detention of innocent citizens by Security Agencies in Wajir East Constituency.

Hon. Speaker, as a nation, we have recently been disheartened and greatly concerned by reports of members of the public being detained by security agencies under unclear circumstance. The most recent case is the detention of eight residents of Wajir East Constituency, namely, Mr. Jimaale Elmi Salat, Mr. Saleh Muhumed Hassan, Mr. Abdi Bishar Omar, Mr. Bashow Nur Mohamed, Mr. Abdullahi Hussein Elmi, Mr. Abdi Jelle Salat, Mr. Daud Ahmed Muhumed and Mr. Abdi Muhumed Kahin. The eight have been in police custody for the last six months and no charges have been preferred against them.

Hon. Speaker, it is on account of the above that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

- (i) Could the Chairperson state why the eight individuals have been detained for the last six months with no charges preferred against them?
- (ii) What steps is the Government taking to ensure that innocent detainees are released by the security agencies?
- (iii) What specific action is being taken against security personnel involved in indefinite detention of innocent citizens?

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Koinange. Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker. The Chair of the Departmental Committee on Administration and National Security is engaged in parliamentary business with your leave outside the House. I Chair the sub-committee dealing with Questions. We want to request for two weeks to report back to the House with our investigations on the matter under question. Thank you.

Hon. Speaker: Very well. Two weeks, Hon. Amin. The next request is by the Member for Igembe South, Hon. John Paul Mwirigi.

HIGH RATE OF CANCER CASES WITHIN IGEMBE SOUTH CONSTITUENCY

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson Departmental Committee on Health concerning the high rate of cancer cases within Igembe South Constituency.

Hon. Speaker, recent statistics shows that Igembe South Sub-county has a high prevalence rate of cancer cases in Meru and Kenya in general. That, within a span of one year, more than 30 people have succumbed to the disease while many are hospitalised. The most affected villages are Kiegoi and Riaki villages which lie at the foot of Nyambene hills where at least each household is affected or has a patient.

The residents believe that the causes of the high cancer rates in this area are due to foreign material at the source of Kanoru River, aerosol sprays used during farming or asbestos material

used to build some institutions among them Amwamba Primary or explosives abandoned in Nyambene Hills during Mau Mau war. Therefore, there is immediate need to establish the sources of this disease, create awareness on the causes and put in place mitigation measures.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson Departmental Committee on Health on the following:

- (i) Could the Chairperson provide a report from the relevant State department on any investigations or research undertaken to establish the causes of the high number of cancer cases in Igembe South sub-county?
- (ii) What plans are there to assist the residents of the area to unravel the high preference of cancer in the area?
- (iii) Would the Ministry of Health consider dispatching a team of health experts to Riaki and Kiegoi village to establish the causes of high rates of cancer?
- (iv) What information or research is available to provide sufficient proof that aerosol sprays used in farming and asbestos used as building materials are not carcinogenic. If the answer is negative, could the responsible manufacturing companies be held liable and made to compensate the victims?
- (v) Could the Government consider funding schools to assist them to replace carcinogenic asbestos used as building materials for roofing and constructing other school infrastructure as is the case for Amwamba Primary School?

Thank you, Hon. Speaker.

Hon. Speaker: The Chair Departmental Committee on Health, Hon. Sabina Chege. Yes, Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. Based on those predisposing items which he has mentioned, I think it will be appropriate to give us a month to find out what is going on in that part of the country. I stand in for the Chair.

Hon. Speaker: It requires thorough investigation. But I also think the Member should be available to assist where they may be need. He can take whoever who will be doing the investigations to the specific areas, he has alleged could be having some materials that are the cause or source.

Hon. Mwirigi, let us allow the Committee because it requires quite some substantive response. Or what do you feel?

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, since we have waited for long, I think one month is sufficient, so that the Committee can give substantive mitigating ideas. That will be good.

Hon. Speaker: Well, let the Committee take up the matter. The issues he has raised require some serious investigation. Next Statement is by the Member for Moyale, Hon. Qalicha Gufu Wario.

INSECURITY AND DISPLACEMENT OF RESIDENTS OF MOYALE CONSTITUENCY

Hon. Qalicha Wario (Moyale, JP): Thank you, Hon. Speaker, for giving me an opportunity to request for this Statement.

Hon. Speaker, pursuant to Standing Order 44(2)(c), I seek to request for a statement from the Chairperson Departmental Committee on Administration and National Security regarding recent insecurity and displacement of residents of El Bor, Funan Qumbi and Funan Idda areas in Uran Ward, Moyale Constituency of Marsabit County.

Hon. Speaker, on 26th December 2020, Rawana Area in Sololo sub-county was raided and attacked by persons from Turbi sub-county where one boy in Form Three was injured and 26 cattle stolen. Similar raids and attacks also took place in January 2021 where 500 goats were stolen at Eli Bor and up to date no arrests of the attackers or any recoveries of the livestock has been made. Due to the rampant attacks and raids by cattle rustlers in the county, an entire village of 600 households in Funan Qumbi has been forced to move to Walda Division in Sololo Sub-county which is 30 kilometres away. This displacement has adversely affected and interfered with the economic activities and source of livelihoods for the residents of Funnan Idda and Funnan Qumbi areas. This has further led to the closures of schools and a humanitarian crisis in the area and the internally displaced persons are in dire need of food, water and housing among other social amenities.

Hon. Speaker, it is of concern that among the reasons for displacement and attacks is to curve El Bor, El Dimtu, Funan Qumbi and Funan Idda in Sololo Sub-county into the newly created Turbi sub-county and surrounding areas for grazing, control and other purposes. It is on this background that I seek a Statement from the Chairperson, Departmental Committee on Administration and National Security on the following:

- (i) Could the Chairperson state whether any investigations were carried out into the attacks on Funan Idda, Funan Qumbi and El Bor Areas in Moyale Constituency that led to loss of two lives, injuries, livestock theft and displacement of residents?
- (ii) What measures is the Government putting in place to ensure that schools in the affected areas are re-opened and displaced residents living in deplorable conditions are re-settled?
- (iii) What measures has been put in place by the Ministry to curb the increased cases of insecurity in Funan Idda, Funan Qumbi and El Bor in particular from external attackers?
- (iv) What action is the Ministry taking to ensure that administrative and security officers on the ground serve the residents of the two sub counties fairly and equitably without favour including proper coordination and sharing of information among themselves?
- (v) Could the Ministry consider clearly demarcating the administrative boundaries for all the sub-counties in Marsabit County and provision of enough personnel, offices and equipment to manage the increased cases of insecurity?

Thank you, Hon. Speaker.

Hon. Speaker: That goes to the Departmental Committee on Administration and National Security. Hon. Kaluma, are you able to again give some undertaking?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, the Chair of the Committee indicates that we put forth the undertaking to report back to the House within three weeks because of other businesses before the Committee. We note it is a bit urgent also because of those children and their education. We request the Member for 21 days.

Hon. Speaker: Hon. Wario.

Hon. Qalicha Wario (Moyale, JP): Hon. Speaker, this is a case where some schools are closed and people moved away from their homes. Bearing in mind the fact that in those areas we have severe drought, I think three weeks is a lot of time. If they can actually reduce to one week, I will be very happy.

Hon. Speaker: You know you could get that one week, but then you have brought something that you could have even got from the streets. Will it be worth anything? We appreciate

the situation as you describe, Hon. Wario. Hon. Kaluma, are you able to give a shorter period than the three weeks?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I indicated “within three weeks” meaning we are going to take seriously the urgency of the matter and balance it with other matters before the Committee. It could be within a week or two weeks, but we are giving a maximum of three weeks. That does not necessarily mean that we are going to take three weeks. It could even be within four days, but we have to arrange facilities and take the investigations and the actions he is requesting for. So, I would request he understands we are saying that within three weeks, there must be a report. Most likely we will do it early. I know how the Committee operates and you know it.

Hon. Speaker: Hon. Wario, so that also your issue is addressed with some measure of satisfaction...

Hon. Qalicha Wario (Moyale, JP): Hon. Speaker, I think saying “within three weeks” is too general. Instead of the three weeks, I would rather he says by the end of two weeks. That looks comfortable than saying within three weeks.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I will persuade the Chair that we report to the House within 14 days sacrificing other things because the matter of children is involved. Thank you, Hon. Speaker.

Hon. Speaker: I think that could satisfy Hon. Wario. Next request is by the Member for Mvita, Abdullswamad Sheriff Nassir.

DEMOLITION OF STRUCTURES IN THE COUNTRY

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the demolition of structures in the country and Mombasa County as well.

Hon. Speaker, the ongoing demolitions carried out by the Government agencies and other identities are done in the most inhumane ways, usually in the night. Notices are not issued and if issued at all, then it is typically within short periods on less than two to three hours before invasions by the bulldozers and other heavy machinery under the watch of police and security personnel. This has led to demolition of properties, injuries and loss of lives as it has happened recently in Kibos, Kisumu County, where thousands were displaced including a mosque and in Lunar Park in Nairobi County. In Lunar Park and surrounding business premises, property worth millions of shillings were demolished on Tuesday evening at 8.00 p.m., 15th September 2020, after giving a four hours’ notice before demolitions. It is notable that during demolitions, hundreds of people who are directly employed in the affected areas and premises are rendered jobless and in particular during this period of COVID-19 pandemic. These demolitions should be carried out in a humane way taking into consideration measures to mitigate its effects.

Hon. Speaker, it is on account that I seek for a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

- (i) Whether the Ministry is aware of any planned demolitions and evictions that are being targeted to residents within Mombasa North area in Mombasa County.
- (ii) Why these demolitions are carried out during the night with very minimal notices to vacate in the most inhumane ways without considering the effects that will cause to

residents economically, their livelihoods and without provision for alternative places for settlements?

- (iii) What measures the Ministry has put in place to ensure that persons affected during the evictions and demolitions are rightfully compensated, and how much they shall be compensated and by when that should be done?

I thank you, Hon. Speaker.

Hon. Speaker: Sorry, again this goes to Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I have listened to the questions and I wanted to make a mention. Whether we are talking about demolitions or forcible evictions, we are talking about some claim or rival claims to land or ownership of property. The police or the agencies within the administration or security only assessed the process. I was therefore thinking that in as much as the question is addressed to the Departmental Committee on Administration and National Security, the final resolution to the matters as asked by Hon. Abdullswamad would better come from the Departmental Committee on Lands, because that is where the rival claims to ownership before the police interventions should be addressed. Otherwise, I do not think we will be dealing with the real issue.

As he rightly says, there was a similar question raised about the demolitions along Kibos Railway line in Kisumu. There was a bit of debate in the morning as to whether that matter should be before the Departmental Committee on Lands which can determine who owns which portion and who therefore should be on what portion before eviction or demolitions take place. Remember the direction given by the Speaker in the morning is that that should go to the Departmental Committee on Transport, Public Works and Housing because it was the Railways Corporation which is dealing with the matter.

I fear that if we take up that matter, we will be dealing with the manner in which evictions or claims to ownership of property is being addressed instead of addressing the root cause which is ownership of the property. I would, therefore, be requesting for your direction on that matter in particular, with all those secondary elements concerning police interventions, be addressed with finality through the Departmental Committee on Lands. Otherwise, we would be obliged with your directions.

Hon. Speaker: Hon. Abdullswamad.

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you, very much, Hon. Speaker. I agree with the sentiments by my brother, Hon. Kaluma. However, it is important to note that the issue here is not about who owns the land, it is the way this is actually being conducted. We need to find out whether notice to vacate was given to these people before demolishing places of worship and places where people earn their livelihood. Over and above that, it is important for this House to take notice that similar cases, the Kenya Airports Authority lost a case against squatters who were in the area of South C because the courts ruled the rights of those squatters as well. So as much as there is an element of who owns what piece of property, there is also the element as to the rights of those who are in that property. There is the one who owns the piece of paper and the one who is actually in the property historically. The issue of Kibos is an issue where the people who are there have been there from pre-colonial times. So, we will stand by your guidance as to how this should be tackled. I am hoping that comes with something that is going to be very conclusive. Thank you, Hon. Speaker.

Hon. Speaker: You see, you talked about somebody who is in possession of a piece of paper and I was wondering whether it is this one I am holding.

(Laughter)

As Hon. Kaluma has said, if you do not know who is the rightful owner, so that you begin there, you maybe the rightful owner and you desire that some people who may be in forceful entry into what is rightfully yours, should move out, but there are legal procedures and notices being issued to those people. I will still be good if the Departmental Committee on Lands were to go into this because you would be available to ask the questions whether indeed these are the rightful owners or if they are not, were they ever given notice to vacate. If so, when and how? How were those notices given? These people are taking advantage of the COVID-19 Pandemic and claim that they are doing so through twitter. So, if the notices were via twitter, then perhaps somebody would raise some other issues. If we take it to the Departmental Committee on Administration and National Security, what we are likely to get will not go to the root of the problem. So if you do not mind, we can redirect this request to the Departmental Committee on Lands so that they can go into the historical issues that touch on that property.

Very well. Committee on Lands, Hon. Rachael Nyamai was here. Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. Hon. Rachael Nyamai has just gone out to consult with her Vice Chair, Hon. Mwashetani. I know they have received the message. I will ensure that I pass over this information to her.

Hon. Speaker: Very well. There are too many people who want to say something about it. It is just to pass the message to the Chair of the Committee. Hon. Jude Njomo and Hon. Owen Baya, are you Members of the Committee? You have heard the issue. Can we task you, Hon. Owen Baya, Member for Kilifi North? She was sitting right behind Hon. Pukose. Let him carry the baby.

Hon. Jude Njomo, you want to say something.

Hon. Jude Njomo (Kiambu, JP): Yes, I just wanted to add a comment on this.

Hon. Speaker: Which comment?

Hon. Jude Njomo (Kiambu, JP): On the devolution.

Hon. Speaker: Devolution?

Hon. Jude Njomo (Kiambu, JP): Yes, and eviction.

Hon. Speaker: There is no debate on that.

Hon. Jude Njomo (Kiambu, JP): I just wanted to...

Hon. Speaker: No! No! This House follows rules. This can happen in the county assemblies and elsewhere, but here there must be business. We cannot start this here. A request for a Statement becomes a debate. I have seen it elsewhere. A request for a Statement, and no response has been given, you debate it for one hour. You wonder, what are you doing other than entertaining yourselves? Let us leave it to the Departmental Committee on Lands.

The last one is Hon. Kamket. Hon. Members, those of you who have been keenly following these requests for Statements, this is the fifth and all of them except one are to the Departmental Committee on Administration and National Security. You can almost guess what I am saying. Somebody should have been here to respond on the spot. Anyhow, proceed.

KILLINGS/ONGOING OPERATIONS IN KAPEDO

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(c), I seek to request a Statement from the Chairperson Departmental Committee on Administration and National Security regarding recent killings and subsequent security operations in Kapedo area, Baringo County that began on 21st January, 2021.

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Two senior police officers and six civilians lost their lives under unclear circumstances in Kapedo. These incidents happened during police operations in the area with an aim to bring to an end cattle rustling, which has been rampant in that region.

It is on this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following issues among others:

- (i) Could the Cabinet Secretary provide a chronology of events that led to the loss of lives of the two senior police officers and six civilians, who died in the hands of police officers following their arrests in Chemolingot Town in Baringo County in January 2021?
- (ii) What plans are in place to address the effects of the police operations in the said areas, which have caused massive internal displacement of persons and families leading to serious humanitarian crisis, starvation and the closing of social-economic amenities such as schools, hospitals, business premises and other Government departments?
- (iii) Could the Ministry explain the criteria used in managing and carrying out massive security operations in such areas and how vulnerable citizens, who include women, children and people living with disabilities (PWDs) are protected from adverse effects of the said operations and whether such criteria is being followed?
- (iv) What steps is the Ministry taking to deal with increasing cases of insecurity and, particularly, cattle rustling and the overall security management in areas ravaged by this vice, especially in Tiaty and Turkana East constituencies, including implementation of the proposed marshal plan by the Kenya Defence Forces (KDF) on social-economic transformation of the larger Suguta Valley region?
- (v) Could the Committee consider making an urgent fact finding visit to the affected area to ascertain the actual prevailing situation on the ground?

Hon. Speaker, let me just stress this final part. As it is now, there is a lot of suffering in Tiaty because of the massive roadblocks that have been erected all over the place. The police have suspended the law. They are doing very bad things to the people. My Personal Assistant was arrested and he has not been found up to date. Several things are happening. The police are burning food. They stop vehicles carrying food, they put the food on the floor and burn all manner of food. So, is it a deliberate attempt by the Government to starve the entire people of Tiaty Constituency for the crime of a few? I ask the Committee to consider making that trip to Tiaty as soon as tomorrow, if possible. The situation on the ground is terrible. People are running away from bandits and they are also running away from the police.

Hon. Speaker: Very well. It does not appear like it is a tourist attraction. So, how will the Committee going there tomorrow walk? You say that there are bandits and all manner of things. Are they not going to walk into hell fire?

Hon. Peter Kaluma, you hear the proposal that you visit the place tomorrow.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, the House is aware because we engage outside the House with leave of the House and the House's facilitation.

Hon. Kassait Kamket is also aware that the subject matter has been under and before the Committee for consideration for quite some time, even before the measures the Government has instituted to deal with the matter of Kapedo were so instituted. All I wanted to indicate at this stage is that this is a very delicate matter. Of course, as a Committee, before and even during the time the Government is intervening to ensure that there is some calm there, we are insisting on the rights of the people, their access to basics be secured. However, because of the delicate nature of the

matter and the investigations involved, some of which Hon. Kassait Kamket is aware we have been undertaking, I would request for this particular instance that you give the Committee, if possible, 28 days.

Hon. Speaker, I know that there are some thoughts within the Committee on how the Committee can go to Kapedo, a second time. We have been to Baringo, Suguta and those areas before, but not after these measures the Government is carrying out were instituted. There are logistical arrangements we need to be assured of before we can plunge into that area that Hon. Speaker and Hon. Kassait Kamket confirms before the House that it is delicate. I would request Hon. Kassait Kamket that for those measures which are urgent, we can always intervene. We have been doing a bit of work, but for a report coming to the House on the basis of the question, we need your leave to get back to the House substantively on the matter, both of Kapedo and Marsabit within 28 days, so that we bring a solution that can secure future peace in those areas.

Hon. Speaker: Yes, Hon. Kassait Kamket.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I appreciate what Hon. Peter Kaluma is saying. Except, if they go after 28 days as he is saying, they will find no one to speak to. The situation is dire. If they are not able to access Kapedo, they can as well go to Chemolingot, the constituency headquarters. The only insecurity in Chemolingot is caused by the Government. It is not caused by bandits. It is the police who have erected roadblocks within and around Chemolingot and Loruk areas. They can go to Chemolingot tomorrow. There is no insecurity in Chemolingot unless the Member is telling me that they are also running away from police, just like the residents of Tiaty. If that is the situation, then we are living in a police State.

I plead with you, Hon. Speaker, that the situation is dire. Schools have closed and we have exams within a very short time.

Hon. Speaker: Let us cut the long story short. This is the direction. Hon. Peter Kaluma, get your Committee to have a sitting with the relevant Government agencies, invite the Cabinet Secretary and whoever in the course of next week. Hon. Kassait Kamket should be present so that you can discuss the logistics of how you travel to the affected area.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, if you may permit. I confirmed that this matter was before the Committee even before the ongoing Government interventions began. Hon. Kassait Kamket and all Members are aware that just last week, we met the CS for Interior and Coordination of National Government specifically on this matter. So, the fact of the matter is that this matter is already before the Committee for consideration. The questions being raised are just adding impetus. The direction Hon. Kassait Kamket is taking is to choose for the Committee which areas to go into, in terms of how to get the best solution to this problem. I do not think that is the best way to go.

We already have a perspective over this matter. The Kapedo issue is not just about Baringo. It could also be about Turkana and other areas. That is why, Hon. Speaker, I was giving you a hint, based on background information due to prior investigations before the Committee, that it is a delicate matter. I do not believe that we can go on record to say that because of an operation by the Government of a people, the people are all going to be decimated not to be available within two weeks. I have assured the House that measures have been agreed within the Committee with Government agencies, including the CS, that the rights of the people have to be secured as we seek a solution to this matter. So, what we request for is patience.

Hon. Speaker, calling the CS next week, as you would direct, is not going to add anything other than what I know are the logistical arrangements already being undertaken between the Committee and the Government.

Hon. Speaker: What is your point of order?

Hon. Member: Hon. Speaker, thank you very much.

Hon. Speaker: No, not you. It is Hon. Kassait Kamket.

Hon. Members, it is not good to be debating. We just want to see how best the Committee can respond to the issues raised by Hon. Kassait Kamket. I do not know what is exciting the rest of you.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, Hon. Peter Kaluma has misled the House. The summoning of the CS was to deal with issues of Marsabit. The issues of Tiaty were not discussed. I wrote to the Chairman of the Committee and appeared before the Committee and I was told to say what it is that I wanted to say. I was given very few minutes to say some few words and then I was told to leave the Committee. We have not had a very serious and thorough engagement with the CS and the security people. We are talking about the lives of both civilians and police officers.

People were picked up from a bar in Chemolingot Town. They were professionals. Innocent civil servants were picked up from a drinking joint and the police killed them. This is a very serious matter. Currently, they are continuing to block the media and the Kenya Red Cross. Even in serious international conflicts, the Red Cross is allowed free access. But in this particular case, they have blocked even the Kenya Red Cross. No one is accessing Tiaty.

Hon. Kaluma is a Member of Parliament like me. If this was happening in Homa Bay, what would he be saying? I request you, Hon. Speaker, to uphold the order you made that the Cabinet Secretary and his entire team should come before Parliament and give an account of what has been happening. They must be held to account. Two wrongs do not make a right.

Hon. Speaker: Hon. Kamket, you are exciting other “freshers” like yourself, like the Member for Bomet who thinks this is a place where they can... You do not help anything by banging tables.

Let us have Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, may I say my last point. I imagine the indication that the House required of me is how long the Committee would take to report back on this matter. I have requested 28 days. I have mentioned that we have been to Baringo severally. We have been to Suguta and Baragoi. I do not think it is right for my honourable colleague to say that he better understands the business for which the Committee requested the Cabinet Secretary to come before it than we who requested him to come. I know and I may say it, but I do not want to. Allow me to say that this is delicate. In fact, among the people being suspected to be triggering the situation in Kapedo could be some colleagues even within Parliament. That is why I am saying that we are very advanced.

I am talking of logistics. You will remember that this is the area where some security personnel were shot down a short while ago. I cannot stand before this House to say that on such a date, Members of Parliament will be travelling by this means to such a place. When I talk of logistics being made, I know and I am assuring him as a colleague. That is why I am saying that there are things I do not want to say here. This is a delicate matter. Give us 28 days to come with a substantive report on this matter that can lead to calm among our people. I will be the last person to say that the Government should hurt its own citizens. I have never understood that of a Government. Let us report on behalf of the relevant Government department within 28 days because of the delicate matter we are dealing with.

Hon. Speaker: Hon. Kamket seems to suggest that there will be nobody to talk to. Of course, that is not true.

Hon. Kassait Kamket (Tiaty, KANU): *spoke off-record*

Hon. Speaker: You must have acquired your new habit during the recess period. Do not bang tables.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I plead with you to uphold the order that you made. That is the only way that this Ministry can be held to account by Parliament. If we say that we will allow the Committee 28 days, given what is happening on the ground, without the Ministry being held accountable, we will just be throwing our hands in the air. If you look at the solemn words in our prayer, we are here...

Hon. Speaker: Do not worry about the prayer. We said the prayer so it is with all of us.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I am not in any contest with my colleague, Hon. Kaluma. He must feel like I do. All honourable Members are here for those whose interests have been committed to our charge. We are here...

(Hon. Alois Lentoimaga consulted loudly)

Hon. Speaker: Hon. Lentoimaga, you will not speak, if that is what you wanted me to tell you. I must listen to what the Member is saying. It does not matter if you are also from a bandit prone area. You have not raised any issue. We do not want sympathy. I thought he was making a request for a Statement. He was not looking for sympathy. If he wants sympathy, he can go and hold a rally at Uhuru Park and call all those who want to sympathise. We are dealing with serious business. He is raising some very serious issues. You must allow me to hear what he is saying so that we know how best to tackle the matter. It may well be that the Committee should invite the Cabinet Secretary, Hon. Kamket and all those involved so that Hon. Kamket will not require the sympathies of Hon. Sankok, Hon. Lentoimaga and Hon. Joyce Korir, all of whom appear to be so excited about this matter. When Hon. Kamket appears before the Committee alongside the CS and others, a lot of these issues which are exciting you will be resolved.

Perhaps, Hon. Kaluma, you can do this. Let the Committee hold a meeting with the Cabinet Secretary because the issues Hon. Kamket is raising cannot be addressed here without the CS and other people involved in the security docket.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, let us go by your previous direction that we meet within some days so that, in as much as that meeting may still require that we go down to the village, these perspectives he is bringing can be put together. We will do that.

Hon. Speaker: Exactly. Hon. Kamket will have an opportunity to raise all the issues he has stated so that the Cabinet Secretary and all the interested parties could respond. Even as you make arrangements to visit the area, perhaps you will have more information. You may not want to go to the areas he has mentioned. Hon. Kamket has raised very serious issues. We live in this country. I am sure many of you have read about or even watched some of the issues he has raised on television. It may be good for Hon. Kamket to raise those issues and let the police and all those in the security docket give appropriate responses.

Hon. Lentoimaga, you may have been a District Commissioner (DC) but you are no longer one. You are now a Hon. Member of Parliament. If you have issues in your area, you will raise them in the same way, but do not bang tables.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, finally, I heard what Hon. Kaluma said. He was trying to put me down. I am just saying one word. I am a leader and I am ready... Thank you very much, Hon. Speaker.

Hon. Speaker: This is not the place where we deal with criminal suspects. If anybody suspects that you have committed a crime, they should deal with you out there and not in here. We know you to be the Hon. Member for Tiaty and the Chair of the Committee on Delegated Legislation.

That meeting should happen within seven days. Make sure that you are in attendance. It is fair that you go and raise those issues there. Those of you who also wanted to support him should do so before the Committee. I am sure Hon. Lentoimaga who is also an expert in those issues of banditry, will be able to...

An Hon. Member: On a point of order, Hon. Speaker.

Hon. Speaker: All those Hon. Members who have interests or are victims of banditry....

(Laughter)

There is no debate. All of you who have interests in banditry because you are either victims or sympathisers, please, appear before the Committee on that day. Hon. Kaluma, please, allow all of them to say what they want and then you bring a holistic Report. You can also help us know who among them should be on the radar. Let us end it there.

Leader of the Majority Party.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING 16TH TO 18TH FEBRUARY 2021

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No. 44(2)(a), I rise to give a Statement on behalf of the House Business Committee (HBC), which met on Tuesday, 9th February 2021 and today, Thursday, 11th February 2021, to prioritise the business for consideration.

I wish to officially welcome Members back from the long recess. It is important for Members to note that this first part of the Session is normally very busy. The Budget cycle is about to begin. It will entail review of the Budget Policy Statement (BPS) which we expect to receive from the National Treasury next week as it has a statutory timeline of 15th February, 2021, which is on Monday. Then we will consider the Division of Revenue Bill and the County Allocation of Revenue Bill. Those are some of the key businesses that ought to be concluded by 30th April, 2021. We have already received the First Supplementary Estimates for the Financial Year 2020/2021 which require being fast-tracked by committees before the annual estimates for the next financial year are received.

On Tuesday next week at both the afternoon and evening sittings that were approved yesterday, we shall consider the Second Reading of the following Bills, including those which we did not conclude today...

(Several Hon. Members walked into the Chamber)

Hon. Speaker: Hon. Members who are making their way into the Chamber, including Hon. Millie Odhiambo, it is important to listen to this Statement. We will have afternoon and evening sittings on Tuesday. This is important because I can see that many of you have forgotten that you passed that Motion. There will be an evening sitting from 7.00 p.m. That is why I want all of you

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to pay attention. If your request is not accommodated at the period between 2.30 p.m. and 6.30 p.m., remember that it can still be accommodated between 7.00 p.m. and 9.00 p.m. We are legislators. We should sit and do that work.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. We will consider the following Bills:

The Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020);

The Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020);

The County Governments (Amendment) Bill (Senate Bill No. 13 of 2018);

The National Cohesion and Peace Building Bill (Senate Bill No. 35 of 2018);

The County Statutory Instruments Bill (Senate Bill No. 21 of 2018);

The Impeachment Procedure Bill (Senate Bill No. 15 of 2018); and,

The County Law Compliance and Enforcement Bill (Senate Bill No. 25 of 2018).

Members know that these Bills have been awaiting completion since 2018. It is time we processed them to conclusion.

We shall also prioritize several Bills that are awaiting Committee of the whole House in the coming week. I urge Members who have any amendments to any Bills to forward them to the Office of the Clerk in good time to ensure that they are processed and published in the Order Paper in a timely manner.

The HBC will reconvene on Tuesday, 16th February at 11.00 a.m. to schedule business for the coming week. I now wish to lay this Statement on the Table of the House.

(Hon. Amos Kimunya laid the Statement on the Table)

Hon. Speaker: Very well. Next Order!

MOTIONS

APPOINTMENT OF MEMBERS TO THE COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Motion:
THAT, pursuant to the provisions of Standing Orders No. 175 and 212B (3), this House approves the appointment of the following Members to the Committee on Members' Services and Facilities:

- (i) The Hon. Ezekiel Machogu Ombaki, MP;
- (ii) The Hon. (Dr.) Swarup Ranjan Mishra, MP;
- (iii) The Hon. Samwel Moroto Chumel, MP;
- (iv) The Hon. (Ms.) Rehema Hassan, MP;
- (v) The Hon. Rigathi Gachagua, MP;
- (vi) The Hon. (Ms.) Charity Kathambi Chepkwony, MP;
- (vii) The Hon. Generali Nixon Kiprotich Korir, MP;
- (viii) The Hon. Kimani Ichung'wah, MP;
- (ix) The Hon. (Ms.) Beatrice Nkatha Nyaga, MP;
- (x) The Hon. Elisha Ochieng' Odhiambo, MP;
- (xi) The Hon. (Ms.) Elsie Busihile Muhanda, MP;

- (xii) The Hon. (Eng.) Thuddeus Kithua Nzambia, MP;
- (xiii) The Hon. Christopher Wangaya Aseka, MP;
- (xiv) The Hon. John Walter Owino, MP; and,
- (xv) The Hon. Benard Otieno Okoth, MP.

Hon. Members, this is basically a reappointment of the entire Committee for the work that they have been doing. This is a sessional appointment. We hope that they will use this Session to sort out some of the issues that Members face, especially on whether we can access our gym facilities. Once we appoint this Committee, we hope that one of the priority areas will be to look at when our gym can be opened. In view of these extended sessions, Members want to refresh and stay longer.

It is an important Committee which is in charge of our facilities. I know that people think of it from a catering perspective. However, it includes the facilities where we are seated on and online facilities to ensure that we participate. It is an important Committee. I believe that under the chairmanship of Hon. Machogu, it has done quite good job. I want to urge Members that we renew their term. We also task them with the responsibility to ensure that we are comfortable and our catering facilities and the rest of the Members' recreational services in the gym and other areas are also in good shape.

I beg to move and ask one of my fellow Members within the HBC, Hon. John Mbadi, to second the Motion. We will figure out who will second the other Committees.

Hon. Speaker: Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. This Motion basically reappoints the same Members who served in this Committee in the previous Session. That is a vote of confidence from the HBC, the leadership of both Houses and Committee on Selection. Therefore, we seek concurrence of this House that we give the same membership a vote of confidence to continue serving us in this Committee.

The importance of this Committee cannot be over-emphasised. This is a Committee that has gained prominence over the years. It is now at the centre and core of our parliamentary work. I only urge the same way the Leader of the Majority Party has mentioned, that there are certain facilities like the gym that we need to get a way forward on. A lot has improved in terms of services but still, again, there is much more to be done.

I do not have much to say about this Committee. All Members know what it stands for. With those remarks, I second the Motion.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Is it the desire of the House that I put the Question?

Hon. Members: Yes!

Hon. Speaker: Just to note, even as the Committee has been urged to look into the gym, for purposes of Members refreshing, as we will be sitting for many hours, Leader of Majority, I hope they will also see how they can ensure that Members also refresh during the 30-minute break. Members can take refreshments but only to caution that do not over engage in that other place. The refreshments should not make you incapable of communicating.

(Question put and agreed to)

APPOINTMENT OF MEMBERS TO THE COMMITTEE ON
PARLIAMENTARY POWERS AND PRIVILEGES

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

THAT, pursuant to the provisions of section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175, this House approves the appointment of the following Members to the Committee on Parliamentary Powers and Privileges, in addition to the one specified under section 15(1)(a)(i) of the said Act:

- (i) The Hon. Josphat Kabinga Wachira, MP;
- (ii) The Hon. Qalicha Gufu Wario, MP;
- (iii) The Hon. Francis Chachu Ganya, MP;
- (iv) The Hon. Vincent Kipkurui Tuwei, MP;
- (v) The Hon. Anthony Githiaka Kiai, MP;
- (vi) The Hon. (Ms.) Gladwell Jesire Cheruiyot, MP;
- (vii) The Hon. Capt. (Rtd) Didmus Wekesa Barasa Mutua, MP;
- (viii) The Hon. Oscar Kipchumba Sudi, MP;
- (ix) The Hon. Johana Ng'eno Kipyegon, MP;
- (x) The Hon. Andrew Mwadime, MP;
- (xi) The Hon. Omar Mwinyi Shimbwa, MP;
- (xii) The Hon. James Onyango K'Oyoo, MP;
- (xiii) The Hon. Danson Mwashako Mwakuwona, MP; and,
- (xiv) The Hon. Vincent Kemosi Mogaka, MP.

Again, Hon. Speaker, this is a Sessional Committee. Members have been behaving well such that they have not had time to meet to dispose of matters to do with Members' discipline. But as we get closer to the end of this year, bearing in mind part of the intolerance that we are seeing, the Committee may have to be called upon to give guidance to the House on some of the matters. We hope that when the Member will be called upon to discharge their duties, they will rise to the occasion.

There is only one slight change to this Committee. The second Member, Hon. Qalicha Gufu Wario, has joined afresh from another Committee. I am sure he will be well inducted by the other Members. This Committee, as you know, is chaired by the Hon. Speaker. I know you have raised an indication of change of Standing Orders so that this Committee may be chaired by an independent Member from within the House rather than the Speaker.

I beg to move and ask one of the super disciplinarians in this House, the Hon. Deputy Speaker, to second.

Hon. Moses Cheboi (Kuresoi North, JP): Thank you, Hon. Speaker. As I second very briefly, this is one Committee that is really required now, especially after we have seen quite a number of issues that are happening outside the House. As you can see, there is fairness in the constitution of this Committee. Some Members who ordinarily would have been partakers of discipline for the many things they do outside this House are members. Most of Members could behave differently outside there but when they are here, they behave well. The most specific one here is Hon. Johana Ng'eno Kipyegon who behaves very well within the Chambers but, while he is outside, I am not so sure he does the same. Well, we are not so much bothered about what happens outside the Chamber.

With those few remarks, I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: The Hon. John Mbadi desires to make a contribution.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I support the Motion but I just want to mention something. The image of Parliament is very important. So, whatever you do outside there reflects on the image of Parliament.

This Committee is the one in charge of discipline in the National Assembly. So, the behaviour out there should reflect that fact that they hold the discipline of Members of Parliament very highly. I could not oppose this in the Committee on Selection but Hon. Oscar Sudi, Hon. Johana Ng'eno and Hon. Didmus Barasa should remember that the image that they carry out there is very important.

When we put them in the Powers and Privileges Committee, what would one expect when people hear that a Member is indisciplined and is subjected to Oscar Sudi for discipline? I do not know how many of us would be confident being subjected to disciplinary discussions before Oscar Sudi and even lately my friend Johanna Ng'eno and Didmus Barasa.

(Laughter)

There is nothing wrong with what I am saying. I am just requesting that going forward, they should carry the image of Parliament outside, because they have not been misbehaving in here and I must give them credit for that. But even in funerals, people will question the people who discipline Members of Parliament and conclude that no wonder there is no discipline. That is just a caution. I do not know why other Members are agitated. I am talking about the image they carry across.

That is what I wanted to say with all due respect to these Members. By the way, I have done it in good faith. I have nothing against the said Members of Parliament.

Thank you, Hon. Speaker. I support.

Hon. Members: Put the Question.

Hon Speaker: Is it the desire of the House that I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

APPOINTMENT OF MEMBERS TO THE BUDGET
AND APPROPRIATIONS COMMITTEE

Hon Junet Nuh (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Junet, what is your point of order?

Hon Junet Nuh (Suna East, ODM): Hon. Speaker, on the Motion we have just passed, when I checked the ranks of the military in the country, one can only retire as a major and above. You have just said Captain (Rtd.) Didmus Barasa. Captains are not recognised when they retire. That title should be.... This is a House of records. It will go to the records of the House that he has retired as a captain.

Hon. Speaker: That is a matter that the Clerk's Office should look into. I have sat here with Captain (Rtd.) Nakitare from Trans Nzoia. He was recognised here as a retired Captain. Was he recognised as retired or tired?

(Laughter)

It was one of them! "Retired" I think. Point noted, Hon. Junet. Hon. Kimunya.

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

THAT, pursuant to the provisions of Standing Orders No.175 and 207, this House approves the appointment of the following Members to the Budget and Appropriations Committee:

- (i) The Hon. James Kanini Kega Mathenge, MP;
- (ii) The Hon. Moses Lessonet, MP;
- (iii) The Hon. Benard Masaka Shinali, MP;
- (iv) The Hon. Ruth Wangari Mwaniki, MP;
- (v) The Hon. Sarah Paulata Korere, MP;
- (vi) The Hon. Samwel Moroto Chumel, MP;
- (vii) The Hon. (Ms.) Fatuma Gedi Ali, MP;
- (viii) The Hon. James Gichuki Mugambi, MP;
- (ix) The Hon. Marselino Malimo Arbelle, MP;
- (x) The Hon. Emmanuel Wangwe, CBS, MP;
- (xi) The Hon. (Ms.) Josephine Naisula Lesuuda, MP;
- (xii) The Hon. Jude Njomo, MP;
- (xiii) The Hon. (Ms.) Florence Chepng'etich Koskey, MP;
- (xiv) The Hon. (Ms.) Mercy Wanjiku Gakuya, MP;
- (xv) The Hon. Francis Kuria Kimani, MP;
- (xvi) The Hon. Alfred Kiptoo Keter, MP;
- (xvii) The Hon. (CPA) John Mbadi, MP;
- (xviii) The Hon. (Ms.) Millie Odhiambo Mabona, MP;
- (xix) The Hon. (Dr.) Benson Makali Mulu, MP;
- (xx) The Hon. Samuel Onunga Atandi, MP;
- (xxi) The Hon. Bady Twalib Bady, MP;
- (xxii) The Hon. (Eng.) Mark Nyamita, MP;
- (xxiii) The Hon. Paul Abuor, MP;
- (xxiv) The Hon. Danson Mwashako Mwakuwona, MP;
- (xxv) The Hon. John Sakwa Bunyasi, MP;
- (xxvi) The Hon. Richard Onyonka, MP; and,
- (xxvii) The Hon. Joseph Manje, MP. (To move from the Committee on Implementation)

Hon. Speaker, as Members would be aware, the Budget and Appropriations Committee has a life of three calendar years in accordance with our Standing Orders. The calendar years started in 2018 because we had a late start because of the repeat elections. So, they did 2018, 2019 and 2020 and, hence, we have another two calendar years of 2021 and 2022. They will have the onerous responsibility of working on the Budget of 2021/2022 and processing the Budget for 2022/2023, which will be tabled before this House in early January.

(Hon. Junet Nuh spoke off record)

Hon. Speaker, protect me from Hon. Junet. As I said yesterday, in our Calendar, Members would have noted that, instead of coming back in February 2022, we will come back in January so that we can have an accelerated and more time to process the Budget issues before we go seeking re-election or making other decisions on what we want to do and appearing before our voters.

This is an important time. I know the Committee has had challenges. We had to make three changes to the Committee not on account of incompetence, but because of other considerations. It involves the inclusion of Hon. Marselino Arbelle, the Whip of the Majority Party, Emmanuel Wangwe and Joseph Manje. They have come in as new Members. Obviously, this is a totally new Committee. The old one stood disbanded. If a Member does not find his name in the new reconstituted Committee, he should know that his name has been dropped.

Hon. Speaker, I am surprised that Hon. Junet, as the Whip from the National Super Alliance (NASA) side, is raising issues that they are the same names. It is the Whips who gave me the names and he is one of the Whips.

Hon. Speaker, I beg to move and ask Hon. Keynan, the Secretary of the Parliamentary Group of the Jubilee Coalition to second.

Hon. Speaker: Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker.

Hon. Speaker, I stand to second the list as read by the Leader of the Majority Party. Sorry I came late, but it is good to emphasise that the Budget and Appropriations Committee is the nerve of our parliamentary activities. I know this is a difficult time as a result of the COVID-19 crisis. I hope they will apply prudent policies and ensure that our country does not go broke and also ensure that all sectors of our economy are funded properly. I wish the new Members and all Members good luck. I know it is a very busy Committee.

I beg to second.

(Question proposed)

Hon. Members: Put the Question.

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

Hon. Junet Nuh (Suna East, ODM): Hon. Speaker, I stand to oppose this Motion entirely. When Parliament did the Standing Orders and made this Committee to serve for a period of three years, there was a reason for it. The reason was to allow as many Members as possible to serve in this Committee. This is a very important Committee for this country and this House. All other Committees were put to run for a five-year term; that is, the period of the whole Parliament. In its own wisdom, this House decided that Members should serve for three years so that they can give way for other Members to also serve in the same Committee.

It is good that you have been the Speaker even in the last Parliament. This matter came up in the 11th Parliament. It was raised by Hon. Jakoyo Midiwo. That is when the House changed the Standing Orders so that we can have Members of this Committee serve for three years, and then they can be changed. This is the Committee that decides how the national cake is shared in this country through this House. We should have Members who have not served in this Committee, knowing very well what happens in this Committee. I do not want to impute improper motives on the Committee. However, we know each other. We know the kind of revenues that go to the constituencies of the Members of this Committee. Let us call a spade a spade.

(An Hon. Member spoke off record)

Chairman, you were just a chairperson of a burial committee the other day. Keep quiet! This Committee has been in existence for the last eight years. You have just become a chairman the other day.

Hon. Speaker, it is my view, and I urge Members that we reject this list so that we have representation from other Members who have not served in this Committee.

(Applause)

If this is done, Hon. (Dr.) Pukose can get an opportunity to take some development projects to his constituency. Hon. Maoka Maore can have... If we are going to have the 27 Members who have been there, we want to know, from the Committee, the list of projects that have gone to those 27 constituencies. Let us be fair.

(Applause)

Fairness must begin in this House. It cannot begin outside the House. So, I am pleading with Members that we should not allow this to happen. The last Parliament refused it. This Parliament must also reject it. Let us have other Members. If you have served a three-year term in that Committee, please, give way to another Member. This is not a Committee that was formed for you.

With those views, I am urging Members to support me in rejecting it. For the Members who were there, and have performed very well and whom we need their expertise, like my leader here who is a senior accountant in this country, and maybe some lawyers who can help in matters of the law like Hon. Millie Odhiambo, we can discuss that at the party level. However, we cannot have the same Members who have served for three good years. Some of them have benefited from projects of enormous amounts through that Committee. Kindly, these other Members were also elected like you. They need to take care of their constituencies and participate in the sharing of the national cake because they also represent people; they do not represent cows!

(Laughter)

So, I am urging the Members present that this list must go down.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. It is very untidy for me to respond to my Whip. I have never had a very good working relationship with anyone like I do have with my Whip. Ordinarily, it was the Whip who should have forwarded the names but, because of some of his other commitments, I had to leave Homa Bay to come here. Actually, the Leader of the Majority Party called and said that I need to be here. I was supposed to be in Homa Bay for a very important function of the Catholic Church, but I had to leave home to come and sign off this list because my Whip was engaged elsewhere. I shared with him after I did that in the spirit of disclosure. Well, he had problem with one or two names which I am not going to mention, but we agreed that since I had already reappointed the same Members, it would be okay.

I just want to caution that let us not scandalise ourselves because if it is a matter of people using committees to lobby for funding for their constituencies, it happens every day. I have been in the Public Accounts Committee, and I will tell you that, at that time, we got funding from the Ministry of Education. There is nothing wrong with that because the money went to the schools in my constituency and the constituencies of the rest of the Members of the Public Accounts Committee.

In the Departmental Committee on Transport, Public Works and Housing, I know that out of the Fuel Levy Fund, there are some allocations that go to the Members of those Committees. There is nothing wrong with that because this is at the discretion of the Cabinet Secretary for the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

When it comes to the Budget, if there is any Committee...

(Loud consultations)

Hon. Speaker, I wish Members could listen to me! If there is any Committee that cannot put any money without this House knowing, it is the Budget and Appropriations Committee because every report of the Budget and Appropriations Committee, including the Appropriations Bill, pass through here. If you look at the membership of this Committee, some of the Members were appointed to this Committee last year when we made changes to the Committee. For instance, Hon. Kanini Kega, Hon. Malimo and Hon. Emmanuel Wangwe have not been there. Hon. Atandi is also new. Hon. Sakwa Bunyasi was not there before. Hon. Sakwa Bunyasi came in last year. We moved him from Public Accounts Committee to this Committee.

So, I know some of the Members who have served in this Committee for long, like me. I have been in this Committee for long. By the way, this is the only substantive Committee where I sit. There is also Hon. Millie Odhiambo who only sits in one Committee.

I want to just persuade my friend and Whip that, please, just allow this to go on so that we do not appear like we are fighting ourselves. However, the bottom line is that you cannot scandalise a particular Committee and yet we know.... Even right now, if you ask me today, the Departmental Committee on Administration and National Security of Kaluma may get one or two police officers based on their lobbying. There is nothing wrong with that. Those are Kenyans.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tuwei, what is your point of order?

Hon. Vincent Tuwei (Mosop, JP): Hon. Speaker, it is quite unfortunate to hear from the Leader of the Minority Party that Committee Members benefit from the Committee they are in. Like myself now who is in the Committee of Powers and Privileges, what privilege do I get from it? What is it? The other day....

Hon. Speaker: Perhaps, sitting in my boardroom and having tea!

(Laughter)

(Applause)

Hon. Vincent Tuwei (Mosop, JP): What do I get from you, Hon. Speaker? Honestly, last year I did say - and the *Hansard* can bear me out here - that there are Members of Committees who are neighbours in our constituencies, and development projects are being done and we are being told: "So and so is doing A, B, C and D and you are not working for us." They are taking

pride out of this. Like when he talks about the Departmental Committee on Transport, Public Works and Housing, it is true that some of them were bragging to us that they have been given projects worth Kshs50 million. When you look at it, they are using their expertise... I am sorry the Leader of the Majority Party who is before me here is emphasising on these shameful activities that are taking place within the committees and the ministries. We have to say this is not right and we must actually find this as corruption within the committees and the ministries concerned.

Hon. Speaker: But now, you are talking about committees. It looks like we may need to reconstitute all the committees. Is that what you are saying?

(Loud consultations)

You know it is good that you appreciate the full implications of certain decisions that you may make in the heat of the moment. It is good to reflect on some of these things before you do something. You recall in the last Parliament, for some reasons which I am sure are already on record, we had to suspend the operations of the Budget and Appropriations Committee. They say, there are some bad apples here and there but I do not think you can do a blanket condemnation.

Hon. Millie Odhiambo, you want to say something? I want to hear the opposite gender.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker.

First of all, let me say that it is unfortunate that we are raising such issues before the Floor of the House. There is a reason that we have *Kamukunjis*. If I was part of the leadership of this House, I would actually urge that we do not vote but step down this and have a *Kamukunji*. Hon. Mbadi, do not insist that we vote so that it is thrown out. The reason I am saying this is that, sometimes, we need leadership. We need leadership for reasons that we represent constituencies. Because we represent constituencies, you have said something very important. My colleague here is telling me that he also sits in the Committee on Powers and Privileges where they have only met once. I used to be in the Committee on Powers and Privileges and we met once but I asked him: "Are you in the Committee on Powers and Privileges alone?" and he said: "No". He is in another Committee. I am not saying the benefits because I am not in any of those committees and so I do not know, but if you benefit in the Departmental Committee on Transport, Public Works and Housing, and then you do not benefit in the Committee on Powers and Privileges, it is okay. So, the Hon. Speaker actually just caught words from my mouth that, therefore, if per chance people are benefiting for their constituencies and not for their persons or individually, then let us reconstitute all the committees so that those who have been benefiting in the Departmental Committee on Health can leave those who have not been benefiting to benefit. Those who are benefiting in the Departmental Committee on Transport, Public Works and Housing can go and serve in the Committee that has been constituted, the one for Catering. Let the ones in the Departmental Committee on Transport, Public Works and Housing go to the Committee on Catering. Let those who are in the Departmental Committee on Health go somewhere else if that is the way we want. However, should we want to go that direction, I would request the leadership that we have a *Kamukunji* because then there are things that we need to say in a *Kamukunji*.

Having said that, I just want to put the record straight. I was in this House when the Budget and Appropriations Committee in the last Parliament was reconstituted and the matter was raised by Hon. Jakoyo. How people got to know is just because of what Hon. Mbadi has said. That whenever the Budget and Appropriations Committee brings anything into the Budget, it becomes very apparent before the Floor of the House because the Report will show Suba North and Suba South. It will show all the MPs in those areas. However, when a Member of the Departmental

Committee on Transport, Public Works and Housing benefits, it becomes very difficult for the House to know because it will be hidden and embedded in the respective ministries and not in these reports. Because of the way the Budget and Appropriations Committee works, we do not work through any ministry. But members of those committees oversee specific ministries. So, they are likely to benefit.

So, even as we go towards that direction, I would urge us to be very sober. I really regret that this is the way we go. I have been in Parliament for three terms now and I get shocked at the way we move in this Parliament. We do not need to raise certain issues before the Floor of the House. There is a reason we have a *Kamukunji* and I want to encourage us to have more *Kamukunjis*.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. But, Hon. Members, even as you... I will allow you to make your contributions, but I think it is important even as we discuss this matter to take the following into account: That the House resumed its Sittings on 9th February. Is it yesterday morning that you approved the new Calendar for this Session? In that Calendar, if you check - and the Leader of the Majority Party did indicate earlier - it is a tradition we have adopted that we provide for when we resume the first sitting of another session. The Sixth Session which will be the last for the 12th Parliament, the Leader of the Majority Party did point out that it will be coming in January for the simple reason that, next year being an election year in Kenya, you will be required to approve several things. One is the Budget Policy Statement (BPS). Remember in 2017, if I could jog the memories of those who were here, the BPS was actually submitted sometime in December of 2016. That is because we had to go through several other processes. Remember the Constitution merely provides in Article 218 that the Cabinet Secretary will table before Parliament the Division of Revenue Bill and the County Allocation of Revenue Bill before 30th of April. But now, since then, there has been a lot of litigation and I hope that Members follow these things. You know there is the recent Supreme Court advisory, by way of a ruling actually, that there can never be an Appropriations Act before a Division of Revenue Act is in place. So, that puts quite some strain on what we have been used to traditionally. It means that even this year, we must pass the Division of Revenue Bill and have it assented to before we can come to think about the Appropriations Bill.

Hon. Members, having resumed on 9th February 2021, and the Public Finance Management Act and our Standing Orders providing that the Cabinet Secretary shall submit to Parliament the Budget Policy Statement on or before 15th February, it became necessary for me to direct the Clerk to write to the Leader of the Majority Party and the Leader of the Minority Party to provide us with the names of people to sit in the committees that are being reconstituted – the Sessional Committees and, more importantly, the Budget and Appropriations Committee. This is because the 15th is Monday next week and it is time-bound.

As departmental committees, you will all have to burn the midnight oil ploughing through the BPS and give your reports to the Budget and Appropriations Committee. If the Committee is not there, which is what I think you want, to whom will you submit your reports? Do you want to submit your reports to the Powers and Privileges Committee? Unfortunately, it is not the Committee expected to deal with that. There was need for the administration of Parliament to seek the leadership to give us the names of the people to sit in those Committees. It is for that reason that you have heard Hon. Mbadi explain that he had to travel because it was necessary that these names are in place. If we go beyond today, when do you want us to constitute the Budget and Appropriations Committee?

As you make decisions, you must bear in mind that we are bound by the laws of the land. It is Parliament that enacted the Public Finance Management Act of 2012, which puts those demands. The Supreme Court's decision has also placed further demands on the House. So, as you contribute, you must have those factors in mind.

Hon. Sankok, I can see that you are burning to say something.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I am a member of the Committee on Selection. As you have rightfully explained, we are constrained in terms of time. Yesterday, we sat the entire afternoon to ensure that we have these committees in place and, more importantly, the Budget and Appropriations Committee. It is unfortunate that it is the Minority Whip who is complaining. The Majority Whip and Hon. Junet were called to confirm the names that were missing. Let us not bring personal differences into such important matters. As a House, we must not put our own benefit above the benefit of the country. We need this Committee to be in place for the sake of the country and the budget-making process. As the Committee on Selection, we did wide consultations. We made several calls to ensure the Committee is in place. When it comes to the issue of some Members benefitting and others losing, let us look at our country first. We are time-bound. Hon. Millie spoke very well that we do not need to bring some of these issues on the Floor. I read malice.

I support the Motion. We should pass it so that we can move forward as a country.

Hon. Speaker: Hon. Members, do I see an indication that I put the Question?

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, I will put the Question and you will decide. In any event, remember that you have another Sitting at 7.00 p.m. I am lucky because I will not vote. So, even if you tie, the Motion will be lost because you will not get my vote.

(Question put and agreed to)

There is no dispute on that. Next Order!

APPOINTMENT OF MEMBERS TO THE COMMITTEE ON APPOINTMENTS

Hon. Speaker: Chairman of the Committee on Selection.

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

THAT, pursuant to the provisions of Standing Orders No. 175 and 204, this House approves the appointment of the following Members to the Committee on Appointments, in addition to those specified under Standing Order No. 204(1):

- (i) The Hon. Emmanuel Wangwe, CBS, MP;
- (ii) The Hon. (Dr.) Rachael Kaki Nyamai, MP;
- (iii) The Hon. David Gikaria, MP;
- (iv) The Hon. (Ms.) Joyce Akai Emanikor, MP;
- (v) The Hon. Khatib Abdallah Mwashetani, MP;
- (vi) The Hon. (Ms.) Maitu Sabina Wanjiru Chege, MP;
- (vii) The Hon. (Ms.) Sarah Paulata Korere, MP;
- (viii) The Hon. Yusuf Hassan Abdi, MP;
- (ix) The Hon. William Kamuren Chirchir Chepkut, MP;
- (x) The Hon. David ole Sankok, MP;
- (xi) The Hon. (Ms.) Lydia Haika Mnene Mizighi, MP;

- (xii) The Hon. (Ms.) Rehema Dida Jaldesa, MP;
- (xiii) The Hon. (Ms.) Mercy Wanjiku Gakuya, MP;
- (xiv) The Hon. James Kanini Kega Mathenge, MP;
- (xv) The Hon. Alfred Kiptoo Keter, MP;
- (xvi) The Hon. Junet Sheikh Nuh Mohamed, MP;
- (xvii) The Hon. (Dr.) David Eseli Simiyu, CBS, MP;
- (xviii) The Hon. George Peter Opondo Kaluma, MP;
- (xix) The Hon. Francis Tom Joseph Kajwang', MP;
- (xx) The Hon. (Ms.) Esther Muthoni Rosanna Passaris, MP;
- (xxi) The Hon. (Ms.) Gertrude Mbeyu Mwanyanje, MP; and,
- (xxii) The Hon. Joshua Kivinda Kimilu, MP.

Hon. Speaker, as Members may have noted, this Committee serves for a three-year term and a second term of two years. They consider appointments by the President. It is chaired by the Speaker. It is not a very busy Committee and Members have had very few sittings. As the Committee on Selection, we thought it will not be good to reconstitute this Committee. We are not sure whether there will be any appointments that will be made and, therefore, bringing in Members from other Committees to this Committee and losing the institutional memory and strength created in this Committee for one-and-a-half years is not the best thing to do. The whole Committee has been reappointed in total. I wanted to alert Members on that. That is the situation.

I want to ask Members not to have a feeling that Members get into committees for personal benefit. Certainly, I will be disappointed if the feeling was that the agitation for being in specific committees is because of the perceived personal benefits of being in a committee. I will wonder why Members want to serve in a committee. Members of the Chairperson's Panel sit here for three hours and I am not sure they get any benefit for that. It is a service and that is what we need to focus on. We are here to serve and to make Kenya a better country, and not because of any benefits that we may accrue because of serving in a committee. In any case, that is against Chapter Six of the Constitution.

Hon. Speaker, you have ruled on this severally, including the way we conduct ourselves in committees. For example, we should not be escorting people who are supposed to appear before a committee, so that we are not seen as though we are going to debate on how to change the issues before the committee.

The issue of independence is critical. I want to believe, as it has been said, that transparency is brought by the Budget and Appropriations Committee and other committees through tabling of reports here, so that people can see the rationale of the decisions that committees arrive at. We make decisions based on that and not on deals that were cut in places outside this House. I believe that when a committee brings a report here on any matter of inquiry, it has applied its brain, experience and professionalism on the matter, rather than having negotiated for personal or constituency benefit. I believe that is what happens. That is how I was trained. I want to see Parliament that way moving forward. Should it appear to us – and we have discussed this at length with my colleague, the Leader of the Minority Party – that Members are extracting rent in the committees from the people who appear before them, we will be the first ones to ask the Whips to de-whip such Members, so that we have a clean 12th Parliament that will set the pace for the 13th Parliament. We will stick to that standard and Members will be at liberty to take any action against me. I will clean such Members before they clean me. I am not worried because I have been impeached before for taking a stance. I will be happy to take a stand to ensure that we have a sense of integrity and decorum in the way committees work. I believe Members – and they are here –

will support this to ensure that we do not go down as a 12th Parliament that was serving committees for its benefit.

Today, we will have an extended sitting time to serve Kenyans. Because of the insinuations we have made against ourselves, the media has said that we have extended sitting time so that we can get more sitting allowance. For sure, if I were to be out of this House, I would be making more money than sitting here for an extra two hours. I am sure the same applies to all these Members. On the Committee on Appointments, I hope we will not end up with a situation where we will say we need more people to get experience in vetting of appointments. We do not know if there will be any appointment between now and the time we recess. It is difficult to reconstitute committees. When you reconstitute committees by moving Members around, you end up reconstituting the entire House. That is not an exercise that can take one week. It will take longer. I thank Members for having voted in the Budget and Appropriations Committee. Going by the comments I heard, we were on the verge of saying that our leadership is not appreciated in this House.

Hon. Members, I plead that we proceed with this and other changes. I, therefore, beg to move that we approve these names and ask my colleague, the Leader of the Minority party, to second.

Hon. Speaker: Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I want to second this Motion. Basically, we are retaining the membership apart from a few changes. There are some Members who have been specified in our Standing Orders. This is an addition to those Members. The Leader of the Majority Party has mentioned something that is worth talking about, on the image that the media tries to portray about Parliament. I know it is hard to change the media's perception of Parliament.

Hon. Speaker, if you can remember, when we were in the HBC, for us to agree to add the two sittings on Tuesday and Thursday evening, we laboured on it. It was not easy for us to agree. We felt that 7.00 p.m. to 9.00 p.m. will be too late for Members. We looked at the workload and the fact that this could be the last critical session of the 12th parliament. Also, we looked at what happens elsewhere, for example, in the House of Congress and the House of Commons in the United Kingdom and how they sacrifice to spend more time legislating.

For the media to turn this round and make it appear like we have created two more sittings to get more money... I do not think the sitting allowance of this Parliament is motivating, so to speak. If you ask me to choose between the Kshs5,000 sitting allowance that I get and something else that I could do in the evening, I would probably opt for something else. That is why many Members will not appear in the House in the Evening Sitting. However, there will be enough Members out of the 349 Members to transact business.

In this Evening Sitting, we are likely to debate the Referendum Bill, which is critical if we are to have a referendum. I want to plead with Members. The Minority Whip sent out a message to the Members to be here at 7.00 p.m. to discuss the Referendum Bill. I do not want to call this a sacrifice. However, we are taking responsibility as Members of Parliament who have been elected by our people to legislate and deliberate on issues that affect this country.

I want to urge the media to sometimes be kind to MPs. Many of us sacrifice a lot to sit and legislate for this country. Although that is our work, we are not motivated by financial gains. If that were the case, many of us would not be here or we would be making technical appearances. Many of us have been here since 2.30 p.m. No one has glued us on these seats. We are here to do business. That is what I wanted to say. The discussion we had on the Budget and Appropriations

Committee should not appear as though it is was a big issue. It was a discussion issue that, going forward, we will be consulting on in a much better way just as we have been consulting before.

Thank you. I second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Is it the desire of the House that I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

Hon. Speaker: Next Order.

CHANGES TO MEMBERSHIP OF COMMITTEES

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

THAT, further to the resolutions of the House of Tuesday, 5th December 2017 and Wednesday, 15th July 2020, appointing Members to various Committees, and pursuant to the provisions of Standing Order 173, this House further approves the appointment of the following Members to the respective Committees as specified hereunder—

(i) The Hon. John Waluke Koyi, MP to be appointed to the Public Accounts Committee;

(ii) The Hon. Feisal Abdallah Bader, MP to be appointed to the Committee on Implementation;

(iii) The Hon. (Ms.) Rehema Dida Jaldesa, MP to move from the Departmental Committee on Transport, Public Works and Housing to the Departmental Committee on Sports, Culture and Tourism;

(iv) The Hon. (Ms.) Janet Nangabo Wanyama, MP to move from the Departmental Committee on Labour and Social Welfare to the Departmental Committee on Transport, Public Works and Housing;

(v) The Hon. Nelson Koech, MP to move from the Departmental Committee on Sports, Culture and Tourism to the Departmental Committee on Labour and Social Welfare;

(vi) The Hon. Gideon Kimutai Koske, MP to move from the Public Accounts Committee to the Special Funds Accounts Committee; and,

(vii) The Hon. Abdi Koropu Tepo to move from the Special Funds Accounts Committee to the Committee on National Cohesion and Equal Opportunity.

As Members will be aware, Hon. Waluke and Hon. Feisal Abdallah have not had any committee. Hon. Feisal is the new Member for Msambweni. He came in as an Independent Candidate. Hon. Waluke did not get a committee when we were reconstituting committees. He has now been proposed to sit on the PAC. Hon. Nelson Koech did request to be shifted from the Committee where he was because he was serving with a close relative. He thought he would not want to make it a family affair, hence his request to be shifted.

Accommodating those three Members caused shifts elsewhere, because you need to know how to move people around, also based on other considerations and requests either from the Chairs or other Members to create space to accommodate those. That is how complex it gets.

There is also Hon. Tepo moving in to fill the space that was left by Hon. Sankok when he moved out of the Committee on National Cohesion and Equal Opportunity.

We have also received several requests from Members who feel they want to move. But my request would be that we first of all allow another one month or two for things to settle, look at the attendance registers and get some reports on the performance of Members before we have any discussion on any further changes that Members would want to see. There are Members who serve on only one committee and others who may belong to more than one. We need to rationalise membership of all committees, but without a rush. If we do it in a rush, we will end up in the same situation like we are in now. I would like to ask that Members do agree to this list. These changes mainly affect members of the Jubilee Coalition.

I beg to move and ask our Deputy Whip, Hon. Maoka Maore, to second.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I beg to second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Should I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

Hon. Speaker: The changes take effect immediately.

Next Order.

MOTION

APPROVAL OF SESSIONAL PAPER NO.1 OF 2020 ON KWS POLICY

Hon. Kareke Mbiuki (Maara, JP): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on Sessional Paper No.1 of 2020 on the Kenya Wildlife Service Policy laid on the Table of the House on Thursday, 3rd December 2020; and further approves Sessional Paper No.01 of 2020.

Sessional Paper No.01 of 2020 on Wildlife Policy, from the Department of Wildlife in the Ministry of Tourism and Wildlife was laid on the Table of the House by the Leader of the Majority Party on 28th July 2020, and therefore, is still committed to the Departmental Committee on Environment and Natural Resources.

The wildlife sector is currently being guided by post-independence policy Sessional Paper No.3 of 1975 entitled: "A Statement of the Future of Wildlife Management in Kenya." The policy set out a strategy for integrated wildlife conservation and management based on participation of both communities and the private sector. The main goal of the policy was to maximize returns from wildlife as a natural resource.

The Policy was validated by the National Assembly through enactment of the Wildlife (Conservation and Management) Act of 1976. Thereafter, the Act was amended in 1989 to create the Kenya Wildlife Service for the conservation and management, as well as the protection of all wildlife in Kenya. However, it is noted in the proposed policy that the 1975 Policy was not capable of addressing emerging challenges and realities in the sector, including, the effects of climate change, weak linkages between science and policy, rapid population growth, and rapid economic development. That has encroached on space for wildlife, increased human-wildlife conflict – which the Members of this House have been agitating on – as well as inadequate coordination of the sectorial policies relating to governance of environmental resources. This necessitated a review of the policy.

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

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

The rationale for the new policy is that Kenya prides itself as the second ranking country in Africa after South Africa in hosting diverse animal species. It is home to over 1,100 bird species and over 350 mammal species. It is also home to more than 7000 plant species of over 25,000 insect species and over 224 fresh water species.

The wildlife and its associated habitats and ecosystem are significant assets as well as a national heritage. The goal of the new policy, therefore, is to create an enabling environment for the conservation, sustainable management of wildlife for the current and future generations. The proposed wildlife policy aims at averting the fragmentation of natural habitats and sustaining the ecological processes underpinning the diversity of ecosystems.

The policy document contains six chapters. Chapter 1 elaborates on the origin of wildlife policy and practices in Kenya since 19th Century. Chapter 2 reviews the status of wildlife conservation in Kenya. Chapter 3 articulates the overall goal and objectives of the policy, including the guiding principles and applying the policy. Chapter 4 contains proposals on 14 thematic areas that define sustainable wildlife conservation and management. Chapter 5 contains legal and institutional arrangement necessary to bring about reforms in the wildlife sector. Chapter 6 contains proposals and prescription necessary for operationalization of this policy.

The following socio-economic changes and threats to wildlife calls for more effective conservation policies:

(i) Promulgation of the Constitution of Kenya, 2010 with approbation and imperatives for devolution; sustainable exploitation, utilisation, management and conservation of the environment and natural resources; and ensuring sharing of accrued benefits, bio-diversity as assumed globally and nationally in its role in sustaining livelihood. Wildlife has become a strategic national asset as its economic use has expanded in terms of nature and based on tourism.

(ii) Pressure on wildlife has been rising rapidly due to encroaching human population and rapid economic challenges as well as intensified resource use.

(iii) Escalating new threats such as sophisticated poaching, climate change and its impacts among others.

(iv) Increased human-wildlife conflict; and,

(v) Inadequate research, innovation and technological capacity.

Hon. Temporary Deputy Speaker, the key features of the Wildlife Policy 2020 include:

(i) Provision for the establishment of protected areas as the principle strategy for conserving and managing wildlife and strongly advocate for integrated management.

(ii) Proposal for intervention to avert fragmentation of natural habitats and sustaining the ecological process underpinning the diversity of the ecosystem.

(iii) Proposal for mitigating human-wildlife conflict and enhancing coexistence between wildlife and human beings.

(iv) Proposal on means and reasons for mobilising support and developing partnership between national and county governments, Government agencies, community and private ranch owners with jurisdiction of land holding significant population of wildlife.

(v) Re-affirmation on the right of the people to access and benefit equitably from the wildlife resource as provided for under the Constitution of Kenya.

(vi) Provision for voluntary wildlife conservations interventions, including incentives for wildlife conservation and management in private and community land outside the Government protected areas.

(vii) Proposal on measures and means of increasing access and sustainable use of wildlife resource while ensuring equitable sharing of benefits.

(viii) Proposal to expand the scope of wildlife-based enterprises for land owners, including by prospecting.

(ix) Introduction of new definitions of terms and phrases to capture new development and emerging issues especially in regard to the Constitution and international best practices.

(x) Provision for re-organization of the human sector to streamline operations and clarify the laws and responsibilities of the various sectors including separating the powers and responsibilities between the Ministry and the Kenya Wildlife Service.

(xi) Emphasis will be placed on conserving wildlife not only within the Government protected areas but also outside private and community conservatives by adapting the new concept of sustainable participatory wildlife conservation.

Hon. Temporary Deputy Speaker, the Departmental Committee on Environment and Natural resources held various sittings on 25th September 2020 and 21st and 24th October 2020 to consider Sessional Paper No.1 of 2020 on the Human-Wildlife Policy.

The Committee observed that the Sector needed a new policy document to address the new challenges and dynamics in the sector and therefore, unanimously resolved to support Sessional Paper No.1 of 2020 on the Kenya Wildlife Service Policy. I, therefore, urge this House to adopt this Report on the Human-Wildlife Policy.

It is also good to be conscious that this House has been seized with this issue of human-wildlife conflict. Hon. Temporary Deputy Speaker, I do remember Kibwezi East where you represent, we have received several petitions. Also, across the country including Tsavo because of the current human-wildlife conflict. We strongly believe this Sessional Paper and the policies therein; will adequately address the issues human-wildlife conflict that have affected issues conservation.

Therefore, I take this opportunity to express my gratitude to the Committee Members for their resilience and devotion to duty which made the consideration of the policy successful. I would also like to appreciate the Offices of the Speaker and the Clerk of the National Assembly for always providing guidance and direction to the Committees in the discharge of their mandate.

I also appreciate the Ministry of Tourism and Wildlife for their engagement with the Committee and other stakeholders during the consideration of the Sessional Paper. Finally, I

commend the Secretariat for their exemplary performance in providing technical and logistical support to the Committee.

I beg to move and call upon Hon. Francis Chachu to second. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Chachu for seconding.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker. I rise to second the Motion that this House adopts the Report of the Departmental Committee on Environment and Natural Resources on Session Paper No.1 of 2020 on Wildlife Policy.

Wildlife resources are valuable national endowments that must be managed sustainably for current and future generations. Wildlife is bedrock to Kenya's tourism industry. Wildlife related tourism sector contributes over 10 per cent to our Gross Domestic Product (GDP). In addition, the sector contributes over 18 per cent to the foreign exchange earnings of this Republic.

The wildlife sector is currently governed by 1975 Wildlife Policy. The 45 years old Wildlife Policy however well-intentioned it may be, is not able to deal with current challenges facing the wildlife sector in our country. There are many emerging challenges that this sector faces. Among them is habitat conversion, poaching of wildlife, population growth to this is the issue of competing land uses and infrastructure development in our national parks and sanctuaries.

The intention of Sessional Paper No.1 of 2020 on Wildlife Policy is the end result of wildlife policy reform process which has been ongoing since 2010. The Wildlife Policy Reform intends to align the sector to reforms in our current Constitution 2010. The new Policy will enable the nation to address the current challenges facing wildlife by addressing conservation.

The new Policy addresses several challenges facing the sector at the moment. This includes among others; management of national parks, reserves and sanctuary, management of wildlife on private lands and community lands, the issues of wildlife security, interventions related to human-wildlife conflict, issues of bio-prospecting, access to genetic resources, management of our endangered wildlife species like rhinos and many other species. In addition, the whole issue of research and monitoring of wildlife in this country.

I urge the House to adopt and approve Session Paper No.1 of 2020 on Wildlife Policy. Once this House approves this Policy, it will enable the Government through this House to initiate legislative processes. This will amend the Wildlife Act which is in place. Also, it will enable us to address the challenges highlighted in this Sessional Paper.

Kenya has always been a leader in wildlife conservation. It is really important that we support this Sessional Paper because what we had governing our wildlife management in this country is what we had since 1975. It is 45 years old, archaic, not relevant to the current challenges facing wildlife conservation and not in line with our current constitution. It is for this reason that it is so critical for us to adopt this Session Paper to be the new Wildlife Policy. It will enable us to be a leader as we have always been in management of our wildlife resources in this Republic.

Hon. Temporary Deputy Speaker, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The first one on my request list is the Member for Makueni, Hon. Maanzo Kitonga.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for an opportunity to contribute to a very important policy. I rise to support it and congratulate the Committee and the Ministry for Tourism and Wildlife for a job well done.

Policy is very important in every department. I wish we could have more of this. I am aware the Department of Cooperatives also has represented their policy to Parliament. This is because without policy you cannot make or amend laws. The moment you have policy or *mwongozo* in Swahili, it streamlines the activities of that department. When we amend the laws, we tie to that policy. This is achieved after a very thorough investigation and consultation as to what should be happening in that department.

We are aware that the Ministry of Tourism and Wildlife especially when it comes to wildlife there are a lot of issues pending in the country. They also occupy a lot of land and there must be a way of demarcating the borders to avoid wildlife conflict with the people. This morning we learnt from Hon. Sawa who was presenting something on a certain crop from the Coast which in Swahili has a better name *Mrangi*. This is what *wananchi* in Kenya understand. When this plant is planted around farms, it turns away elephants when they smell it and do not invade those farms.

One of the biggest human-wildlife conflicts has been with elephants. This has been witnessed in Taita Taveta, Makueni, Kitui, Meru and many other counties in the country. This has not been resolved. I believe through this Policy we will come up with a system and budget to ensure conservation areas are well secured and fenced. Also, ensure animals do not kill people every other day. You know a life is very precious. The question is; who is more important, the animal or human being. We have to have a balance so as to ensure the animals and human beings are safe.

One of my disappointments in all these matters of wildlife – and I am sure the Chair and Members will assist me on this – is the issue of snakebites. A snake has now been removed from the schedule and in the lower eastern areas among other areas, at least every year we lose about 450 people. So, in this policy if we had a system or if we could consider bringing back the snake as one of the animals one could be compensated for in the schedule, it will be better so that the wildlife team comes up with a better way of securing snakes for the right purposes so that also snakes do not kill people. Snakebites are very dangerous especially from certain species of snakes. I have learnt from doctors and scientists that nowadays they are even unable to treat snakebites because snakes have crossbred and snakes which never used to be there are coming up. We even do not have anti-venom for their poison. So, with this particular problem together with other problems surrounding this, we really need to come up with solutions because you can see that is nature and things have changed.

So, I am going to work with the Chairman and his team so that we can serve our people better. Removing snakes one of the compensation animals was really unfair to many Kenyans and a lot of families have suffered. Last week I helped a young child of six years only who got a very dangerous snakebite. Doctors were on strike and actually there were two other incidents of school-going children dying. It is painful when we lose a person out of snakebites and there is no compensation. We need to have a better way of managing it and coming with medication to make sure this human-wildlife conflict does not affect people further and we give solutions as a House. I really thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): As a Speaker, I have no vote on this but I am sure before the end of the debate, I may be sitting as a representative of the people of Kibwezi. We have two-and-a-half hours. For sure the Chairman did protect me very well that I have brought a lot of petitions. Next is the Member for Endebess, Hon. Pukose Robert.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I just wanted to begin from where my colleague, Hon. Maanzo left. Saying the snakes have bred is kind of misleading. What happens is that there are various types of snakebites. You have neurotoxic which once it bites you, it affects the nervous system and death is within a very short time. Then you have other cyto-toxic, haematogenous and the rest.

Despite that, I agree with you on the issue of snakes being included in the schedule. When I used to practice medicine, I used to sign P3 forms for people who have had snakebites and they used to be compensated by the KWS. I think it is upon this House to rectify that mistake and make sure that that is corrected. This is because snakes are part of the wildlife. For example when you go to Kitale Showground, we have a snake park. Even internationally, there are snake parks. I think it is important that that is taken care of.

Looking at this policy of 2020, I think we have either slept on the job for a long time or our predecessors. This is because having a policy that has been in place since 1975 has actually brought a lot of challenges. I remember in the 11th Parliament, we passed the Wildlife Conservation Bill that is now effective. Normally, the policy comes before the Act. The policy should have been in place early enough to make sure those things are done the correct way. This is because when you look at now...

(Hon. George Sunkuyia crossed the Floor)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Order! Order! The Member consulting or speaking to Hon. Millie Odhiambo, order! Can you first freeze and then do the necessary?

Hon. (Dr.) Robert Pukose (Endebess, JP): That is the Member for Kajiado West.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I did not want to mention that because we are just three days after we resumed. Member for Kajiado West, you have no powers of the Speaker. Thank you.

Hon. (Dr.) Robert Pukose (Endebess, JP): I thank you, Hon. Temporary Deputy Speaker and sorry for that interruption. I was saying the policy should come before the Act and when we pass the Bill, it is very unfortunate that even those issues which were addressing the Act have not been taken care of by the ministry because human-wildlife conflict is the biggest issue that needs to be addressed. I remember there was a special committee that was formed headed by the former IG that moved around and was seeking opinions of the public and members on how to improve on this policy. When they came to hear from Members who come from areas of wildlife... I represent a constituency where we have Mount Elgon National Park and issues pertaining to Mount Elgon Park include human-wildlife conflict where we have the elephants destroying the crops of my constituents. When it comes to compensation, people go through a very tedious process in order to get the agricultural officer to come and document and all that.

Hon. Temporary Deputy Speaker, the honourable Member for Kajiado West interrupted and wasted my time. So, I want to be added at least a minute or two.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are already also wasting your time.

Hon. (Dr.) Robert Pukose (Endebess, JP): I was just requesting, Hon. Temporary Deputy Speaker. In the Mount Elgon National Park, we have actually had cases of our animals, the elephants, destroying crops. We have had cases of warthogs eating crops. We have even had cases of humans being killed by wildlife and when it comes to compensation, it is a very tedious process.

People are suffering and nothing is happening. We hope that this policy should be able to address that and I have seen...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Tharaka Constituency, Hon. Murugara Gitonga.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. Let me make my contribution to this particular policy paper bearing in mind that this is not the first one and I am 100 per cent sure it is not going to be the last one. Going back into history a little bit, we had all papers right from the time of the colonial government including the Devonshire White Paper of 1923 and its policy was that Kenya was a black man's country and the interests of the black man were supreme. I can confirm that in fact nothing came out of that. From there after Independence we had the Sessional Paper No. 1 of 1966 which was on African socialism. Nothing came out of that apart from creating 10 millionaires and 10 million paupers. Even after that in the next regime we had what used to be called the District Focus for Rural Development, another paper similar to this. Everyone's guess as to what came out of that is as good as mine. The only one that we saw which possibly had some results was the Vision 2030, another policy paper which for 10 years Hon. Mwai Kibaki was in power, actually we saw fruits towards realisation of that paper, but I cannot confirm how far we have gone in that because we are nine years to 2030.

This is a good policy paper and if it is implemented by the Government, we are likely to turn around what we see in our tourism sector. Tourism is next after agriculture in terms of production to our economy. Therefore, it is vitally important that we actually emphasise and put a lot of thought on paper as regards how we can improve tourism. Wildlife is part of tourism. In fact, it is the bigger part of the tourism sector that brings tourists to this country. Therefore, we must at all times endeavour to ensure that our natural heritage, which is wildlife, is protected. We do this by having our national parks and game reserves, but the question we keep asking every day is who benefits the most from national parks and game reserves? How much do we get from these areas which are located in our various counties and how much goes to the national Government? This is what this policy paper should be addressing. Meru National Park is a national park which is bordering my constituency Tharaka. I can confess in this House, that we get almost no benefit by the virtue of having that national park bordering our constituency.

The only thing we get is human-wildlife conflict where wild animals are out there terrorizing us, destroying our crops and we receive no compensation from the Government in that regard. That said and done, it is important to implement this policy to the latter. If we do so, what we have in mind is that we will have a robust tourism sector grounded on wildlife because this policy paper is on wildlife. We will be able to turn around tourism in our country which today as we speak, is nowhere in competition with South Africa, they are miles ahead of us. Tanzania which is our neighbour here, has also overtaken us as a result of which we are now trailing and we are seeing diminishing numbers of tourists coming into the country. This is a paper that can turn around this. This is a policy which if implemented and does not become a dead letter policy paper, can actually bring a lot of benefits to the country.

Those are my comments on it and the House will take a decision as to whether to adopt this policy paper or not

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Do you support?

Hon. George Gitonga (Tharaka, DP): I leave it to the House to decide.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You have debated. Hon. Member for Kajiado South.

Hon. Katoo ole Metito (Kajiado South, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to speak to this very important policy. I speak in support of it. I really have a lot to say on wildlife issues. I can actually talk for two days on wildlife issues without referring to any document, because I was born and raised in areas where wildlife lived or in communities that live with wildlife. That is the case with you, Hon. Deputy Speaker because you and I border a park; the Kyulu National Park. I boarder Tsavo West National Park and the whole of Amboseli National Park is in my constituency. So, I really do not think five or ten minutes are enough for me to talk about the issues of wildlife.

Let me just say this. In formulating this policy, if you look at the document itself, what we call the rationale for a new wildlife policy, when you go to number 1.23, amongst so many I want to pick on two, b and c. Subsection b talks of the rationale of conservation and management of wildlife in national parks, national reserves and national sanctuaries. Sub-section C, which are very important talks about conservation and management of wildlife on private and community land. That is very key. They must have consulted when they were making this policy, I have not seen much because they said, in 1.3, the process of formulating the policy are only two; one, extensive literature review. That is getting the best practices in the books and part c is the analysis and documentation of best practices. I have not seen much consultation on people who live with wildlife especially on conservation and management of wildlife on private and community lands. These are the people who should be consulted most, because if you read through the policy they acknowledge that 70 per cent or more of the wildlife live outside the protected areas. It means, therefore, that they live on people's private and community land.

What are the issues that need to be addressed? One is proper implementation of the law. I thank the committee led by my good friend, Hon. Kareke Mbiuki because they have noted that they have not been implementing of the current law. That goes to compensation in the current law, we passed in this House that there should be compensation of loss of wildlife, loss of crops, damage of both of them, livestock and crops and also loss of human lives. But is has not been done. I know the pending bills on these issues of compensation all over the country at the KWS headquarters or in the relevant Ministry is over Kshs 6 billion. If we keep making good policies and we fail to implement them and that is a problem.

Two, they have noted that some of the reason is in 2.23. They talk of inadequate incentives. Meaning the people who live with wildlife does not get adequate incentives for them to continue living with wild animals. There should be exemption of some taxation to businesses that are conservation related like the lodges, hotels in those areas that people are living with wild life.

They should also incorporate the community living with wildlife in the management, conservation and decision making by even appointing those people in boards that deal with wildlife and in the recruitment of rangers just to man wildlife and sharing of resources even in those parks. Now in the counties, a certain percentage of that revenue should go back to those counties; grazing and watering of livestock during dry season in those parks should be allowed. But there are bad practices

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I will allow you one minute.

Hon. Katoo ole Metito (Kajiado South, JP): Thank you, Hon. Temporary Deputy Speaker. I am winding up. Why should Kenya Wildlife Service or even the Ministry concerned fence these parks? The way they are fencing the Kyulu National Park, Tsavo National Park and other national parks is such that the wildlife are actually not inside the parks. They are actually outside. They prohibit livestock to get water and pasture in those parks but the wildlife comes out of the park. It

is a bad practice. They should come up with policies that benefit the communities that are bordering there. They should build schools for those communities. They should dig boreholes and do dams and they should also sponsor children in education and include them when they are employing. I hope that once we get the Bill, these issues will be taken care of.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. I can see the passion that you have Hon. Metito, to the point that you would address me as Mr. Speaker. Let us now have the Member for Mogotio, Hon. Tuitoek Kamuren.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to say I welcome the Kenya Wildlife Policy 2020. First of all, perusing through the policy, I have realized that it is really good. The committee has actually looked at many areas which need to be streamlined. I know Kenya Wildlife Service and our tourism are almost intertwined. We know that most of the parks we have in Kenya are a great attraction to both visitors and us Kenyans.

However, there are issues which are associated with this particular problem. We have the human wildlife conflict and I know in the policy they have tried to address mitigation measures. Those of us who come from Mogotio areas know that it is not really an area for wildlife as such, but it is almost like a corridor. We are experiencing a lot of elephant's invasions from Laikipia area as they cross towards Mau forests. Most of these elephants cause a lot of obstruction. This particular year, my constituents have suffered a lot. We lost a lot of crops in certain areas due to several times invasion from the elephants.

I would like to say there are other types of wildlife like the flamingos. The best site to watch flamingos is Lake Bogoria which is right in Mogotio. It is a good site to watch and it is a wonder to behold.

This particular policy is addressing many areas like fragmentation of natural habitats and sustaining the eco-system of wildlife among other things. One area which they need to address also is employing youths who are closer to the wildlife conservation areas. In Mogotio, elephants cause a lot of destruction. The people who could help us are the youth but most of them have not been given the opportunity. This year, I would like to commend the Kenya Wildlife Service (KWS) because of employing at least two youths in every ward in my constituency. I commend them for that good job. I would like them to continue expanding employment of the youth in this sector of the economy.

Hon. Temporary Deputy Speaker, listening to the Member for Loitokitok, I agree with him that consultation was not extensive. Having just a literature review and also contacting best practices may not be adequate.

(Hon. Members consulted loudly)

Hon. Temporary Deputy Speaker, save us from consultations here. They are a bit loud.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Hon. Members. I must listen to the contribution by the Member for Mogotio. So, Members who are stepping out of the Chamber, please do so in a manner that depicts some decorum.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker, for saving me.

I commend the Committee for a good job. The issue of compensation is also key. We have had this issue of snake bites, which I am told the Ministry downgraded by offering no

compensation. I hope in your report, Hon. Chairman of the Departmental Committee on Environment and Natural Resources, you will look into the issue of compensation. The laborious way of claiming compensation should be looked into to make it simpler so that when people suffer from snake bites, they can be compensated and if their crops are destroyed, they are also compensated. We would also like Corporate Social Responsibility (CSR) activities to assist the communities around the parks. They too need to benefit, not only the tourists.

(Hon. Members consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Please do not listen to the Members. Make your contribution.

Hon. Daniel Tuitoek (Mogotio, JP): I support this particular policy.
I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet Nuh, is it a new session so that you are greeting the Member for... He already did it. He is the latest married Member of Parliament as far as I am concerned and going by my records.

Hon. Members, please let us have some decorum in the House. Let us consult in low tones because we must listen to the contributions of Members. I am sure the Chairman is also taking note of the contribution.

Let me have Hon. David ole Sankok, Member 001. That is the Member on my request list.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to inject my voice on this very important Sessional Paper No. 1 of 2020 on Kenya Wildlife Service Policy. First of all, I would like to thank the Chairperson for bringing such a very important policy.

We have to think about communities that have coexisted with wildlife for a long time and what their benefit and role is when coming up with such Sessional Papers. They understand these animals. They have lived with this wildlife. They understand them better. From what I have heard, there was no adequate consultation. I would like the Chairperson to do further public participation and include all the stakeholders in the wildlife sector.

Many people have been maimed by wildlife hence joining my club of persons living with disabilities. Some of them are now competing for the few resources and opportunities that were only there for us. Communities like the Maasai have paid the ultimate price for the world to enjoy wildlife. Some of this wildlife would have been extinct if it were not because of our protection and the price we have paid.

The price we have paid includes land. Our land acreage was reduced so that Maasai Mara National Park, Amboseli National Park and Tsavo East and West National Parks can have the massive land they sit on. Individually, we would have more acreage in terms of land but now we had to pay the price in terms of land. We have paid the price in terms of our lives and blood. There are so many families that have orphans, widows and widowers because of human-wildlife conflict. We have also paid economically because 70 per cent of the wildlife is not in their protected areas. They are within our farms. They have destroyed our crops and livestock. If you go to any *boma* of the Maasai, you will find that they have a calf being given *uji* because the cow was eaten by lions. You will find cows that have been milked without calves because they were eaten by hyenas. We have paid economically for the world to enjoy wildlife.

Sometimes, it is funny when the Government recruits Kenya Wildlife Service Rangers. They do not take into account the communities that have been suffering and harbouring this

wildlife because they have protected this wildlife from extinction. We have co-existed with the wild animals. We understand them better. They appoint somebody who reads books about animals and does not really understand them as the Director of KWS. Some of us know the benefits of a lion.

I wonder why revenue from Amboseli Game Reserve goes to the national Government. For what? The Maasai Mara Game Reserve is manned and managed by the Narok County Government. It is the Eighth Wonder of the world because it is managed by those who better understand the issues of wildlife. Amboseli and Tsavo have never been ranked anywhere because they are managed by office characters that move from one area to another taking baths five times a day, wearing high heels and loitering here in Nairobi. They do not understand those animals. That is why we are saying Amboseli and Tsavo should be given to the counties they belong to so that they manage them.

I support the Motion.

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

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I have so much passion in this particular subject. As suggested by somebody else, we should have more time to discuss this policy, particularly the Members of Parliament who represent the areas where there is human and wildlife conservation. Chair of the Departmental Committee on Environment and Natural Resources, we need to enrich this Sessional Paper. Because of the human-wildlife conflict, we have a lot of problems.

As you know, tourism is our major foreign exchange earner. It is almost dead today. Tourists do not come. If they are there, they come in to....

(Hon. Members consulted loudly)

Can you protect us from the argument out there?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): They are consulting. You are protected, Hon. Member. Please carry on.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, the conflict between the human settlement and wildlife is our biggest problem. I come from Trans Nzoia County. We had a very special white rhino which is not there today. The elephants in Mt. Elgon are all gone. This is because of the conflict between human and the wildlife.

Therefore, for us to move, we need to give incentives to the people around the game reserves and parks, and protect them. I was in Tsavo National Park. People are complaining because they do not get anything out of it. All they get out of it is the conflict between human and wildlife. People are eaten up by wildlife or their farms are invaded. There are no more agricultural activities in those areas. We need to be more serious on this particular issue, so that we can bring back tourism which was the major foreign exchange earner. We need to resolve the conflict between the wildlife and human settlement.

I agree that there are so many challenges. They keep on increasing like snake bites. We have museums with snakes but they are no longer there. Nobody wants to come to our country because there is nothing to see. We were ahead of South Africa which is ahead of us today because we are not very serious.

An Hon. Member: It is not.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): *Mheshimiwa* has said that South Africa is not ahead of us. I can tell you that it surpassed us in tourism. We were number one in the region but we are not now. I want us to be more serious and ask the Committee to have a *Kamukunji* to get some information to enrich this particular policy for the prosperity of this country.

Lastly, but not least, we should have a committee to follow-up some of the things that we will pass here, so that we can revive tourism in this country. I have a lot of passion for this policy. It has come at the right time. Therefore, I challenge the Chairman to be more proactive; move faster and enrich this Sessional Paper by calling some of us who have a passion in wildlife, particularly the older generation. The young ones may not do it. They write these things without information. I am sure that Members of Parliament have some information to give you to enrich this particular policy.

I support the Sessional Paper.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the Member who represents the people of Kipipiri, Hon. Kimunya Muhinga, who is also the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Sessional Paper. I wish to recognise the work that has been done by the Committee. It is something that they have been working on since the Sessional Paper was tabled here sometimes mid last year. They had a series of meetings. I have seen from the minutes and deliberations that they had. They listened to experts and people who appeared before them. I believe the Committee called for public participation and for Members to go and give views. It is not unusual that it is at the completion of a task that we remember we were supposed to give our views earlier. We saw this in the Building Bridges Initiative (BBI). After two years of seeking views, at the tail end everyone then wants to be enjoined in a discussion to make the document better.

Therefore, the Chairperson of the Departmental Committee on Environment and Natural Resources, do not be discouraged. The quest for more participation is not indicative that you had not done your job. Looking at the document, it is in fact a build-up from the earlier Sessional Paper of 1975. We are not starting at zero. I remember following the 2012 proposals which were passed in 2013 because of many issues on human-wildlife conflict that had come up, an Act of Parliament was passed in 2013. But again, this was premised on the policy framework that was colonial and historical in 1975 trying to bring it in line with the new Constitution and the new challenges.

The good thing is we now have an updated policy. I have gone through it and it is very systematically done. I know that Hon. Sankok mentioned that perhaps not everyone was involved. When I look at it, it kind of details – apart from the literature review which is standard and the expert input that is expected of this kind of proposal - a series of workshops and validation workshops which involved all the people, the players within the sector. Perhaps not everyone would have gone in there or known that there was something happening, that is not unusual, but I believe that the experts and those who attended, including some of the conservancies which face these issues, represented their views.

Looking at the document, I find very little that one can then change in terms of the issues but we must also remember that tourism is one of our key sectors that we identified in our Vision 2030. Granted that it has been affected by COVID-19 not only in Kenya but also globally, we would have wished to see more numbers and more tourists coming. The other day we were in Amboseli National Park as part of parliamentary work and we were encouraged to see the level of conservation going on there and even the domestic interest in terms of people visiting.

The more we do that even at the local level, the more it will help boost our tourism. Even tourists coming from outside will need to see what it is that the locals are going to see, and get enticed. But when we do not even visit the parks ourselves, how would you then encourage people from outside to come and see the animals when you cannot even explain to them the kind of animals we have; the difference between a buffalo and an elephant? That is the kind of thing we encourage and this policy kind of captures some of those things.

So, I want to thank the Committee and the Ministry for at least coming up with a policy and hope that we will now be looking at an upgrade on the 2013 Act. This is to see whether the challenges between 2013 and now need to be incorporated within an updated Act.

Hon. Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Funyula, Hon. (Dr.) Oundo Ojiambo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to second Sessional Paper No. 1 of 2020 on Kenya Wildlife Service Policy. Generally, a policy statement or document is a generality that gives guidance and basic expectations. It thoroughly analyses the sector and comes up with interventions or remedial measures. I have had the opportunity to peruse through the policy and I must commend the drafters of the policy. They did a commendable job. Many are times you look at some policy documents and you just get fed up after reading the first two pages.

Hon. Temporary Deputy Speaker, it is important for us as a country to understand and appreciate the importance that wildlife plays in our lives. The policy clearly says that Kenya is the second most diverse in terms of wildlife in Africa. Probably if we add the world, Kenya would rank very well. It is therefore important that this policy is given the attention it deserves and its implementation is escalated as soon as possible.

Hon. Temporary Deputy Speaker, ordinarily, a policy should precede legislation on administrative and institutional infrastructure. We are aware that there is the Wildlife Conservation and Management Act, No.47 of 2013. We believe that out of the many recommendations that have been made, the central one should be a review of Act No.47 of 2013 to align it with this policy and take into account the very many changes that have happened and the changing socio-economic environment so that we are in a position to ensure that the policy and the Act talk about the same thing.

Hon. Temporary Deputy Speaker, as we talk about this policy it is important that it is read together with the National Wetlands Conservation and Management Policy because many times wetlands are the saviours of wildlife. As we look at various wetlands, as we look at various forests all over the country, we must look at them together with this new policy.

Wildlife presents our national heritage. We have no choice at all but to protect and conserve it. Wildlife attracts tourists, both local and foreign. As we are aware, for many years, tourism has been the highest foreign exchange earner for Kenya. Of course, the contribution of tourism to the GDP has been falling over the years because of very many other issues all of us are aware of: insecurity, geopolitics and bad politics within our country. I hope this policy will manage to stem the negative trend and ensure that we see the best out of wildlife, our heritage and our source of revenue.

Hon. Temporary Deputy Speaker, allow me to join my colleagues on the issue of human-wildlife conflict. It is caused by changes in lifestyle, changes in farming practices, by natural resource degradation and many other things. The ultimate end is that the human person and communities suffer a lot. The communities who have the natural duty to protect wildlife suffer a

lot. Therefore, I join my colleagues in stating that one of the issues we did not look at is how to prevent human-wildlife conflict and if it happens, how to compensate and reconstitute what has been lost both to wildlife and to the human beings. We know budget constraints make it tactically unsustainable to compensate everybody but I believe there can be a robust way of achieving compensation however tokenism it is to those who suffer as a result of wildlife.

With those few remarks, I support the approval of the Sessional Paper No.1 of 2020

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the Member for Suba North, Hon. Millie Odhiambo-Mabona.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity. I rise to support and in supporting, I have a lot to say but because I know we do not have much time, I will try to compress my points.

First, I acknowledge that this policy looks at both land-based and aquatic wildlife resources. Unfortunately, it gives too much emphasis to land resources. I know there is mention of marine and aquatic resources but there is much more emphasis on land wildlife resources.

I am also happy that it acknowledges plant genetic resources as wildlife, and even includes the 7004 plants. That is the number of plants we have in Kenya with 260 being endemic. I am also happy that we have mentioned the issue of bio-prospecting. I would like to encourage that we need to come up with a stronger law on protection of indigenous plants and knowledge of beneficial properties of genetic resources. The laws that we have right now are not very strong.

I am happy that it also acknowledges climate change. However, the language is not very strong on climate change. For instance, if you look at my constituency and even Baringo County, the rising water levels have especially affected aquatic life. You can be at your home and you find a hippopotamus herding with your cows. There is a lot of human-wildlife conflict. Many people in my constituency are being killed by hippopotamus every other day. We are seeing a phenomenon that we have never seen before. Unless you encroach their habitat, they would not attack you. Now they are attacking fishermen going on with their ordinary businesses.

Again, the other challenge, even though it acknowledges compensation, they should have emphasised on the timeliness of the compensation because you may be attacked and get compensated 10 years later, yet some people have lost their livelihood, if you were their father.

There is also something strange that is happening where we are having dead fish floating on the lake. There are very many different versions of the cause of death that are being said. Part of it could be climate change. That is why I am saying that there should have been a stronger emphasis on that and also on human-wildlife conflict.

The other issue is also because we have the Lambwe Valley that also has a park. We also have a lot of land-based human-wildlife conflict. We must also change the law so that even the attacks by monkeys should also be catered for. I know the Government says that because they are very common, they should not be catered for. However, it is transferred to you as the Member of Parliament because you are the one who must assist those people.

The other issue is about human activities which include Government action. From where I sit, I have just got pictures of a very big ship that appears to be harvesting sand in Takawiri Island. I am told that it is part of dredging that is supposed to allow for the passage of a ship from Kisumu Port to Tanzania. However, even when they are removing the sand, we do not know whether there is an environmental impact assessment or public participation that has been done, and also how it will affect the aquatic life and the wildlife. That has not been done.

There are many multiple issues that need to be looked at including what has been mentioned on the disease in Lambwe Valley. We have people struggling with the issue of tsetse flies. Enough money has not been put in that regard.

There is also the issue of new areas that need to be protected. We have islands that are not protected such as Mbasia and Muholo that have over 500 bird species that the Government has not protected. These islands can draw in many tourists and infrastructure in areas like my constituency.

I had a lot to say, but because I do not have the time, I want to conclude by saying that the other thing that I find lacking in this Sessional Paper is gender mainstreaming. For instance, how some of these things are going to affect the livelihoods of women who will be stopped from using charcoal and other sources of fire that they use. So, we should have put in that as well on how young people would benefit from this. The policy is a bit weak on some of those issues.

Otherwise, we can address them through legislation. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Member for Isiolo North, Hon. Hulufu Oda.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to also contribute to this debate on Sessional Paper No. 1 of 2020 on the Kenya Wildlife Service Policy. I support the adoption of the Report by the Departmental Committee on Environment and Natural Resources, and also by extension, I support the adoption of this Sessional Paper.

I also happen to come from a county which contributes a lot to protection and conservation of wildlife. As earlier speakers have said, 70 per cent of our life is found outside protected areas. We host these animals at a very high cost. If you look at the number of Kenyans who are seeking compensation from the KWS for deaths, predation, injuries and crop destructions, my county is among the top claimants but unfortunately because of poor financing of the wildlife sector, our Government and the Ministry of Tourism and Wildlife are in arrears. I cannot say this policy is timely. Actually, it ought to have come much earlier. I am surprised that as a country we have been guided by a policy paper developed in 1975. It is also unfortunate that in 2003 we came up with a legislation without having a policy to guide formulation and legislation of that Act.

Therefore, this policy paper has benefited from wide consultation by the ministry and the State Department of Livestock across the country, which is aimed at addressing shortcomings or limitations of that old policy paper of 1975. There are challenges which the sector is facing. Human-wildlife conflict has become more rampant because the human population has increased and there is continuous change of wildlife which interferes with ecosystems. Of course our wildlife, both plants and animals, are found in diverse ecosystems, on dry lands, on savannahs, in the forests, rivers, lakes and so on and so forth. All these ecosystems have been interfered with. Therefore, if you interfere with the natural ecosystem or the natural habitats of these animals, they are bound to fight back and that is the reason we are having human-wildlife conflicts. To a large extent, what has been outlined in this policy paper will help us as a country to address the issue of land use and by extension the issue of human-wildlife conflict.

There are other issues which are of very high concern to us particularly in the Arid and Semi-Arid Lands, the issue of piracy of our genetic resources. A lot of our plants and animal genetic resources are stolen and we do not have a strong law. Some of these things are done by international syndicates and they are sometimes sneaked outside the country without the communities which have invested heavily in protecting and preserving these resources getting any benefit. This policy has outlined bio-prospecting and utilisation of genetic resources as one of the

key areas. It has also suggested strategies to ensure that all the stakeholders who contribute towards conservation of our genome are rewarded fairly and adequately.

One of the biggest challenges that the sector has is poor funding. Of course, we all know that tourism is a leading foreign exchange earner for this country but if we look at the amount of money allocated to this sector, it is not commensurate with the contribution of the sector to our economy. The policy also addresses that and it has also suggested other innovative ways of raising finances for protection and conservation of wildlife. Issues like carbon trading, paying for the ecosystem and so on and so forth. I am sure with all these strategies we will be able to have a situation where those who seek compensation as a result of death, injuries and destruction of crops will have their compensation being paid in time.

Therefore, I support. Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Taita/Taveta County, Hon. Mizighi Mnene.

Hon. (Ms.) Haika Mizighi (Taita Taveta CWR, JP): Asante Bi. Naibu Spika wa Muda, kwa kunipatia hii fursa hata mimi nichangie.

Nataka kuanza kwa kupongeza Kamati husika kwa kuleta huu muongozo. Natangulia kwa kusema huu ni muongozo ambao tuliuhitaji kama jana kwa sababu eneo kubwa la kaunti ambayo mimi nawakilisha, Kaunti ya Taita/Taveta, limechukuliwa na mbuga ya Tsavo. Asilimia 62 ya kaunti yetu ni mbuga ya Tsavo. Kwa hivyo, sisi kama wakaazi wa Taita/Taveta tunaiona mbuga hiyo kuwa laana na sio baraka. Sababu ambayo tunaona mbuga hiyo kuwa laana na sio baraka ni kwa sababu wanyama kutoka Mbuga ya Tsavo wametuathiri sana.

Watu wengi wameuawa na wanyama. Mashamba na mimea pia imeharibiwa. Tumekuwa tukilalamika miaka nenda, miaka rudi, lakini hatujawahi pata suluhu au watu wetu kulipwa kutokana na matukio hayo.

Hivi majuzi, mvua ilinyesha na watu wengi walilima lakini cha kushangaza ni kuwa hakuna mavuno kwa sababu ndovu walivamia na kuharibu. Mwongozo huu unanipa matumaini kuwa tunaweza kupata mwelekeo na mwafaka mzuri kusaidiana.

Hivi majuzi kulikuwa na zoezi la kuajiri vijana kazi kwa mbuga za wanyama. Kama Kaunti ya Taita Taveta, tulitarajia kuona vijana wetu wengi wakiajiriwa kwa sababu tunaathirika sana na hii mbuga, lakini cha kushangaza ni kuwa vijana wachache tu ndio waliochukuliwa. Jambo hilo halikutufurahisha kamwe.

Mambo mengi yanaweza kufanyika kuleta uhusiano mwema ili kama kaunti tuache tu kuona mbuga kama ya kutudhuru. Shirika la KWS linaweza kuwasaidia wakaazi wa kaunti ambazo ziko karibu na mbuga za wanyama kwa kujenga shule na kuwapa maji ili kuweka uhusiano bora. Nimeupitia mwongozo huu na ninafurahi kuwa utatusaidia kwa kiwango fulani. Ijapokuwa sio kamili, ni bora.

Ninaunga mkono uanze kutumika ili watu wapate afueni.

Asante, Mheshimiwa Naibu Spika wa Muda kwa fursa hii.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Member for Kilifi North and Hon. Shadrack Mose. I think they are consulting in our consultation room. Let us have Hon. Wamunyinyi Wafula, Member for Kanduyi.

Hon. Wafula Wamunyinyi (Kanduyi, FORD – K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this policy paper regarding wildlife conservation and management.

At the outset, I want to support because it is a policy statement of Government that prescribes a broad range of matters of principle, measures and actions that can be pursued to

achieve sustainable wildlife conservation and management, while at the same time ensuring the principle of accommodation and co-existence. Human-wildlife conflict will be properly addressed as it is provided for in this policy.

Hon. Temporary Deputy Speaker...

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Wamunyinyi! I want to cut you short because this is a House of procedure. You will have a balance of four minutes when the debate on this Motion resumes and we will give priority to your contribution. The Motion has a balance of one hour when it resumes for debate.

Hon. Members, the time being 6.30 p.m., the House stands adjourned until this evening at 7.00 p.m.

The House rose at 6.30 p.m.