



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 72**

## THE HANSARD

Tuesday, 17<sup>th</sup> September 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

We now have quorum. Clerk-at-the Table.

### COMMUNICATION FROM THE CHAIR

*(Hon. Alice Ng'ang'a and several Members walked into the Chamber)*

Order Members on your feet. Take your seats. Members at the bar, take the nearest seats. Hon. Alice, what does the nearest seat mean to you?

Thank you.

### PRIORITY HOUSE BUSINESS

Hon. Members, I have a small Communication. I wish to welcome you back to the House for the Third and last Part of the Third Session of the 13<sup>th</sup> Parliament. I note that the recess was a working break for most Committees, given the vetting of nominees proposed for appointment to various state offices and other priority matters that were referred to committees before and during the recess period. Nevertheless, it is my hope that you managed to spend some valuable time with your families and constituents, and you are now rejuvenated and ready to tackle the business that lies ahead.

As we resume our sittings, the House is expected to transact several priority businesses, some of which are already before committees.

*(Hon. TJ Kajwang' consulted loudly)*

Order Hon. Kajwang'.

These include consideration of nominees for appointment as Inspector-General of the National Police Service and the Director-General of the Competition Authority of Kenya (CAK), which have statutory timelines. Additionally, the House shall consider key Bills that are at various stages of consideration, including four National Assembly Bills and two Senate Bills that are currently under mediation stage. We have the Sugar Bill (National Assembly Bill No.34 of 2022). With regard to it, you will recall that on 1<sup>st</sup> August 2024, this House considered and rejected some of the Senate amendments to the Bill, necessitating mediation on the Bill. Consequently, I proceeded to appoint nine Members to the Mediation Committee and

designated Hon. Emmanuel Wangwe, CBS, who is also the sponsor of the Bill, as the Co-Chairperson. In reference to this, I have since received communication from the Senate designating the following Senators to the Committee:

1. Sen. James Murango.
2. Sen. Richard Onyonka.
3. Sen. David Wafula.
4. Sen. Catherine Mumma.
5. Sen. Samson Cherarkey.
6. Sen. Agnes Muthama.
7. Sen. Esther Okenyuri.

Now that the Senate has appointed Members to the Mediation Committee, the Committee is fully constituted and should embark on attempting to develop a mediated version of the Bill, in accordance with the provisions of Article 113 of the Constitution.

The National Rating Bill (National Assembly Bill No.55 of 2022) is also undergoing a mediation process. It was referred to a Mediation Committee that is co-chaired by Hon. Joash Nyamoko, the Chairperson of the Departmental Committee on Lands.

The third Bill under mediation is the Water (Amendment) Bill (National Assembly Bill No.33 of 2023). The Mediation Committee is co-chaired by Hon. Kangogo Bowen, Chairperson of the Departmental Committee on Blue Economy and Irrigation.

The Conflict of Interest Bill (National Assembly Bill No.12 of 2023), sponsored by the Leader of the Majority Party; is another one awaiting mediation. It was referred to a Mediation Committee that is co-chaired by Hon. George Murugara, Chairperson of the Departmental Committee on Justice and Legal Affairs.

The Employment (Amendment) Bill (Senate Bill No.11 of 2022), which is sponsored by Sen. Samson Cherarkey, is the fifth Bill also awaiting to be processed through mediation, under Article 113 of the Constitution. It was lost at Second Reading on 5<sup>th</sup> March 2024. It was referred to a Mediation Committee that is co-chaired by Hon. Eric Muchangi, Chairperson of the Departmental Committee on Labour.

The Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 2022), which is sponsored by Sen. Danson Mungatana, was lost at Second Reading on 12<sup>th</sup> March 2024. It is also awaiting mediation. It was referred to a Mediation Committee that is co-chaired by Hon. David Gikaria, Chairperson of the Departmental Committee on Environment, Forestry and Mining.

Hon. Members, Article 113 of the Constitution provides that a Mediation Committee must report back to both Houses with an agreed version of the Bill or lack thereof within 30 days of its establishment. I urge co-chairpersons and the mediation teams representing the House to expedite consideration of the six Bills for their progression to the next stage. This will bring a timely conclusion to the bicameral processes relating to them.

*(Several Members walked into the Chamber)*

Members at the bar, take the nearest seats.

The House is expected to consider Senate amendments, if any, to three Bills passed by the House before recess. The Bills are meant for financing our county government operations. They are the Division of Revenue (Amendment) Bill of 2024, the County Allocation of Revenue Bill of 2024, and the County Government (Additional Allocations) Bill of 2024.

On behalf of the leadership of the House and indeed mine, may I reiterate our readiness and availability to support the House, its Committees, and its Members—both individually and collectively—to discharge the great public duty bestowed on us. I, therefore, urge each one of

us to diligently undertake your national duty while appreciating that your dedication to your constituents and the nation is paramount.

Hon. Members, you may also recall that I had informed the House of the temporary suspension of Question Time to afford newly appointed Cabinet Secretaries time to familiarise themselves with their respective dockets. Noting the passage of time since Cabinet Secretaries assumed their new responsibilities, and following consultations with the Leader of the Majority Party, I now wish to inform the House that we will resume Question Time starting tomorrow, Wednesday, 18<sup>th</sup> September 2024.

In this regard, and as indicated in the Notice of Questions in today's Order Paper, the Cabinet Secretary for Education is scheduled to appear in plenary tomorrow afternoon to respond to, among other matters, the progress in implementing the commitments made during a Members' *Kamukunji* held on Tuesday, 20<sup>th</sup> August 2024, regarding the New Higher Education Funding Model.

Additionally, the Cabinet Secretary shall also address other issues of concern in the education sector. That includes incidents of school fires and unrest across the country, and the general safety of our learners. Particular attention shall be paid to the tragic incident at the Hillside Endarasha Academy in Nyeri County, where we unfortunately lost 21 learners. This incident represents a tragic loss to the nation. The House must be fully apprised of its cause and the remedial measures the Ministry proposes to take. On behalf of the House and indeed on my own behalf, I extend our deepest condolences to the affected families.

The Member Kieni has requested me to accord him an opportunity tomorrow, to make a Statement on the incident. I will do so. Having said that, Hon. Members, may I request that we all stand to observe a minute of silence in honour of the young departed souls?

*(The House observed a minute of silence)*

May their souls rest in eternal peace. Thank you.

*(Several Members stood on the aisle)*

Order, Members. Take your seats. Take the nearest seats. Take the nearest seat. Hon. Kwenya, take the nearest seat. Hon. Makilap, you are out of Order.

On the next Order, Hon. Members, I have a Message from the Senate on the approval of the nominee for appointment to the position of Inspector-General of the National Police Service.

## MESSAGE

### APPROVAL OF MR DOUGLAS KANJA KIROCHO FOR APPOINTMENT AS INSPECTOR-GENERAL OF NATIONAL POLICE SERVICE

**Hon. Speaker:** Pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I received a Message from the Senate on 21<sup>st</sup> August 2024 regarding the approval of Mr Douglas Kanja Kirocho for appointment to the position of Inspector-General of the National Police Service. The Message conveys that the Senate, by a resolution passed on 20<sup>th</sup> August 2024, approved the appointment of Mr Douglas Kanja Kirocho as the Inspector-General of the National Police Service.

You will recall that approval hearings for the nominee for Inspector-General of the National Police Service were conducted jointly by the relevant Committees of the two Houses

of Parliament in line with established practice and in fulfilment of the provisions of Article 245(2)(a) of the Constitution.

Accordingly, the Departmental Committee on Administration and Internal Security is expected to table a Joint Report on the vetting of the nominee this afternoon. Consequently, the House Business Committee has scheduled the said Report for consideration by the House tomorrow, Wednesday, 18<sup>th</sup> September 2024, during the morning sitting.

The House is accordingly guided.

Next Order.

## PAPERS

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House on behalf of the Leader of the Majority Party:

1. The following Legal Notices from the Ministry of Mining, Blue Economy and Maritime Affairs:
  - (a) Legal Notice No.120 of 2024 relating to the Fisheries Management and Development (Safety and Quality) Regulations, 2024.
  - (b) Legal Notice No.121 of 2024 relating to the Fisheries Management and Development (Beach Management Units) Regulations, 2024.
  - (c) Legal Notice No.122 of 2024 relating to the Fisheries Management and Development (Inland Fisheries) Regulations, 2024.
  - (d) Legal Notice No.123 of 2024 relating to the Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024.
  - (e) Legal Notice No.124 of 2024 relating to the Fisheries Management and Development (General) Regulations, 2024.
  - (f) Legal Notice No.125 of 2024 relating to the Fisheries Management and Development (Marine Fisheries) Regulations, 2024.
  - (g) Legal Notice No.126 of 2024 relating to the Fisheries Management and Development (Aquaculture) Regulations, 2024.
  - (h) Legal Notice No.127 of 2024 relating to the Fisheries Management and Development (Recreational Fisheries) Regulations, 2024.
2. Legal Notice No.130 of 2024 relating to the Pest Control Products (Registration) Regulations of 2024 and the explanatory memorandum from the Ministry of Agriculture and Livestock Development.
3. Legal Notice No.131 of 2024 relating to the Kenya Defence Forces (Court Martials) (Appeals) Rules of 2024 and the explanatory memorandum from the Ministry of Defence.
4. The proposed budget ceiling for each constituency for the Financial Year 2024/2025 from the National Government Constituencies Development Fund Board.
5. Reports of the Auditor-General and financial statements of the National Government Constituencies Development Fund (NG-CDF) for the year ended 30<sup>th</sup> June 2024 and the certificates therein in respect of the following constituencies:
  - (a) Belgut
  - (b) Bomachoge Borabu
  - (c) Borabu
  - (d) Dagoretti North
  - (e) Embakasi Central
  - (f) Embakasi East

- (g) Embakasi North
- (h) Embakasi South
- (i) Embakasi West
- (j) Juja
- (k) Kabete
- (l) Kaloleni
- (m) Kiambu
- (n) Kikuyu
- (o) Kirinyaga Central
- (p) Konoin
- (q) Kuria West
- (r) Langata
- (s) Lari
- (t) Makadara
- (u) Nyaribari Chache
- (v) Nyaribari Masaba
- (w) Ruiru
- (x) Sigowet/Soin
- (y) Wajir East
- (z) West Mugirango

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairman of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of Joint Committee of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security Defence and Foreign Relation on the vetting of Mr. Douglas Kanja Kirocho as the Inspector-General of the National Police Service.

**Hon. Speaker:** Thank you.

Chairman of the Departmental Committee on Trade, Industry and Cooperatives, Hon. Gakuya.

**Hon. James Gakuya** (Embakasi North, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Trade, Industry and Cooperatives on the budget implementation monitoring for the Financial Year 2022/2023 for the following State Departments:

1. Vote 1173 – State Department for Cooperatives;
2. Vote 1174 – State Department for Trade;
3. Vote 1175 – State Department for Industry;
4. Vote 1176 – State Department for Micro, Small and Medium Enterprises Development; and,
5. Vote 1177 – State Department for Investment Promotion.

**Hon. Speaker:** Thank you.

Next Order.

## NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

COMPETENCY BASED CURRICULUM TRANSITION

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**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Speaker.

Pursuant to Standing Order 33(1) (c), I rise to seek leave for the adjournment of the House for the purpose of discussing a definite matter of urgent national importance regarding the implementation of the Competency Based Curriculum student transition.

As enactment of the Competency Based Curriculum continues, the pioneer CBC class is expected to transition to Grade 9 commencing January 2025. However, this transition has caused increased apprehension among parents and widespread concern on the preparedness of the education sector with regard to the transition. Of importance is the matter of infrastructure, which was initially to be lodged within secondary schools. However, the Presidential Working Party on Education Reforms recommended for the transition to remain in primary schools. Additionally, the practicality of putting up the classrooms and other facilities like laboratories by December 2024 before the start of Grade 9 lessons in January 2025 is in doubt. At present, the transition is also marred with the issue of shortage of JSS teachers, which is crucial to the success of the programme.

It is against this background that I seek leave for adjournment of the House to discuss this matter of great national concern with a view to exploring possible solutions in order to advise the key players, stakeholders and the country at large.

Thank you.

**Hon. Speaker:** Thank you. Do you have the requisite support numbers?

*(Several Members stood up in their places)*

Hon. Mbui, you have an overwhelming support for the Motion of Adjournment. Order, Hon. Members! Hon. Mbui, you will be allocated to move your motion at 5.30 p.m.

## NOTICES OF MOTIONS

### APPROVAL OF MR DOUGLAS KANJA KIROCHO FOR APPOINTMENT AS INSPECTOR-GENERAL OF NATIONAL POLICE SERVICE

**Hon. Speaker:** Chairman of Departmental Committee on Administration and Internal Security, Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security Defence and Foreign Relation in its Report on the vetting of Mr Douglas Kanja Kirocho for the appointment as the Inspector-General of the National Police Service laid on the table of the House on Tuesday 17<sup>th</sup> September 2024, and pursuant to the provisions of Section 12(1) of the National Police Service Act, Cap 84 and Sections 3 and 8 of the Public Appointment Act, Cap 7(f), this House approves the appointment of Mr Douglas Kanja Kirocho CBS, OGW as the Inspector-General of the National Police Service.

Thank you.

### ADOPTION OF REPORT ON BUDGET IMPLEMENTATION MONITORING FOR FY 2022/2023 FOR VARIOUS STATE DEPARTMENTS

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**Hon. James Gakuya** (Embakasi North UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on the budget implementation monitoring for the Financial Year 2022/2023 for the following State Departments:

1. Vote 1173 – State Department for Cooperatives;
2. Vote 1174 – State Department for Trade;
3. Vote 1175 – State Department for Industry;
4. Vote 1176 – State Department for Micro, Small and Medium Enterprises Development; and,
5. Vote 1177 – State Department for Investment Promotion, laid on the table of the House on Tuesday 17<sup>th</sup> September 2024.

Thank you.

**Hon. Speaker:** Thank you.

Next Order.

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** Hon. Member for Saboti.

### REQUEST FOR STATEMENT

#### UPGRADING OF ROAD NETWORK TO BITUMEN STANDARD IN SABOTI CONSTITUENCY

**Hon Caleb Amisi** (Saboti, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the upgrading of the road network in Saboti Constituency to bitumen standard.

The road network of Saboti Constituency has been in a deplorable state for several years, posing significant challenges to the residents and impeding socio-economic development in the region. Specifically, Kitale-Kipsongi-Kinyoro Road (C626), Kambi Miwa-Kaptama Road (B13) and Babaton-Endebess Road (B123) measuring approximately 79 kilometres are in dire need of re-construction and upgrading to bitumen standard. These roads, which primarily serve as routes of transportation of goods and people, have deteriorated to a point that they are impassable during the rainy seasons thus hampering the movement of the residents. Sadly, the residents' outcry for better roads has been in vain and there is urgent need to address the state of the mentioned roads.

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

1. State when the Ministry of Roads and Transport intends to undertake construction works on Kitale-Kipsongi-Kinyoro Road (C626), Kambi Miwa-Kaptama Road (B13) and Babaton-Endebess Road (B123) in Saboti Constituency.
2. Provide details on the Budget allocation for construction of the roads in Financial Years 2023/2024 and 2024/2025, including the contract details for works on the named roads.



3. Provide details of the outstanding scope of works, schedule for commencement of construction of the said road projects as well as the expected completion timelines.
4. Explain the long-term plans by the Ministry to ensure that the Saboti Constituency Road network is upgraded to bitumen standards.

I thank you, Hon. Speaker.

**Hon. Speaker:** Is the Chairman of Departmental Committee on Transport and Infrastructure, Hon. GK, in the House? Yes, GK. Is two weeks enough to bring a response?

**Hon. George Kariuki** (Ndia, UDA): Two weeks is sufficient, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Members, before I call the next Member, allow me to acknowledge, in the Public Gallery, the presence of Christ the King Kirwara High School from Gatanga Constituency, Murang'a County. On my behalf and on behalf of the House, we welcome the students and their teachers to the House of Parliament.

Next is Hon. Bady Twalib.

## GENERAL STATEMENTS

### DEMISE OF INDUSTRIALIST AND PHILANTHROPIST HAMSUKH PATEL 'HASU PATEL' OF MOMBASA CEMENT

**Hon. Bady Twalib** (Jomvu, ODM): Hon. Speaker, pursuant to Standing Order 43(1), I wish to make a general Statement regarding the untimely passing on of Hasmukh Patel, commonly referred to as Hasu – the owner of Mombasa Cement – that occurred on Monday, 29<sup>th</sup> August 2024 while he was being rushed to a private hospital in Nyali, Mombasa.

The late Hasu Patel of Mombasa Cement was my constituent. I was introduced to him in 2007, when I was a councillor by my father-in-law and former Member of Parliament for Changamwe Constituency, the late Hon. Ramadhan Seif Kajembe, who was also a good friend of Hasu's father, the late Mzee Kanjibai. The late Patel was the founder of one of Kenya's biggest cement manufacturing companies – Mombasa Cement – through his late father, Mzee Kanjibai.

He was also the Director of Corrugated Sheets Limited in Kenya, with his main office domiciled in Mikindani, Jomvu Constituency, as well as Tororo Cement, which is based in Uganda. The passing on of Hasmukh Patel has robbed the people of Kenya, in particular in Coast and Eastern Regions, where he operated his businesses. Hasmukh Patel was a leader whose contribution to the development of the county and the whole country at large during his life will forever be treasured.

Hasmukh Patel was an accomplished industrialist and a philanthropist. Through his Foundation, Hasmukh Patel supported needy students across the country with scholarships. He also sponsored various charitable courses across several industries. As a philanthropist, Hasmukh Patel championed environmental conservation with the most notable one being an initiative where he supported the transformation of Kibarani Dumpsite in Mombasa into a recreation park.

He also contributed to the health sector by contributing towards improving healthcare infrastructure and promoting access to healthcare for underprivileged communities. For his efforts, Patel received the Moran of the Burning Spear (MBS) in 2021 and was appointed Director of the Kenya Chamber of Commerce and Industry Board. His passing on marks a dark moment not only to his family, Jomvu residents and Mombasa County, but also to the country at large.

Kenya has lost a candid, devoted public servant, hard-working leader and a true son of Kenya who endeavoured to give everything for what he believed in with great courage, tenacity

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and humanity. He always reached out to national leaders from the county to chart the course for bettering the well-being of residents of the country.

I, Hon. Bady Twalib Bady, express my heartfelt condolences to the family of the late Hasmukh Patel, the entire fraternity of Mombasa County, his friends and the country at large for the loss of a fatherly transformative leader.

May the soul of the late Hasmukh Patel rest in eternal peace.

Hon. Speaker, I seek your indulgence to allow Hon. Members to stand up and observe a minute of silence in honour of the departed Hasmukh Patel of Mombasa Cement.

Thank you. One minute of silence.

**Hon. Speaker:** You have no authority to say that, Hon. Bady Twalib. Have you finished? I give you one more minute. Do not overreach yourself.

#### DEMISE OF MR CHARLES ODERA

**Hon. Bady Twalib Bady** (Jomvu, ODM): Thank you, Hon. Speaker. Under your indulgence, I thank you very much for giving me this opportunity to say something on the death of my personal bodyguard, Mr Charlie Odera, which occurred on Friday following a road accident at Mikindani. Mr. Odera was dedicated to his work. I had been with him for 10 years. He was a friend of my family and I took him as a brother. I stand with the family at all costs during this difficult time. He will be laid to rest on 28<sup>th</sup> September 2024 in Siaya County.

In conclusion, in describing Odera, I would say that die hard never die but rest in peace. Rest in peace, my brother Odera.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Thank you. Next is Hon. Alfah Miruka.

#### DEMISE OF FORMER MEMBER FOR BOMACHOGE CHACHE

**Hon. Alfah Miruka** (Bomachoge Chache, UDA): Hon. Speaker, pursuant to the provision of Standing Order 43(1), I rise to pay tribute to the former Member of Parliament for Bomachoge Chache Constituency, the late Hon. Simon Nyaundi Ogari, who passed away on Tuesday 10<sup>th</sup> September 2024 in his home, Karen, Nairobi.

The late Hon. Simon Nyaundi Ogari was born on 31<sup>st</sup> May 1956. He attended Nyansara and Mugambi Primary Schools for his Certificate of Primary Education, where he excelled and proceeded to Cardinal Otunga High School, Mosocho for his Ordinary Level and Advanced Level certificates. He then proceeded to the University of Nairobi, where he successfully pursued studies for Bachelor of Quantity Survey between 1977 and 1980.

The late Hon. Ogari began his career as a Quantity Surveyor, founding his own consultancy firm and rising through the ranks to eventually serve as the Chairman of the Institute of Quantity Surveyors of Kenya (IQSK).

He joined politics in 2009, when he was elected the Member for the larger Bomachoge Constituency and later Bomachoge Chache Constituency. He was an astute legislator who contributed to Parliament in its Committees and Plenary. He served as the Assistant Minister for Transport, Information and Communication, and Trade during the 10<sup>th</sup> Parliament. He served as a Member of the Committee on Powers and Privileges and the Departmental Committee on Public Works, Roads and Transport. His legacy of dedicated service to the people of Bomachoge Chache in the 10<sup>th</sup> Parliament and the 11<sup>th</sup> Parliament will remain a guiding example for all of us in his leadership.

Hon. Speaker, on my behalf and that of the people of my constituency, I wish to take this opportunity to condole with the family of the late Hon. Simon Nyaundi Ogari, his relatives, friends, and the people of Kenya at large. May his soul rest in eternal peace.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Alfah. May his soul rest in eternal peace. Next Order. Oh, sorry. Yes, Majority Whip? Do you want to be a joy rider?

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you, Hon. Speaker. I also join Hon. Alfah Miruka in condoling with the family of the late Hon. Simon Ogari who served in this House for two consecutive terms. He led a constituency called Bomachoge, which borders my constituency. During his time as a Member of Parliament, many people from my area, especially those that fall within the boundary...

*(Hon. Joseph Makilap and several other  
Members consulted loudly)*

**Hon. Speaker:** Order, Hon. Members. Hon. Makilap, your *Kamukunji* is hereby disbanded. Take your seats. Order, Hon. Yegon and your team. I can hardly hear what the Member is saying.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you, Hon. Speaker. As I was saying, during his tenure as a Member of Parliament, the constituency that he led happens to be very close to mine. The two constituencies share a very close boundary and a common school. At times, the people raise boundary issues claiming it falls within South Mugirango while others say it is within Bomachoge. But in his time as a Member of Parliament, he would disburse bursaries to people, regardless of where they came from, as long as they happened to be within that jurisdiction. Gusii Region has lost a great son of the soil, a great leader and a public servant who dedicated his life for public service. On behalf of the entire nation of Gusii and the people of South Mugirango, may his soul rest in eternal peace.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next is Hon. Ruweida. Clerk-at-the-Table, switch off the unnecessary microphones. Hon. Ruweida, there is one on your left.

**Hon. Ruweida Mohamed** (Lamu East, JP): Asante, Mhe. Spika. Nami ninatoa rambirambi zangu, za familia yangu na watu wa Lamu kwa jumla, kwa Mheshimiwa aliyefariki.

Ningependa pia kuchukua nafasi hii kutoa rambirambi zangu kwa familia ya Naibu wa Gavana wa Lamu aliyefariki. Mungu aiweke roho yake pahali pema. Alikuwa mtu mzuri mwenye ukakamavu na maskini amewacha familia ndogo. Mwenyezi Mungu aisaidie familia yake na ajaze pengo alilowacha. Kwa Gavana wetu wa Lamu na wakaazi wa Lamu, mwenyezi Mungu atupe subira na badali. Mungu amwezeshe Gavana kufanya uamuzi wa busara. Ninatoa pole kwa watu wa Mpeketoni, familia na watu wote wa Lamu kwa niaba ya familia yangu na watu wa Lamu Mashariki. Tumepoteza mtu muhimu lakini Mungu anampenda zaidi.

**Hon. Speaker:** Thank you. Next Order.

## MOTION

### ALTERATION OF THE HOUSE CALENDAR

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to move:

THAT, pursuant to the provisions of Standing Order 28(4), this House resolves to further alter its calendar as adopted on 14<sup>th</sup> February 2024 and amended on 25<sup>th</sup> June, 26<sup>th</sup> June and 7<sup>th</sup> August 2024, in respect of the Third Part of the Third Session (2024) so as to—

- (i) Commence the short recess on Friday 18<sup>th</sup> October 2024; and ,

(ii) Resume regular sittings on Tuesday, 5<sup>th</sup> November 2024.

Hon. Speaker, for the benefit of Hon. Members, we were briefed in the House Business Committee that we are scheduled to resume today, sit for four weeks and break for two weeks, in accordance with the calendar that was approved on 7<sup>th</sup> August, and then resume for another six weeks. The House Business Committee has, therefore, agreed to balance so that we sit for five weeks, break for a two-week short recess and resume for another five weeks before the long Christmas recess.

I beg to move and request Hon. Robert Mbui to second.

**Hon Robert Mbui** (Kathiani, WDM): Hon. Speaker, I second.

**Hon. Speaker:** Order. Members on their feet, take your seats.

*(Question proposed)*

*(Question put and agreed to)*

Next Order.

## BILLS

### *Second Readings*

THE MUNG BEANS BILL  
(Senate Bill No.13 of 2022)

*(Moved by Hon. Paul Nzengu on 14.8.2024 - Afternoon Sitting)*

*(Resumption of debate interrupted on 15.8.2024)*

**Hon. Speaker:** Hon. Members, this is the Bill on mung beans. It was moved and seconded and it is now open to debate. I believe that those on the screen are for this. Hon. Owen Baya, Hon. Paul Biego and Hon. Maina Mathenge, are you for this? Hon. Murugara, are you for this?

**Hon. George Murugara** (Tharaka, UDA): Yes, I am. I was actually on my feet when debate on the Bill was cut short.

**Hon. Speaker:** The record does not show.

**Hon. George Murugara** (Tharaka, UDA): I am sorry about that.

**Hon. Speaker:** How much time had you consumed?

**Hon. George Murugara** (Tharaka, UDA): I had contributed for one minute.

**Hon. Speaker:** So you can start afresh.

**Hon. George Murugara** (Tharaka, UDA): I can start afresh.

**Hon. Speaker:** Go ahead. Give Hon. Murugara the microphone.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. I rise to oppose this Bill with very good reasons. Some of them were captured by the Departmental Committee on Agriculture and Livestock when they retreated to look at this Senate Bill. We were here on 15<sup>th</sup> August 2024 when the Bill was supposed to be debated because it had been tabled the previous day and seconded. That morning, we woke up to very sensational reporting from some media houses and the social media, that, this Bill had dangerous clauses for the *ndengu* farmers and it had not undergone proper public participation. We looked at it, in as much as it was wanting because it was not properly drafted by the Senate. In fact, it ought to

be cleaned and this can only happen if it is either rejected or massive amendments are made to it.

I have two reasons why I oppose it. Firstly, is lack of public participation. Unfortunately, the name mung beans is not suitable. Any Kenyan hearing us debating this is wondering what this is. This name is foreign to us. *ndengu* is the popular name or green grams in proper English. A new name has come up defining these beans, which is foreign to all of us. Therefore, it should be titled the *Ndengu* Bill, so that most people can know the law we are formulating relates to which crop. Kenyans out there would like to make a follow-up on what we are saying. If we are to amend this Bill, its title should be the *Ndengu* Bill.

Secondly, from the Committee's observations, it is noted that *ndengu* is grown in some counties in the eastern region of the country, namely, Kitui, Makueni, Tharaka Nithi, Machakos, Embu, Meru, Taita Taveta and Kirinyaga. It has not been captured in the Senate report that this Bill was taken to these farmers for public consideration.

On 15<sup>th</sup> August 2024, Kenyans and especially farmers in these areas, including my area of Tharaka in Tharaka Nithi County, were extremely anxious when they were told some of the provisions in this Bill. The reporting may not have been accurate, but the information given to them was that there was a law being formulated to regulate the growing of *ndengu* in the country. Yet it had not been taken to them for approval. Therefore, we have been instructed to reject the Bill.

Looking at the public participation done by the Departmental Committee on Agriculture and Livestock, it was through adverts placed in the newspapers. The public did not respond apart from a few corporations which have an interest in this crop like research institutions. The net effect is that we have a Bill that has not undergone proper public participation. It should be withdrawn and rejected by this House so that, first, we have proper public participation. It should be taken to counties like Tharaka Nithi, Kitui, Meru, Embu, Kirinyaga, Taita Taveta, Kitui, Machakos and Makueni, so that citizens can discuss its contents.

I am also opposing it because it does not seem to address the problems that bedevil this crop to the root. The Committee made very important observations that the crop despite being grown widely, does not fetch a lot in the market. This is because it has not had proper production husbandry and the Government has not given the support required. The net effect is that if we are to have a law on the *ndengu* beans, then we must seek the role the Government will play. If farmers are registered to get help from the Government, the mode must be set out so that there is no misinformation like the one doing rounds in the counties that you will not grow *ndengu* unless you are registered with the county government. Failure to do so will attract a fine of not more than Ksh1million or a prison term of two years or both. That may not be entirely correct in this Bill. Farmers need to understand exactly why they are being called upon to register.

We must also have clearly defined roles for those persons who buy *ndengu* known as brokers. They have confined the growers of *ndengu* including those in Tharaka to penalty. They buy this crop at very cheap prices. Therefore, we must have regulations on how the pricing, marketing and everything else that goes with the selling of the crop is regulated.

Another reason why I oppose this Bill is because it has provisions regarding what the county governments are supposed to do and they are elaborate. The net effect is for the Houses of Parliament - the Senate and the National Assembly, to make rules and regulations regarding county governments. I do not think this House has the power to do so. Counties are devolved units and have their own assemblies which make laws governing what they do. In as much as the Committee has proposed elaborate amendments to the Bill, it was not properly done and drafted. The Senate never thought through this Bill and it appears to have been rushed as a

result of which it has found itself here half-baked. We must remove that half-baking by returning it to the Senate to give it proper consideration.

Once a proper Bill is formulated through proper public participation, we will no doubt support it. The *ndengu* crop requires a very elaborate law that will help us produce and market it as is required. In some countries like India and others cited here, this crop is grown in systematic production. Here in Kenya, it is grown as an *ad hoc*. We must bring this to an end.

With those remarks, I oppose the Bill.

**Hon. Speaker:** Hon. John Waluke are you for this Bill?

**Hon. John Koyi** (Sirisia, JP): No, Hon. Speaker. I do not want to contribute on this.

**Hon. Speaker:** Hon. Beatrice Elachi are you for this Bill?

**Hon. Beatrice Elachi** (Dagoretti North, ODM): No, Hon. Speaker.

**Hon. Speaker:** Hon. Maina Mathenge, are you for this Bill?

**Hon. Duncan Mathenge** (Nyeri Town, UDA): No, Hon. Speaker.

**Hon. Speaker:** Hon. Njeri Maina, are you for this Bill?

**Hon. Njeri Maina** (Kirinyaga County, UDA): No, Hon. Speaker.

**Hon. Speaker:** Hon. Daniel Karitho, are you for this Bill?

**Hon. Daniel Karitho** (Igembe Central, JP): No, Hon. Speaker.

**Hon. Speaker:** Then get off the screen! Hon. Kuria Kimani, are you for this Bill? Hon. Justice Kemei, are you for this Bill? Go ahead.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Speaker, for giving me this opportunity to add my voice to the Mung Beans Bill. When the Bill was forwarded from the Senate, we looked at it in the Departmental Committee on Agriculture and Livestock. Indeed, as Hon. Murugara has put it, we made a number of changes to support the Senate, where the Bill originated from. We did this cognisant of the fact that mung beans, popularly referred to as *ndengu* in Kenya, is a very critical crop in food nutrition and food self-sufficiency in this country. Given an ideal regulatory environment, we would meet the objectives of having this crop in this country.

The issue of public participation has also come up. As the Departmental Committee on Agriculture and Livestock, we did our level best within the confines of the time given to prepare the Bill. Clearly, in bringing this Bill to Parliament, we are not asking for the formation of another parastatal to govern the growth and marketing of mung beans. It is a way of ensuring that it is included among the scheduled crops which are being handled by AFA in this country. That way, we will make sure that the environment in which it is promoted, grown and marketed is governed by the laws of this country.

The concerns raised by Hon. Murugara were addressed. Therefore, instead of us throwing away the Bill, we should consider it at the Committee of the whole House and make the necessary recommendations. This will ensure that it can be used to improve the growth of mung beans in the country.

Hon. Speaker, with those few remarks, I support. I also ask my colleague, who is seated in front of me, to bring in the changes he so desires so that we can have a regulatory framework to govern the growing of mung beans. Thank you.

**Hon. Speaker:** Hon. Eckomas Mutuse, are you for this Bill?

**Hon. Mwengi Mutuse** (Kibwezi West, MMCP): Hon. Speaker, I can contribute.

**Hon. Speaker:** It is not that you can contribute. Are you for this Bill?

**Hon. Mwengi Mutuse** (Kibwezi West, MMCP): Yes, Hon. Speaker.

**Hon. Speaker:** Okay, go ahead.

**Hon. Mwengi Mutuse** (Kibwezi West, MMCP): Thank you, Hon. Speaker, for the opportunity to contribute to the mung Beans Bill, which is a Senate Bill. As you are aware, *ndengu* is majorly grown in the south eastern region of this country, namely, Tharaka Nithi and other ASALs regions. Therefore, it is an important crop to the household economies of the

constituents whom I represent. Principally, we support the fact that we need a legal regime to regulate the production, marketing and value addition of *ndengu*. This is to ensure that our farmers maximise on their farming. As we would appreciate, currently *ndengu* is neither classified as a food crop nor a cash crop. For that purpose and lack of a legal regime, there has never been a channel for taxpayers' money to assist farmers to farm, produce, market and add value to *ndengu*. Therefore, that is why we support this Bill.

I agree with the Members who have raised concerns on the possibility of levying farmers. I have discussed with farmers in my constituency and they are averse that should the law pass in its current form, they would be levied money. That way, growing *ndengu* would become a privilege of a few because it would attract levies. Rather than throwing away the bath water with the baby, I am of the opinion that we propose amendments at the Committee of the whole House so that we cure some of these oppressive provisions in the Bill.

Secondly, where I come from, our people do not plant coffee, cotton and tea. Therefore, there is need to have poises like *ndengu*, peas, including fruits in future, as a cash crop for that region. For that reason, I support the proposed Bill, with amendments. We will also propose to change the Title of the Bill from Mung Beans Bill to *Ndengu* Bill. I am sure many people in this country including Members of Parliament, are hearing of mung beans for the first time. It is a strange word. There is no need to import words from other jurisdictions when in Kenya we know it as *ndengu*. We will propose an amendment that the Bill be referred to as *Ndengu* Bill so that if this House passes it, then it will be the *Ndengu* Act.

Hon. Speaker, with that, I support. I will also propose amendments to cure some of the oppressive provisions that have been highlighted by our people through the media after reading the Bill. There is the issue of levies and the title. Thank you.

**Hon. Speaker:** Hon. Charles Ngusya. Hon. Milemba, you are not on the screen.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Speaker. At the outset, I support this Bill, but with reservations. We need to make some amendments as put by Hon. Murugara. I thank our Senator for Kitui County, who came up with this Bill. It was for the good of our farmers who grow *ndengu*. Some of the objectives were to promote the productivity of this crop and generate higher income for farmers. Others were to provide for a framework for the implementation of its effective marketing strategies. With all these factors, I have listened very carefully to one of my colleagues who went through it. I totally concur that we need more public participation in order for this Bill to go through. However, there was a high negative publicity of the Bill. I urge Members to read what is there before opposing it because it is very important. It has gone to the extent of setting the duties of the authorities who are supposed to handle matters of the crop. I have gone through them keenly and they are okay. It has highlighted the duties of the County Executive which is okay as agriculture is a devolved function. I do not have much to say but I will go through the Bill and propose some amendments to the contentious areas, especially the levies to be paid.

Hon. Speaker, with those few remarks, I support.

**Hon. Speaker:** Hon. Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. From where I come from, we do not grow the mung beans. But I have been a keen follower of the matters of this Bill and was also present when the Bill was moved. I would like to report that one item I noticed about it is that when it was moved by the Chairman, Departmental Committee on Agriculture, it was far much shorter than what was later added on by the Members of the Committee. They proposed amendments and other issues that they wanted to change on it thus creating a much longer story than the Bill. That was the first thing I noticed.

Secondly, Hon. Speaker, I had the privilege of sitting where you are on that day and I had to call a professional in the agriculture sector to ask what mung beans were because I did not know. I was later told that mung beans are *ndengu*. I noticed the Bill's negative publicity

on the next day. The Bill was framed in such a way that it would have punitive aspects especially on farmers from areas where mung beans or *ndengu* are grown. For example, they would have to pay in order to grow the crop.

I noticed that the people for whom the Bill was being made did not understand it. Therefore, it looked like the people who would be growing this *ndengu* would have to pay royalties to do so. I propose that two things must happen for the sake of a good Bill, and for farmers of mung beans or *ndengu* to feel that their needs are being catered for. The Committee should either completely amend the Bill, possibly including the title, or we take it back to the Senate so that proper public participation is done. I prefer the second option. I see a situation whereby somebody has a good idea, but has not shared it with the people on the ground.

Thank you.

**Hon. Speaker:** Hon. Phylis Bartoo, do you want to speak on this? There being no interest in further contributions, I now call upon the Mover to reply. Where is Hon. Nzengu? Why has he orphaned his own Bill?

Hon. Members, we will defer debate on the Bill. It will be put on the Order Paper for Thursday for the Mover to reply. Those who have an interest in contributing should tell Hon. Nzengu to come and reply to the Bill.

*(Debate on the Bill deferred)*

Next Order.

THE COFFEE BILL  
(Senate Bill No.10 of 2023)

**Hon. Speaker:** Leader of the Majority Party. Hon. Owen Baya, is it you who is moving the Bill? Are you the one moving the Bill, Hon. Mutunga?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Go ahead.

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

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

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Deputy Speaker, I beg to move that the Coffee Bill (Senate Bill No.10 of 2023) be now read a Second Time.

This Bill was read the First Time on 16<sup>th</sup> April 2024, and subsequently committed to the Departmental Committee on Agriculture and Livestock Development for consideration. The Committee has considered this Bill and invited stakeholders to submit memoranda and their comments on the Bill. The same has been captured in the revised version of the Bill and will be brought to this House during the Committee of the whole House.

I will give a brief background on the coffee industry in this country. Coffee was first planted in Kenya upon introduction in Taita Hills, Bura, in 1893. In 1900, coffee was planted in Voi under irrigation on a trial basis. Later on in 1904, it was planted in Kikuyu. That is how coffee found itself in the Kenyan highlands. Today, coffee is grown in 33 counties out of 47 counties. It is a crop of socio-economic nature in most counties of this country. It is grown by not less than 800,000 smallholder farmers in not less than 4,000 estates. This means that it is both a large-scale and a small-scale holder crop.

In the 1980s, Kenya was a leading exporter of coffee in the region. Today, coffee is third in terms of our exports, after tea and horticultural products. However, there is great potential for coffee to become the lead export crop. We have what it takes. We have good soils,

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good varieties of coffee innovated by our research institutions, good farmers who can produce coffee, and the right climate.

I wish to outline the challenges that have been affecting coffee farmers in this country. One of the key challenges that farmers in this country face is that coffee is a low-income earner despite being a high-income crop. Kenyan coffee is of very high quality. It is a preferred commodity across the globe. Kenyan coffee is a specialty crop in most prestigious markets. Delayed payments to farmers is also a challenge. In most cases, the payments are meagre. That is another thing that is affecting the farmers. The other issue is mismanagement of cooperatives through which Kenyan farmers process their coffee. Coffee is initially taken to primary cooperatives where the primary processing or pulping takes place. Another issue facing farmers is lack of direct access to the Nairobi Coffee Exchange. This is the coffee trading platform. Lack of access results in farmers failing to understand exactly what happens there. Therefore, deals cut may negatively impact them.

Initially, coffee used to perform very well in this country. Kenya lags behind countries like Ethiopia and Uganda in terms of production and in some cases, productivity. This is productivity in terms of yield per tree, and production in terms of the collective total that we produce. Smallholder farmers who produce 70 per cent of the coffee that we sell suffer poorer productivity and higher production costs compared to estates. It is expensive to produce coffee on small scale. This is mainly due to governance issues in the cooperatives, as I mentioned earlier. The insufficiency of cherry processing which burdens smallholder farmers with higher processing costs is also a challenge. Lack of transparency within the factories themselves and the management contributes to those challenges. Therefore, farmers do not get to know the exact reality about their crop.

Coffee productivity in this country is very low. On average, a Kenyan coffee tree gives us two kilogrammes per tree when we have the potential to get 20 kilogrammes per tree or more. On a small-scale level, we can only get two kilogrammes per tree. On a large scale, because we have been able to improve a little bit on the management, we are able to get about four kilogrammes per tree. That is still very little compared to what is possible. We should aim for not less than 20 kilogrammes per tree because it is possible and it is happening right here in Kenya.

On the other hand, value addition for coffee has been very low. We are utilising only 30 per cent of the installed capacity to process coffee in this country, which means that we have the capacity to process a lot of coffee, but we are not utilising 70 per cent of it. If you look at milling, which is the removal of parchment from the bean, we are only utilising 13 per cent of the installed capacity while 87 per cent stays idle. Coffee was abandoned by farmers because of the problems that I have highlighted. Value addition is poor. There is no value addition to most of the coffee in this country. As at now, our consumption capacity is at five per cent of the coffee that we produce. That means that we sell 95 per cent of the coffee. This tells you that the low value addition capacity of the country has only been able to turn around 5 per cent which we consume as a country. We sell the rest of the coffee as raw materials for others to process. We export jobs.

Hon. Deputy Speaker, we need to embark on processing coffee in this country so as to employ our youth. There are several Government interventions that are noteworthy. The Government of Kenya has set up the Cherry Advance Revolving Fund through the Coffee (General) Regulations, 2019. This Revolving Fund is supposed to stabilise the prices of coffee. As we speak, about Ksh5.2 billion have already been moved to the farmers through payments of at least Ksh80 per kilogramme through the use of this Fund. However, these measures have not significantly turned the sector around as we expected, and so, productivity and production are still low.

We cannot miss out in comparing coffee in Kenya and other countries and sectors. Kenya's position on coffee globally is very low. The coffee sector continues to be a vital part of the country's economy, yet we have not been able to capture our market. We lost our quota in the world market. Kenya was exporting more than 120,000 metric tonnes of coffee, but we lost that quota because of mismanagement of factories and over-bearing of costs on farmers. We lag behind Uganda and our neighbour Ethiopia in terms of coffee processing and the turnaround amounts.

In terms of productivity, as I said earlier, as a country, we are only able to realise two kilogrammes on a small-scale basis and four kilos on a large-scale production, while countries in our neighbourhood are realising more. This is something we need to look at, and it is a mischief that has been cured through this Bill.

Hon. Deputy Speaker, if you look at market access, unlike Kenya where smallholder farmers have limited access to the coffee exchange, farmers in other countries are able to access their coffee exchange platforms. That is something that needs to be looked into.

When it comes to variety development in terms of crop development, production of varieties through research, coffee research is domiciled at the Kenya Agricultural and Livestock Research Organisation as one of the research institutes. This is a specialised entity which should be reporting to a specific board to deal with issues of productivity in terms of coming up with better varieties which are suited to a particular climate. This Bill has come up to cure that particular mischief as well.

The donor dependency on the research institution, especially the Coffee Research Institute, ends up messing up or shifting the agenda. The agenda is influenced in the negative. It does not give us what we need. All these issues have been brought up by the abolition of the Coffee Research Levy, which was around 2 per cent of the coffee sold in 2016. That levy which was supporting our research institution to come up with better varieties like SL-28, SL-34, K-7, Ruiru11 and others, was abolished. We lost about 50 per cent of the amount of money meant for coffee production and productivity research. The research institute does not only produce better coffee varieties, but it goes further to innovate technological development for coffee production. It comes up with innovations and management practices. These management practices are transferred to the farmers so that they can deliver a better crop in the sector.

Hon. Deputy Speaker, let me just highlight a few issues in the Bill. The current status is such that coffee is managed under the AFA as one of the directorates. The AFA has been managing crop development, promotion, regulation of the production and marketing of coffee.

This Bill comes in with very specific objectives. One of the objectives is to promote a globally competitive coffee industry by making sure that the Kenyan coffee is globally competitive. It also purposes to provide a framework for the registration and licencing of various players within the coffee sector. The licencing and registration is very well captured in the Bill. It also comes in to delineate the roles of the national Government, county governments, regulatory institutions and research institutes.

We have specifically identified the coffee research institute and transformed it into a coffee research and training institute. It is going to be a coffee research and training institute because it will be conducting training on technologies, innovations and management practices so that our farmers can get better varieties to produce based on their agroecology and sizes of their farms. We need to intensify on productivity so as to get better production. There is a specific objective to promote evidence-based coffee research and the delivery of extension services towards development of the coffee sector. This is in terms of production of technologies, innovations and management practices.

The final objective is to provide a framework for the establishment of the Coffee Development Levy. The levy will be established to basically look at how to support research, regulatory and marketing function in coffee. One of the things we have not done well in this

country is marketing our coffee. There are many outlets in this world which buy our coffee as green bean and use it for the elite market. It fetches a lot of money out there yet we are not able to benefit from that kind of money because we sell our coffee as raw green bean.

Hon. Deputy Speaker, this Bill first seeks to transfer regulations from AFA to the Coffee Board of Kenya. We are recreating the Coffee Board of Kenya. On the other hand, the research function of the Coffee Research Institute has been hived off the Kenya Agriculture and Livestock Research Organisation and replaced directly under the Coffee Board of Kenya so that it may be better instructed to deliver for this particular industry.

The Coffee Board is established to regulate the industry. It is managed by the Board and a CEO with clear functions, delegated authority, as well as powers. These are captured from Clause 4 to 22. It is a very comprehensive Bill.

The functions of the county governments are effectively captured from Clause 23 to 25. They are basically on enacting county specific coffee laws and licencing of the variety of operators within the county. We have made provisions for the registration of a variety of operators within every county.

In terms of the regulation provision, this Bill covers production and the registration of various operators, growers, millers, roasters, processors, and licencing various entities that would like to do business in coffee as well as regular reporting. This is captured from Clause 26 to 38 of the Bill. In terms of production and processing, the proposed legislation governs production, including the material import and export of coffee, the certification processes, and traceability, which are key in international trading systems today. Customers demanded to know where the coffee was produced, how it was produced, and how social issues were handled. Was it produced by children? If children produced it, or people who produced it were under compulsion of some nature, they would not take that coffee. They would like to know which farm produced the coffee. So, the Bill is very careful in capturing the traceability aspect.

Coffee trading and marketing are also well captured from Clause 49 to 59 of the Bill, which covers the regulations at the local, national, and international levels in terms of trading patterns and various aspects that need to be regulated and licensed. The management of the exchange and settlement of farmers in terms of payment has also been captured very well in this Bill. Quality assurance has also been very well captured in terms of ensuring compliance with the quality standards at various levels through inspection and controls. This has been captured from Clause 60 to 62 of the Bill.

Financial provisions in the coffee industry have also been very well captured. The Bill specifies various types of funding, including mid-level development, which has been very well specified, and routine audits, which secure the Fund to ensure it has done the right thing. This is captured from Clause 63 to 68. Coffee Research and Training Institute, which I mentioned, has also been very well taken care of, focusing on coffee research and training based in Kiambu, where it has always been, towards the production and dissemination of technologies, innovations, and management practices.

Finally, the Coffee Bill talks about the financial provisions of the Institute, which are provided for, and the miscellaneous and transitional arrangements. Transitional arrangements are necessary because there are staff in the Coffee Directorate. These staff members and the property or assets and liabilities of the coffee sector will need to transit from AFA to the Coffee Board of Kenya. The transitional arrangements are captured very well from Clause 92 to 107. That is the extent to which the Bill goes.

To close my comments on the Bill, let me discuss a few issues even as I move. What are the key deliverables in this Bill? What are the expectations of Kenyans, especially the Kenyan farmer? The Bill promotes evidence-based coffee research and delivery of extension services for the development of the coffee sector. So, we shall have a consistent and sustainable research system that will deliver a better sector than before. It also focuses on addressing the

governance issues in the cooperatives, which has been the problem and the cancer in this sector. Also, the Bill looks at addressing inefficiencies in coffee processing and reducing the cost to improve productivity, particularly for smallholder farmers who are overburdened by the cost within the industry.

In terms of regulations, the Bill proposes transitioning the regulatory and commercial roles currently undertaken by AFA to the Board. It also seeks to transfer the research in coffee from KALRO to the Coffee Research and Training Institute. It also provides a framework for the establishment of the Coffee Development Levy. This Fund will sustain activities within the coffee sector. It also identifies institutions that will participate in this industry. Several pieces of legislation support this legislation.

I wish to mention a few of them: the Crops Act and the AFA Act are key. The Cooperative Societies Act is key. The KALRO Act is also key. They will somehow influence by this Bill. There are certain amendments. The amended version of the Capital Markets Authority Act of 2016 will also be affected. This Bill gives the authority to regulate spot commodity markets, such as the Nairobi Coffee Exchange. The Warehouse Receipting System Act of 2019 has also been invoked in this legislation, where the Act provides for the warehousing of agricultural goods in government warehouses and facilities. Coffee is one of the commodities we must store securely because once it is in the bean form, it is always stolen because it is regarded as green gold.

The Bill aims to promote a globally competitive coffee industry by providing the framework for registering and licensing various players along the value chain. It also promotes the vertical integration of the coffee value chain at the production level and achieves economies of scale in managing risk within the coffee industry.

During discussions when coming up with this Bill, the Departmental Committee on Agriculture and Livestock invited stakeholders to submit their memoranda. Several stakeholders brought their memoranda. I wish to mention that we invited and got memoranda from the Nairobi Coffee Exchange, the Capital Markets Authority, a certain farmer called Mr. Caleb Kipyegon, the Council of Governors, Kenya Association of Manufacturers, the Ministry of Agriculture and Livestock Development, the Kenya Export Promotion and Branding Agency as well as the Coffee Reforms Steering Committee, which was involved in going through the study on the coffee sector.

I would like to highlight a few of the stakeholders' feedback as I close. Most of the stakeholders supported the enactment of the Coffee Bill, 2023. They said it is a good way forward and indicated that we need to adopt this legislation. They also observed that the Coffee Board of Kenya would increase efficiency in the sector due to reduced bureaucracy and expedited processes. They were keen on improving farmer income through fair pricing; they were keen on better market access; and they were very particular about improving the farming techniques and enhancing global competitiveness because of the improved quality of the coffee and the issue of traceability.

Certain amendments are proposed by the stakeholders to enrich the Bill, such as ensuring there is no overlap in mandates between the county and the national governments or between the different institutions. The proposed amendments also provide incentives such as tax holidays for some of the prospective investors in this particular sector, which would lead to a reduction of the corporate tax rate for new coffee processors to motivate processors to come and process coffee in this country. As we said, only about 13 per cent of the processing capacity is utilised as it were.

As I conclude, I would like to thank my Committee for its work and the Speaker for the support we received from the Secretariat. Thank you, Hon. Deputy Speaker. I wish to move.

**Hon. Deputy Speaker:** Who is your seconder? You have not invited your seconder. Who is your seconder, Hon. Mutunga?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Deputy Speaker, I would like to ask the Deputy Leader of the Majority Party to second.

**Hon. Owen Baya** (Kilifi North, UDA): I was supposed to move, but I asked him to move.

**Hon. Deputy Speaker:** I do not know if he knows anything about coffee. Hopefully, you have briefed him.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I would like to put it on record that this is a Bill by the Leader of the Majority Party, and this office was supposed to move it. However, I asked Dr Mutunga to do that and then requested he allows me to second him on behalf of the Leader of the Majority Party, which is proper.

**Hon. Deputy Speaker:** That is definitely in order. Now I get the context.

**Hon. Owen Baya** (Kilifi North, UDA): If the Office of the Leader of the Majority Party is heard, then others can debate whether I know how to farm coffee or not.

**Hon. Deputy Speaker:** I get the context now.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. Hon. Deputy Speaker, I beg to second that the Coffee Bill (Senate Bill No.10 of 2023) be read a Second Time. I want to thank the Departmental Committee on Agriculture and Livestock for its remarkable job examining and dissecting this Bill and bringing it here so that it can be read a Second Time.

The Bill proposes to reorganise the coffee industry by transitioning the regulatory and commercial roles currently undertaken by the AFA to the Coffee Board of Kenya. It further seeks to transition the coffee research currently undertaken by the Coffee Research Institute under the Kenya Agricultural and Livestock Research Organisation to the Coffee Research Institute.

The Chairman has highlighted some of the key parts and aspects of this Bill, but I do not want to go into that. However, I want to say a few things. The Bill provides for the establishment of the Coffee Board of Kenya. You remember when we were young, there used to be a programme on radio. You would hear a song on the Coffee Board of Kenya. At that particular time, coffee was being managed by an authority or organisation that looked, knew, drank, slept, and ate only coffee. It thrived because this organisation looked after coffee and everything about it. This was also about other crops like tea and pyrethrum. But this Parliament, in its wisdom, brought something called AFA and bundled all of them into one body. This animal called AFA has actually cannibalised some of the crops, and their development has been stunted because of that decision.

**Hon (Dr) John K Mutunga** (Tigania West, UDA): On a point of order, Hon. Deputy Speaker.

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

**Hon. Owen Baya** (Kilifi North, UDA): I will not allow you to move a Bill next time.

*(Laughter)*

**Hon (Dr) John K Mutunga** (Tigania West, UDA): Hon. Deputy Speaker, I have heard some references to AFA as an animal. I was involved in its formation. I was on the Interim Management Committee. We did not form an animal, but a State Corporation called the Agriculture and Food Authority. Is the Hon. Members in order to say that AFA is an animal?

**Hon. Deputy Speaker:** That was said in jest.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, if you are not a native English speaker, you may not understand English idioms. So, I want to put him in his place.

**Hon. Deputy Speaker:** Hon. Mutunga, you have been given sufficient opportunity to canvass this issue. Let us allow others to contribute.

(Laughter)

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, this Bill also provides the role of county governments. They will enact county-specific legislation so that the counties that grow coffee can have their legislation on coffee to move the crop forward and ensure that it takes centre stage in this country as one of the key agricultural crops that spur economic development.

For example, if you go to the United States of America (USA) and all parts of the world, they talk about Kenyan coffee. We have an obligation to the world to ensure that this unique taste of Kenyan coffee is still celebrated all over the world. Therefore, this Parliament has the opportunity to reset the Coffee Board of Kenya, give it arsenal and all the specific ingredients it requires so that Kenyan coffee continues to taste like Kenyan coffee. It is traded there and it brings a lot of foreign exchange to this country, and spurs agricultural development in this country.

As stated well by Hon. Mutunga—Hon. Chairman, a Member of one of the best constituencies in this country, and a professor of agriculture—coffee marketing and trading is well captured in this Bill. The farmers will grow the coffee. However, without a robust mechanism for trading and marketing coffee, we may not achieve what we, as a country, want to achieve. This Bill properly provides for coffee trading and marketing from Clause 49 to 54. It anchors what we would like to do: to move from just mere growing of coffee to manufacturing, marketing, and branding of Kenyan coffee so that it becomes the best in the world and, therefore, benefits this country. This Government has invested a lot of money in developing this sector. The pay-off can only come if coffee is properly traded and marketed to ensure we take centre stage globally.

The Hon. Deputy Speaker once brought something amazing here about pest control and the uses of pesticides. However, this Bill speaks to quality assurance. It provides for proper quality assurance of coffee to ensure that we not only grow and market coffee but also grow market quality coffee and the world drinks it. That is why Clause 60, 61, and 62 of this Bill provide a quality assurance mechanism to ensure that coffee imports conform to standards prescribed by laws, not only in the country but also international standards, so that our coffee stands out. Many of this country's crops have failed because research has not been done for years. It was not funded. Therefore, there was no research output to make the products better.

Clause 69 to 74 of this Bill provide for the establishment of the Coffee Research and Training Institute of Kenya. It will ensure proper research is done on coffee varieties and all aspects of coffee to ensure industry growth. The lack of research on a crop means that it will be stunted. If you have proper research and research institute, then new varieties will come, the upgrade of the crop will come in, and new products will even be established to ensure that this crop, which is important to not only Kenya but also the world, continues to grow and be better.

Transitional clauses in this Bill are provided because we want to move the crop from the ambit of AFA to the Coffee Board of Kenya. Therefore, it is very important that we have them. Clause 100 to 107 of the Bill provide for the transition of assets and obligations from AFA with respect to the coffee sector. Legal proceedings are provided, and references are made to written law. The staff of the Coffee Directorate, AFA, and all these people should not feel that they will lose their jobs when this Bill is passed. This law takes care of it properly. No one should be scared that when the Coffee Board of Kenya is set up, they will lose jobs and other things. This Bill has proper transitional clauses to ensure a smooth and seamless movement from AFA to the Coffee Board of Kenya. It is provided in this proposed law.

The Bill contains provisions relating to the conduct of business and affairs of the Board of Directors, which are clauses found in any other law. Therefore, I do not need to belabour that.

In conclusion, this Bill will provide a legal framework enabling the sector to be more profitable in the country and increase efficiency due to reduced bureaucracies and expedited processes. It will also improve farmer income—which is very important—through fair pricing, better market access, improved farming techniques, and enhanced global competitiveness due to improved quality and innovations.

I urge members to support the Coffee Bill. The Hon. Member, whom I am her doctor, said that I did not know anything about coffee. You can see I know too much about coffee. I can even articulate issues of coffee better than she can.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): On a point of order, Hon. Deputy Speaker.

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

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Deputy Speaker, I have no issues with the Deputy Leader of the Majority Party seconding this Bill, which I support because I am a coffee farmer and represent farmers. He needs to substantiate. He has said that he is my doctor. In what aspect is he my doctor? I am not sure I have ever heard of or seen him practice medicine in any way. He needs to come out very clearly and on record.

**Hon. Deputy Speaker:** He meant that he has a doctorate in the area of coffee.

Proceed, Hon. Baya. What is your response?

**Hon. Owen Baya** (Kilifi North, UDA): Before I sit down, I second. I also want to second that Hon. Wamuchomba stands up to speak on the Bill. As her doctor, I second her to do that.

**Hon. Deputy Speaker:** Hold on, Hon. Wamuchomba. You are next. We will first have the Member for Molo. Hon. Wamuchomba, you are in such a hurry to debate the Bill that I am forgetting to propose the question.

*(Question proposed)*

Let us have the Member for Molo, Hon. Kuria Kimani.

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Deputy Speaker.

First, I congratulate the Leader of the Majority Party, Hon. Kimani Ichung'wah, for introducing the Coffee Bill of 2023. I thank the Chairperson of the Departmental Committee on Agriculture and Livestock for really doing justice to the recommendations made to this Bill. The Report they tabled this afternoon speaks a lot about how they have the interests of coffee farmers at heart.

I have had a chance to check on several researches done by credible institutions such as KALRO, the International Coffee Organisation, the University of Nairobi, the Coffee Board of Kenya, the Coffee Research Institute, among other reputable research institutions in this Republic. It is on what has been ailing the coffee sector. These research institutions agreed on around six reasons or problem statements ailing the coffee sector. One of them is the low and volatile prices of coffee. Whereas coffee is such an attractive plant, especially in the international market, we have seen prices fluctuate so much in both the local and international markets. It has led to unpredictable returns to farmers. This has made farmers either stop planting coffee or not getting the right returns for this investment.

I was trying to compare and see how the Coffee Bill of 2024 solves the problem of low prices and volatility. I am very impressed by the recommendation in the Bill to introduce guaranteed minimum returns that will assure farmers respective prices for their coffee. Further, I will recommend that the Committee and the Committee of the whole House include further

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amendments. That will allow ways of ensuring guaranteed minimum returns and stabilisation of prices by using modern forms of hedging against fluctuating prices. Those ways include the use of futures and tokenisation where, with the current technology, it is possible for that coffee farmer in Kiambu, Murang'a, or elsewhere in the country, to put part of their coffee in the international market through tokenisation and get investment, returns and better prices for their coffee. I mean tokenisation or using other hedging features like futures, which we use in the money market or the other commodity markets.

The high production cost is another challenge seen as a great hindrance to coffee farming. Again, the Bill proposes several amendments that will reduce the high cost of production of this crop. One of the greatest efforts the current administration has made is the introduction of stabilised fertiliser as one of the ways of subsidising coffee production. The subsequent amendments that we will see in this House, especially from the Departmental Committee on Finance and National Planning, will be to exempt duties and levies on other inputs such as pesticide control. That is so that we can reduce the cost of production of this product.

The other factor raising the cost of coffee production has been a lack of access to the market and credit. We are happy that the Bill introduces a Farmer Stabilisation Fund to be available to coffee farmers at low interest rates. Therefore, in a way, this will hedge them against the high cost of production, especially the high cost of credit in this country.

Aging coffee trees is also one of the reasons the coffee sector has been ailing. Now, establishing a research institution and a fund to fund that research institution will ensure that coffee trees or the coffee plants made available to our coffee farmers last longer and have higher yields. Therefore, tackling the other challenge is one of the challenges in the coffee sector. That is the aging of coffee trees.

Poor corporate management in cooperatives of these coffee farmers has also been a thorn in the flesh of farmers. I am impressed that this Bill also seeks to address this challenge by having more stringent regulations on how these cooperatives run. Most farmers are only able to sell their coffee through their local cooperatives. When there is lack of proper corporate governance, these cooperatives have led to the collapse of this sector and very poor return on investment to farmers. By addressing poor corporate management by these cooperatives, the Bill will be a great source of relief to our coffee farmers.

Pest and disease control has also greatly contributed to the challenges around the coffee sector. Again, the establishment of this research institute and proposed funding to it will lead to better, more environmentally friendly, and cheaper ways of pest and disease control so that farmers have longer-lasting trees and better-quality coffee that will give them maximum returns.

Lastly, brokers and middlemen are also said to be a key challenge. The Bill proposes direct sales for export and licencing. Therefore, farmers will have a chance to sell directly to local and international markets, bypassing all those exploitative intermediaries in the coffee sector.

Looking at what research has shown as challenges in the coffee sector and what this Bill has done, I am convinced this Bill, as passed by the Departmental Committee for Agriculture and Livestock, and as recommended in the detailed Report the Committee has done, is going to be the lifeline coffee farmers of this country have been looking forward to. Then, our people in coffee-growing areas can take their children to school, live a good life, take care of expenses, look at coffee as an investment, and not just think about uprooting the plants and selling off the land where coffee is planted. They are going to get a good turn on this investment.

As I wind up, Jackie Chan once said that coffee is a language in itself. During this time, when there is a lot of political conversation around this country, this quote by Jackie Chan



cannot speak to that any better. That coffee is a language in and by itself. Clark Globe said, "I never laugh until I have had my coffee." Coffee farmers will not laugh until they have better returns for their coffee. I know this will make them laugh because they will get a good return on the investment from their coffee.

With that, I beg support.

**Hon. Deputy Speaker:** Thank you.

Member for Githunguri, Hon. Gathoni Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Hon. Deputy Speaker. At the onset, I rise to support the Bill. This is a Bill that we have been waiting for as coffee farmers and as Members of Parliament who come from areas where coffee is grown. It is a Bill that some of us have spent a lot of time in the making. I remember we attended the Meru Coffee Conference to give our input on the formation of this Bill. I am very excited, Hon. Deputy Speaker, finally, this Bill has seen the light of day. I hope and sincerely trust that we will do all it takes to ensure the Coffee Bill becomes law.

As a farmer, I celebrate the return of the institution that supported many farmers in research in the early 1980s, the late 1980s, the early 1990s, and up to 2003. This is when the Coffee Research Foundation was functional. This institution helped us develop the right breed and variety of coffee that is disease-resistant, less expensive for the farmers, and gives the best quality and resistance to many challenges.

I am happy about the Coffee Research Institute and hope it will still be domiciled where the Coffee Research Foundation buildings are. I will be happy and excited if it is going to be domiciled there because most of the people who worked there were my voters from Githunguri. My constituency borders the institution, so I will be happy to see this institution domiciled at the border between Ruiru and Githunguri Constituencies.

I am happy because, finally, coffee farmers will have seedlings and the research support needed to ensure that the varieties they plant are the right ones and will yield returns.

I am also very excited because the Bill has proposed the return of the Coffee Board of Kenya. This institution excelled in coffee farming in Kenya in the late 1990s and early 2000s when our farmers earned a lot of money from the Coffee Board of Kenya's marketing activities. I am excited as a coffee farmer that this Coffee Board of Kenya will not only help us profile our coffee in the right way but also represent us ably in the international market platforms where we have failed to market our coffee.

As a farmer, I am excited that introducing direct sales for Kenyan coffee farmers is now acceptable in law. The farmers who have the capacity to market their coffee directly will now be allowed by law, if this Bill becomes law, so that the farmers can experience the aspect and the pride of marketing their quality coffee anywhere in the world.

I am also happy that the Direct Settlement System (DSS) has been entrenched in law by this Bill. This system will allow coffee farmers to receive their money from any sale directly into their account without going through a roundabout of many other intermediaries who take away farmers' money. Even as we welcome DSS, it is my sincere hope that we will also create a very transparent system of DSS so that we do not deduct farmers' money with many other unexplained deductions.

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

*[The Temporary Speaker (Hon. Farah Maalim) took the Chair]*

I seek to bring a few amendments to this Bill. As much as I support it, there are areas in which we need to propose amendments so that we align ourselves with the activities of the farmer. I still do not understand why the Coffee Board of Kenya has to be domiciled in Nairobi,

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yet all coffee farmers are not in Nairobi. Why can't the main headquarters of the Coffee Board of Kenya be domiciled in Meru, Nyeri, Trans Nzoia, or Baringo, where we have coffee? Why must we bring Coffee Board of Kenya offices to Nairobi when the farmers are in the villages? Let us consider that coffee is a rural crop, and we do not have to bring the headquarters of the Coffee Board of Kenya to Nairobi for us to be seen to be working. So, I promise to bring an amendment because we punish our farmers through the logistics of coming to Nairobi when they do not have to.

I also do not understand why coffee as a sub-sector has to be subjected to the bureaucracies of four ministries for it to be able to achieve anything in the coffee sub-sector. Coffee is under the Ministry of Trade, Investments, and Industry; Ministry of Cooperative, Micro Small and Medium Enterprises Development; Ministry of Agriculture and Livestock Development; and the National Treasury. By the way, county governments are also involved. So, whenever coffee farmers want something, they have to be staggered in all four ministries to achieve anything. Why can we not domicile coffee in one ministry? Why can we not say every other activity of coffee is under the Ministry of Agriculture and Livestock Development or the Ministry of Cooperatives, Micro Small and Medium Enterprises Development? These bureaucracies create many delays, and therefore, nothing moves. It is bureaucracy after bureaucracy. I will bring an amendment, and I hope it goes through so that we can streamline the functionality of this sub-sector.

A clause indicates that for any farmer to cut down a coffee tree, they must get authorisation from the county government through the County Executive Committee Member (CECM). That, to me, is very oppressive. Why must we force a farmer to go and line up at the county government offices if they want to uproot their coffee and plant a new breed? Currently, I am a coffee farmer. I am already uprooting my old trees to plant the new variety because the weather has changed. Do I have to go to the CECM of Kiambu County to be allowed to uproot my coffee? This is punitive, and we must not go through that route. So, I will propose an amendment, and I hope I will succeed so that I can streamline that idea.

I cannot keep quiet when we are introducing levies after levies in the coffee sub-sector. It is good that we have brought back the Coffee Research Institute (CRI); it is good that we have brought back the Coffee Board of Kenya, and it is good that we have introduced the county governments as key players. But already, the county governments are taxing farmers through licensing palping centres. If the farmer is already paying a levy for a palping centre to be licensed, why does that farmer have to pay another levy when they sell their coffee? This is double taxation, and it will not happen. So, I still urge this House to allow us to make amendments so that farmers do not pay double levies in their value chain of coffee.

I am excited that after many political games and dances in the coffee sector, the Coffee Bill (Senate Bill No.10 of 2023) has finally seen the light of day. We are debating this Bill, and I am hopeful that the coffee farmers are finally going to get value for the energy they put into the coffee sector.

Before I conclude, coffee is a serious crop in this country that brings a lot of revenue in Kenya. By the way, the coffee sub-sector is supposed to be administered by its own ministry based on the amount of money it generates in this country. I still do not understand why we play politics with coffee; I still do not understand why we feel we are over-favouring coffee farmers. The money allocated in this House as a Coffee-Revolving Advanced Cherry Fund can be reallocated by one public officer without seeking clearance from this House or getting an opinion from the farmers and writing a letter expressly reallocating coffee monies to other sectors. I do not have a problem with other people receiving money; coffee money must be respected, and coffee farmers must be respected. Anybody trying to play around with coffee farmers' money must be told off and reminded that the coffee sector brought the development we see in some of the white highland areas of Kericho, Baringo, Nyeri, and Kiambu. We cannot

take coffee farmers for granted anymore. Therefore, we are still requesting and waiting for the Principal Secretary in charge of cooperatives to tell us about the letter that is circulating indicating that he intended to divert Ksh1.5 billion, money meant for coffee farmers, to other sectors without clearance of this House. Who gave him...

**Hon. (Dr) John Mutunga** (Tigania West, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mutunga, what is your point of order?

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Hon. Temporary Speaker, is the Member in order to drag the Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSME) Development when he cannot defend himself here? Ministries have the authority to manage their resources as per the guidelines given to them and the Public Finance Management (PFM) Act. So, why is this issue being dragged here? Is it in order?

**Hon. Temporary Speaker** (Hon. Farah Maalim): Order, Hon. (Dr) Mutunga. The Member has the absolute right to question the office of the Principal Secretary. She did not mention any names. If she has an issue with that office, then she has the right to bring it up on the Floor of the House, regardless of whether the law is going to directly affect the Cabinet Secretary, the Principal Secretary, or any other person working in the ministry.

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

Order. We are past that. Let us now have Hon. Maina Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Hon. Temporary Speaker, I stand to support this Motion. Today is a great day for coffee farmers as this Bill is being debated in this House. This Bill will no longer be used on vehicle roofs by politicians trying to drive a certain narrative in the Mount Kenya Region, where coffee is mainly grown. There have been unfair and false accusations that the Leader of the Majority Party in this House has forcefully frustrated a Bill that had not even reached the Floor. Senior Members, who have been here long enough, know the parliamentary procedures and how Bills are processed. Today, I am a happy Member of this House, as well as the Chairperson of the Parliamentary Coffee Caucus.

The regeneration of the Kenyan coffee industry comes at a time of great challenges. The land used for coffee growing has shrunk. The production per tree has also gone down. Farmers have been pushed to the periphery of the coffee trade. This Bill aims to bring back framers as major players in the coffee trade. The reestablishment of the Coffee Research Institute (CRI) is particularly timely, given that farmers are grappling with the impact of climate change, new diseases, pesticides, and dwindling production. The need to regenerate the ageing coffee bushes could not have come at a better time. Therefore, I laud this Bill for bringing back the Coffee Research Institute.

However, I still believe that we should allocate funding to this institute in the same manner we fund research at the Kenya Medical Research Institute (KEMRI) and Kenya Agricultural and Livestock Research Organization (KALRO). Coffee is a key cash crop and a significant foreign exchange earner in this country. The coffee farmer must also be supported by the exchequer in reviving the research institute, which has been largely dormant for over 10 years.

Several regulators are involved in the coffee value chain, including county governments, the Capital Markets Authority (CMA), and the Coffee Board. It is important to ensure simplicity, clarity, and efficiency in resolving issues raised by traders or the Authority in the Nairobi Coffee Exchange, which is regulated by the CMA. It is unacceptable that in this era of accountability and transparency for the CMA to raise a question to be responded to by a

coffee broker, give them seven days to respond, and then it takes another 21 days for the issue to be resolved. This impedes coffee trade.

The best prices for our coffee farmers are obtained through direct sales. Therefore, we must allow direct sales to thrive to enable our farmers to achieve better prices than those at the auctions. Direct sales must be allowed to complement the sales at the Nairobi Coffee Exchange. Clarity and speedy resolutions are the route to direct sales. The bureaucracy between the agreement and the conclusion of the prices and the export of commodities by the buyer must be streamlined and simplified. In fact, direct sales and a one-stop-shop should be included in this Bill.

Hon. Temporary Speaker, during the heydays, the Kenya Planters Cooperative Union (KPCU) served the coffee farmers. Unfortunately, those assets were mismanaged. Even with the re-establishment of the Coffee Board, we must ensure that the Board's membership does not encounter the same problems that KPCU faced. The New KPCU is a parastatal today but the question of how it will continue to operate alongside the Coffee Board needs to be clarified.

Additionally, the milling capacity in this country has been competing for very low volumes. Milling has been used traditionally as the home and den of cartels. Whereas the new reforms have disrupted horizontal integration, we cannot reform the old cartels and create a new dominant cartel to carry out the same roles that have caused suffering to the farmers. Millers and brokerage firms cannot participate in direct sales. Therefore, we must provide punitive penalties for those who violate the provisions of this law.

The financing of coffee production is central to the revival of the coffee business in this country. Therefore, we must establish clear and predictable subsidy programmes for coffee farmers. This sector requires a rebirth and needs to be revived. Therefore, we must take deliberate steps to support coffee farmers better.

I congratulate the Kenya Kwanza Government for continuing the Cherry Fund. However, it is paramount that we also craft support for farm inputs and agronomy services. The extension services under the county governments have gone to the dogs. It is imperative for the National Government to intervene or provide clear guidelines for collaboration to support farmers with better agronomy services.

The most interesting aspect is the marketing and sales of coffee. In this country, coffee sales and purchase is dominated by about six large companies, which have crowded out any small players who offer them competition. The Nairobi Coffee Exchange must deliberately make way for the small players to purchase small volumes at premium prices and compete in that space. Alternatively, we must create a deliberate path for the small players to directly access the wet mills and the cooperatives to purchase coffee from the farmers.

Hon. Temporary Speaker, I support.

**The Temporary Speaker** (Hon. Farah Maalim): Member of Parliament for Kirinyaga County, Hon. Njeri.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill. I stand here as a good example and beneficiary of the proceeds of coffee. My humble parents from Kirinyaga County used to farm or engage in coffee farming, and the proceeds took me through school.

First, allow me to recognise the meticulous work done by the Senate Standing Committee on Agriculture, Livestock and Fisheries led by Hon. Kamau Murango, Senator for Kirinyaga County. It goes without saying that for a long time, coffee farmers have not been getting their dues. Kirinyaga County produces some of the best coffee famed for its aroma. Notably, Rungeto Factory from Gichugu Constituency fetched Ksh1,715 per kilogramme for their AA grade in the last year at the Nairobi Coffee Exchange (NCE).

Despite the challenges that have been there in the coffee sector, this Bill seeks to address some of the pertinent issues so that coffee farmers can finally enjoy the proceeds of their work.

It is worth noting that governance has been a major challenge in the coffee sector. As we discuss and debate the Coffee Bill (Senate Bill No.10 of 2023), it is also important to remember that we must also fast-track as a House the Cooperatives Bill, 2024 that will address most of the issues that occur in the Coffee governance sector.

Recently in Kirinyaga County, we saw protests in various cooperatives, notably Kibirigwi Coffee Growers Cooperative and Mutira Farmers' Co-operative Society, due to governance issues that have denied farmers their dues and loopholes that are exploited to ensure that they do not get what is owed to them.

We must go an extra mile to ensure that we push for direct sales so that coffee farmers can market their coffee and sell it directly to any willing buyer, bypassing intermediaries that often manipulate market prices and take advantage of them. We also need to address concerns that coffee co-operatives are facing at the county level in terms of infrastructure, which is the duty of the county.

We must also address issues of farm inputs. We know that we had a very robust fertiliser programme, but as I speak, farmers of Kibirigwi Coffee Growers Cooperative do not have the necessary farm inputs to ensure that they are also able to grow the crop and maximise the output on their farms.

It is worth noting that Clause 47 introduces a levy, a purported levy, to be paid to the county governments that is supposed to maintain the society factory's infrastructure. However, county governments have proven from time to time that even once they get these funds, they do not have the goodwill to ensure that the funds are applied and not diverted. Currently, county governments have the National Agricultural and Rural Inclusive Growth Project (NARIGP), that is supposed to facilitate agricultural infrastructure and also offer extension officers at the local level to support farmers so that they can increase their output. However, the same is never applied at the county level.

We must check some of the issues that have been introduced by the Coffee Bill that will not address the challenges that farmers have been facing. Perhaps the national Government can come to a common ground with the county governments on what duties to be undertaken by national Government and what the county governments have the capacity to do.

We must also streamline the sector to ensure that farmers are not exploited merely because perhaps they are not able to read the many documents that are presented during Annual General Meetings (AGMs). Any coffee farmer who has attended an AGM can tell you the tedious documentation and hidden charges in terms of marketing and transport that is charged in dollars whereas it is transport at the local level. All these concerns and bureaucracy involved must be lessened so that the farmer is able to examine any documentation that is presented during the AGMs and be able to make informed decisions when they are giving borrowing power to the societies.

In recent times, we have seen protests by coffee farmers arising out of instances where borrowing power has been abused by the societies or co-operatives, where there has been conflict of interest or where some board members also sit in some unscrupulous circles and borrow money purporting to have borrowing authority from the coffee farmers who do not understand the hefty documents that are provided during AGMs. Thereafter mysteriously, the Savings and Credit Co-operatives (SACCOs) collapse. If these pertinent governance issues are not addressed, even if we have robust laws allowing coffee farmers to have direct sale, the farmers will continue to suffer.

My colleague, Member for Manyatta Constituency, who is also the Chairperson Kenya Youth Parliamentarians Association (KYPA) and I, will be proposing some of these

amendments to address governance issues and ensure that farmers get what is due to them.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Melly.

*(Hon. Julius Melly spoke off the record)*

You have the microphone next to you.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. First, I commend the Departmental Committee on Agriculture and Livestock, led by Hon. (Dr) Mutunga, for bringing this Bill which is long overdue.

This is the Bill that the Departmental Committee on Agriculture and Livestock of the 12<sup>th</sup> Parliament, deliberated upon and moved around the country to make sure that coffee farmers in this country get their dues. As we discuss this Bill, coffee farming in this country supports almost one million smallholder households.

This crop has been called the black gold of the 80s in Kenya. It is because in the 80s and most parts of the 90s, coffee was a top crop in this country, but due to mismanagement and competition in the global market, it has gone down. However, I want to thank the Committee because this Bill seeks to resuscitate the coffee sector.

This Bill, first, seeks to among other things bring in the Coffee Board. The Agriculture and Food Authority (AFA) through the Crop Act, 2013, decided to lump all major crops, such as sugarcane, tea and coffee, under one Act. Therefore, it lacked the attention that it deserved. This Bill is telling the Government and players in this industry that coffee is a major crop. Therefore, the Government needs to pay very good attention to it and most importantly, to the farmers.

Clause 4 to 22 of the Bill seek to establish the Coffee Board of Kenya. The Chief Executive Officer (CEO) and the Board of Directors are supposed to assist farmers with a number of issues. Firstly, is the Coffee Cherry Development Fund (CCDF) which is issued every time during picking of the crop. I want to tell the House that coffee is a labour-intensive crop which needs a lot of labourers during picking. If farmers do not get money at that time, the crop goes to waste. The Bill is addressing this but more importantly, it seeks to ensure that coffee has its own chapter and place in the agricultural sector.

Secondly, Clause 23 to 25 of the Bill are addressing the issue of licensing coffee cherry processing plants. Tinderet constituency has over 30 small coffee processing factories. Due to lack of relevant laws farmers go through a lot of problems. This Bill will ensure that county governments play a pivotal role in licensing of coffee factories. More importantly, we need agricultural extension officers to ensure there is quality management.

On regulatory provisions, Clause 26 to 35 of the Bill are looking at the regulation of production and processing of coffee, registration of operators, growers, millers, roasters, licensing and reporting. As a Member of Parliament, grower and farmer, I want to propose that we end the conflict of interest among farmers, growers, processors and roasters. In every process of coffee production, the interests of the farmer, who is the main player should be catered for. If we lump them together, some marketers, growers and roasters take the lion share and benefit more than farmers yet, they are the ones who spend all the time looking after the crop in the field, taking it through processing and carry the burden of payment. I will propose a number of amendments to ensure that the role of a farmer more importantly, the small holder is put into consideration.

On the production and processing, Clause 39 to 48 cover coffee production, importation of coffee planting materials, certification of Kenyan coffee, coffee traceability and disclosures to authorities. In this country, we grow speciality coffee. Therefore, I want to urge Members, particularly those from coffee growing areas that we need to guard the quality of our coffee

especially, from Eastern and Western Highlands where I come from which is of very high standard and quality. At times we allow unscrupulous individuals to mix it up with low-quality coffee, thus lowering its quality in the international market.

Clause 39 to 45, are looking at coffee production especially coffee planting materials, importation of coffee planting materials and certification of Kenyan Coffee so we are able to trace it in the market and ensure the high-quality standards in the international market are maintained.

The establishment of the Direct Sales Settlement (DSS) will give a lot of money to farmers. One thing which is killing cooperative societies in my constituency and other parts of the North Rift is farmers sell their crop and wait forever for their money. Direct Sales Settlement will ensure that immediately payments are done farmers access their money almost instantly. They will no longer wait forever. Most farmers, I included sell their coffee and wait for more than a month for payment. This is the case and yet the money is already paid but is lying somewhere to gain interest and profit for the middlemen, marketers and others.

On quality assurance, Clause 60 to 62 will ensure compliance of quality standards in the various levels of production, inspection and control. This will be ensured during crop husbandry, fertilisation, cherry and roasting stages. This is very important because coffee is a very sensitive crop and we want to produce the best. By doing so, most farmers will increase their production to 10 kilogrammes per tree. Many farmers would like to do large-scale farming of about two acres but the payment is very little.

Coffee research has been domiciled at the KALRO which handles other agricultural related activities. We now have a Coffee Research Institute in Ruiru. We need to establish more research institutes in coffee growing counties so they are easily accessible and new knowledge on crop development reaches farmers faster.

On financial provisions, directors of the cooperative societies should not be allowed to take many loans subjecting their societies into debt. I will propose an amendment specifically on how cooperative societies should be managed.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Murugara followed by the Member for Kwanza.

**Hon. George Murugara** (Tharaka, UDA): Thank you...

*(Hon. Gitonga Mukunji spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Murugara, the Chairperson of the Departmental Committee on Justice and Legal Affairs and Member for Tharaka.

**Hon. George Murugara** (Tharaka, UDA): Thank you, Hon. Temporary Speaker, for allowing me to also support this Senate Bill. It is well done and has undergone public participation. I want to confirm that I heard farmers making inquiries on what happened to their Coffee Bill after public participation unlike the *Ndegu* Bill which I have just opposed because it was not taken to the farmers for their input. So, they can get a law which they understand.

Coffee is one of the most important cash crops in this country. It is not grown in Tharaka Constituency but is extensively grown in Chuka/Igambang'ombe and Maara which are my neighbouring constituencies. Therefore, this Bill will be of great benefit to my county, Tharaka-Nithi. Coffee was introduced in the country in 1902, and it did very well. In fact, the economy of the young colony and then protectorate was changed because it was massively grown. It was later rivalled by sisal but again it overtook it.

Hon. Temporary Speaker, areas where coffee was grown became bread baskets of the country. This is one reason why today those areas are more developed than the areas where coffee was not grown. Africans were not allowed to grow coffee until towards independence,

when the likes of Senior Chief Koinange and others were allowed to do so. After Independence we had a law, the Coffee Act. Quickly, the crop gained popularity.

In the 70s it was the mainstay of the country's economy. Later, it was overtaken by tea, but we want to restore coffee to where it used to be. This is so that not only will it be a major foreign exchange earner for the country, but also one of the crops that give farmers the best of the income for their livelihoods.

The new law is very important because it handles the three major areas of coffee growing, starting with crop husbandry, research and growing or germinating of the crop. It is important for us to emphasise that in the 1970s and 80s, the Ruiru Coffee Research Institute (I think it was called a foundation then) was extremely pivotal in getting the best brands or crops of coffee grown in the country. Soon after that we just got it wrong as a country and coffee went to the dogs. In fact, farmers started uprooting the crop; a very undesirable development that happened. We are happy to note today that, whether through the New KPCU and the Coffee Board of Kenya, the crop is getting back to its roots.

We must also work on marketing because that is where the problem set in. We started having cooperatives which did not give a damn to what sort of crop was grown, provided the little that they could collect was marketed and they would pay the money and not care about the farmers. Today, we must ensure that the farmer gets value for the crop produced and taken to the market. We cannot say this without any more emphasis than we are doing now.

An issue has been raised as to why coffee transcends four ministries. We must admit because this is our country. It brings in the issue of bureaucracy when decisions have to be made regarding the crop. The parent ministry is the Ministry of Agriculture and Livestock Development. It is the Ministry that deals with crop production, husbandry and harvesting of the crop before it is taken to the market. The Ministry of Cooperatives and Micro, Small & Medium Enterprises Development then comes in because most of the crop is grown under cooperative societies. We know very well it is one Ministry that must be streamlined. It is not as efficient as it should and the new Cabinet Secretary must move in to make it even better than it is. After that, it moves to the Ministry of Trade, Investment and Industry because we have to market it abroad. We have to take it to the countries where it is consumed and we are paid for it. Again, we must also streamline how we market it here. We should not do it the way we market our manufactured products. This is a crop and it belongs to a farmer. It does not belong to an industry. Therefore, the way it is treated by the Ministry of Trade, Investment and Industry must be peculiar to how the other crops are done.

The Ministry of National Treasury and Economic Planning, I believe, is where money would come into the country through and the disbursement would have to be done. Again, we have to be efficient here. Farmers have to be given their money in a timely manner. The reason why coffee collapsed is because, number one, the prices were mundane. The prices were so poor that no farmer would even want to weed for the crop or even harvest it. Number two, when the funds came in the cooperatives would always take the lion's share. This is what we are trying to get away from. After that, we would then have immense debts. Indebtedness by the societies which of late, the Ministry of Cooperatives and Micro, Small & Medium Enterprises Development has to move around the country to try and have those debts waived. We do not want to get into this. This is why the Hon. Leader of the Majority Party has brought this Bill. As such, we have to support the Bill for the benefit of our farmers.

With those very many remarks, I beg to support this Bill. I will also support the amendments proposed by those who come from the coffee growing areas because they are the paramount stakeholders in this. Good amendments have to be supported so that we make this Bill as good as it can be. Thank you, Hon. Temporary Speaker. I support.

**The Temporary Speaker** (Hon. Farah Maalim): *Mheshimiwa Wanyonyi?*



**Hon. Ferdinand Wanyonyi** (Kwanza, FORD - K): Thank you very much, Hon. Temporary Speaker. I have been waiting the whole afternoon to talk about this Bill.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, order. I bring to your attention that we will have an Adjournment Motion at exactly 5.30 p.m., which is exactly 10 minutes away. So, if you take less time then you will allow other Members, because this Bill has got a lot of interest. You will allow more Members also to weigh in on that. Proceed, Hon. Member for Kwanza.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD - K): I should be the last one.

First of all, I thank you for the opportunity. I draw the attention of the Kenyans that, from the time coffee was introduced in this country, almost a century ago, it was referred to as gold. It was actually gold in Kenya because it was black gold. Most farmers were involved. I remember when I was a small boy we had a lot of coffee plantations. As mentioned by other people, coffee actually was widely grown particularly in my area and those sides of Bungoma.

*(Technical hitch)*

**The Temporary Speaker** (Hon. Farah Maalim): What happened?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD - K): This is frustrating and confusing. I was making a contribution that, coffee was referred to as black gold because it was black gold at that time. As mentioned by the proposer of this Bill, I think it was mentioned by my Chairman of the Departmental Committee on Agriculture and Livestock, Kenya was second to Ethiopia in terms of exportation and growing of coffee because we actually referred to it as black gold in our own area. Looking at the requirements for coffee growing, we have very good soil, particularly in the slopes of Mount Kenya and Mount Elgon, where I come from. We were actually planting a lot of coffee because of the soil and the climatic condition at that time. So, the question here is that the challenges that have been mentioned are our own creation, and our own failure. We should look at it very critically. I have been talking to my Chairman of the Departmental Committee on Agriculture and Livestock.

As we proceed, we want to revert coffee so that it becomes black gold as was perceived that time. We were actually beating Ethiopia and Uganda. Uganda was number three and we were second to Ethiopia. Because of the topography in Ethiopia, it was growing a lot of coffee. However, we failed ourselves. We had the extension officers who were helping farmers to assist in the production of this gold. As you know, we were then exporting after processing. Today, our own failure is that we are now exporting coffee in raw form. Even small factories that used to process coffee at the time are no longer there. I want to find out exactly what happened. The Chairperson of the Departmental Committee on Agriculture and Livestock is here and I urge him to ask the Cabinet Secretary for Agriculture and Livestock Development how we can revive those small factories that used to process coffee before it was exported.

We used to earn a lot of foreign exchange. Our country was respected as a coffee exporting country in Africa, apart from Ethiopia. Therefore, we should revitalise our research institutions and centres so that they can continue with their research on coffee. We can then get various varieties of coffee because we have the technology. People want to know which variety of coffee we are producing. If you go to some countries and ask for tea, they will ask you which tea you want. If you say you want African tea, you will get very good tea because it is exported. If you ask for African coffee out there, you will find that it is very well processed.

The AFA used to conduct research on coffee. We are now removing coffee research from the AFA, so that it is on its own. We had the Coffee Board of Kenya. I do not know what went wrong with the Board. It merged with the AFA because of the marketing aspect. We have to go back and find out where the rain started beating us.

Lastly, I want to make sure that we have extension services. We are reviving the research areas. One of the speakers at the very beginning mentioned that we should have centres in coffee-growing areas instead of farmers coming all the way to Nairobi. If one has an issue, he or she has to come all the way to Nairobi, which is not right. Some of these things should be localised so that if there is any problem, it can be dealt with in the area.

Trans Nzoia was one of the largest coffee-growing areas back in the day because the white settlers who came there grew the crop. One can intercrop coffee with other plants such as maize, wheat and even sunflowers. I want us to take this issue very seriously. The Chairperson of the Departmental Committee on Agriculture and Livestock is here. Let us revive the coffee sector for the benefit of our country.

With those few remarks, I take this opportunity to support the Bill. I will be among those who will come up with new proposals to revitalise the coffee industry. It is just because of carelessness that the coffee sector today is no more.

I support the Bill

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mogaka, Member for West Mugirango, you have exactly two minutes.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you, Hon. Temporary Speaker. I must thank the Departmental Committee on Agriculture and Livestock for coming up with this bold initiative to make the 13<sup>th</sup> Parliament the saviour of the coffee farmer in this Republic. I laud the introduction of this Bill. I support the Committee's Report. I will also be on my toes to propose very progressive amendments that will put the smiles back on the faces of coffee farmers.

Coffee was gold during our youth. It would be a disaster if coffee became a disaster in our adulthood as leaders. I urge this Parliament to rise to the occasion to make Kenya a great coffee producer and exporter as it was before. Coffee should once again be a great foreign exchange earner as it was before.

My constituency of West Mugirango was and is still one of the largest coffee producers. However, majority of the coffee bushes are abandoned because farmers have been driven out of their farms due to the mismanagement, squander and pilferage that goes on in the coffee sector. This Bill seeks to introduce systems that are foolproof, farmer-centric and that will ensure that each farmer gets value for their work.

I urge my people of West Mugirango to take this opportunity to revive our coffee sector, to get back to the coffee farms, and to make money from coffee. As their Member of Parliament, I will be at the forefront in ensuring that we liberate and empower coffee farmers to get value for their money.

I support the Bill.

**The Temporary Speaker** (Hon. Farah Maalim): It is exactly 5.30 p.m. When we next consider this Bill, Hon. Mogaka will have an additional eight minutes. If he will be in the House, he will be followed by the Member for Manyatta. Hon. Gichimu. I see you. I will gladly give you an opportunity to contribute. You must take note that the Chair was one of the founding members of the Coffee and Tea Parliamentary Association in the 7<sup>th</sup> Parliament. Coffee is very close to my heart. I know how much you are committed to it.

Next Order. Let us continue. Hon. Mbui, you have an adjournment Motion. You have 10 minutes to move. You will not have a Secunder. Each Member after you will have five minutes to contribute.

## MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

### COMPETENCY BASED CURRICULUM TRANSITION

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**Hon. Robert Mbu** (Kathiani, WDM): Hon. Temporary Speaker, pursuant to Standing Order 33(1)(c), I rise to move this Motion of Adjournment of the House for the purpose of discussing a matter of definite urgent national importance regarding the implementation of the Competency Based Curriculum (CBC) student transition.

I want to, first, thank the Speaker for allowing debate on this Motion, and also the House for supporting it so that we can address this matter. As enactment of the CBC continues, the pioneer CBC class is expected to transition to Grade 9 commencing in January 2025. However, this transition has caused increased apprehension amongst parents and widespread concern on the preparedness of the education sector with regard to the transition. Of importance in this matter is infrastructure which was initially meant to be lodged within secondary schools. However, when the new regime came into office, his Excellency the President came up with a Presidential Working Party on Education Reforms which recommended that this transition remain in primary schools. Junior secondary schools are domiciled in primary schools.

Additionally, the practicality of putting up classrooms and other facilities like laboratories by December 2024 before the start of Grade 9 lessons in January 2025 is in doubt. At present, the transition is also marred by shortage of junior secondary teachers, who are crucial for the success of this programme. It is against this background that I want to encourage the House to discuss this matter with a view to exploring possible solutions and advising the key players, stakeholders and the country at large on what we need to do within the remaining period before these children end up in that position.

The Grade 8 students who are going to Grade 9 next year are the pioneer CBC class. If you remember, when these children moved from Grade 6 to Grade 7, they did an entry exam. Not all schools were equipped to implement the CBC. Some of these children had to travel for many kilometres because only a few schools were allowed to provide junior secondary school education while others were not. In my constituency, five to six schools were feeding into one school. There was serious congestion and that is what we are worried about. We want to ensure that we do not fall into that trap.

The fact of the matter is that in January 2025, almost 1.5 million students currently in Grade 8 will be transitioning to Grade 9 in over 32,000 primary schools in Kenya. That is only three-and-a-half months away. Is the Ministry of Education prepared for that transition? It is the reason I have seen it important for this House to discuss this matter. What do we require? We require 32,469 classrooms, and that is on the assumption that every school requires only one class. There are schools with three to five streams each, and so we require almost 60,000 classrooms. Do we have the classes, Hon. Temporary Speaker? If we do not, what are we going to do so that we can have them in the next three-and-a-half months?

Hon. Temporary Speaker, this system also requires laboratories. It is no longer just the normal schools. The laboratories should be put up so that they can carry out some of the practical subjects like Integrated Science, Health Education, Pre-technical Studies, Agriculture, and Home Science. All these subjects require a laboratory. There is a possibility that even one lab in a school might not be enough. The minimum requirement of one lab means that we have 32,469 labs in Kenya in the next three-and-a-half months. Are we prepared?

We also require teachers. This teacher issue is one of the most notorious problems that we have. We have talked about free education for a long time. We even have Free Primary Education in place, but in most of these schools, you will find that teachers are not enough. On a regular basis, parents have to contribute to pay teachers. When parents are paying teachers, how then do we call that free education? Education is basically tuition, which is the payment for teachers to provide the service. So, the minute parents are paying teachers, then it means that that education is not free. Even in free secondary education, we do not have enough teachers. We have now introduced the Junior Secondary Schools yet we do not have enough

teachers. The problem is not just the number of teachers, but their competence is also a matter of concern. How many teachers are prepared in this country to teach these subjects?

Our graduate teachers are trained to teach two subjects, say, English and Literature; Kiswahili and CRE; or Geography and Business Studies. That is the kind of training we have in our universities today. Who is going to teach Integrated Science, Health Education, Pre-technical Studies, Sports Education and all those other subjects? To compound it even further, in the wisdom of the Ministry, instead of reducing the number of subjects in CBC, they have condensed the subjects and combined them. That means that there are subjects that are being taught and offered to be taught in our schools that have no trained teachers, not only in Kenya, but even in Africa and the world. There are some subjects that have been combined. There is no one technically capable of teaching those subjects. However, every day the bell rings, someone walks into the class and teaches. What professional qualification do they have to teach these combined subjects? They are putting together three, four or five different subjects that require different skills and training. What do we need to do, Hon. Temporary Speaker?

Today, I want to encourage Members to try and offer solutions. I have a few that I want to offer because I know that education is the future of this country. In fact, that is one of the reasons youngsters came here and wanted to take over the House. We must do things right; not just for the Gen Z, but even for the Gen Alpha and the ones that are yet to be born. We must make sure that we do things that are going to make this country competitive in the community of nations, so that our graduates from Kenya can contribute in this world.

What solutions do I offer, Hon. Temporary Speaker? First, let us expedite the release of funds. As we sit here, there is the National Government Constituency Development Fund (NG-CDF) money from the last financial year that has never been released. Members would have probably put up some of these classes if the money had been released. If the money is not released to the constituencies, where Members can go and oversee, then it means that we have a problem that is still growing.

There was also money that was supposed to be allocated to the Ministry of Education to help in putting up the classes. That must be expedited. Any debts in the Ministry of Education must be cleared immediately.

Secondly, we must increase the budgetary allocation for the Ministry of Education for purposes of solving this problem. This is an emergency. When we had COVID-19, we spent billions of shillings. Now we have Mpox, and I hear Ksh6.5 billion is supposed to be spent. We can spend any last cent of Kenyan money to solve this problem. We do not want our children to be loitering in the streets in January because there are no classes. I know the Ministry is likely to create a situation or a solution: they are likely to combine classes so that Grade 1 and Grade 2 will be put together. That means we will be compromising the quality of education. Our children are made to walk for long distances to schools far away only so that they can access larger classrooms. I believe that the solution is to provide money, and that money must come from the Budget even if it means this House re-allocates some money. We must look for money to provide a solution to this problem.

I want to advise the Ministry that every time someone is appointed to be Minister or a new regime comes into place, you do not have to come up with a new education system. In 2013, we were treated to an issue of laptops; that every child going to Grade 1 or Standard 1 as it was referred to then, would have a laptop. Today, those children are in university. They never saw a laptop. After two or three years, they were promised tablets. Those tablets are not even there. They were bought and after one year, they were destroyed. There was no planning. This is the Ministry that plans for the future. We must plan for education. We must make sure that we put our things right so that we can provide and help the country.

**The Temporary Speaker** (Hon. Farah Maalim): The Member of Parliament for Seme.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. We are in a crisis because the Ministry of Education is characterised by lack of coherence in policy formulation and implementation. In the recent past, what have they done? They came up with things such as delocalisation, localisation, 100 per cent transition, CBC, and then the university funding system. All these things are not harmonised and do not feed into each other and that is why we have problems. The first thing that the Ministry should do is to immediately sit down and harmonise all these things. The first thought was that the Junior Secondary Schools (JSSs) be domiciled in secondary schools. Suddenly, and I do not know what informed that, they were domiciled in primary schools. With that, there is the problem of infrastructure not only concerning classrooms, but also labs and workshops. We are not even clear today whether in JSS we should have laboratories or workshops. If you maintain this issue of CBC, then you should be talking about workshops. The next thing they should do is to be very clear on what is needed in the technical aspect of JSSs. Are we going to have workshops or laboratories? That one should be stated.

The next thing is human resource. Where are the teachers? Have they been trained? They should also be clear about the content. The truth is that until now, there is no clear curriculum for JSS. Go and ask the teachers. They will tell you that there is no clear curriculum yet these kids will be moving to another grade next year. There is no clear schedule of teaching materials that should be used. The first thing the Ministry should do is to sit down and harmonise these policies. In terms of JSS, they must clearly come up with the structures needed. What is the funding that is required for that? I do not know whether the funds are available, but we can do it in three months. This is a must.

On the human resource aspect, there may be space in secondary schools. Are we going to re-tool some teachers in secondary school to have these children taught next year? That is something we should look at. The content of what should be taught must be clear. We should know what the curriculum is. If you ask teachers what should be taught, they are not clear about it. The next thing is about teaching materials. Remember when this curriculum started, people were talking about chicken being taken to schools to be slaughtered and things like that. When those jokes ended, we did not end up with a clear schedule of materials. So, this is an emergency. Since the Government is used to putting up committees, it must now put up a committee to look at how this transition is going to take place, starting with infrastructure and the funding of the same. It needs to look at re-tooling of teachers and setting up a clear curriculum. If they have bits and pieces of the curriculum somewhere, they should put them together. Finally, teaching materials are required. If funds are available, something should be done. Unless those things are done, I think we are going to have a crisis.

Much more importantly, the Ministry must start to have some coherence in its policy formulation and policy implementation. Things that are being done off the cuff here and there, are going to ruin the education of our children. That is my contribution to this Motion.

**The Temporary Speaker** (Hon. Farah Maalim): The Member for Manyatta, do you want to speak to this order or the previous one?

**Hon. Gitonga Mukunji** (Manyatta, UDA): I will speak on this one.

**The Temporary Speaker** (Hon. Farah Maalim): Okay, proceed.

**Hon. Gitonga Mukunji** (Manyatta, ODM): Thank you, Hon. Temporary Speaker. I thank the Member for this very crucial and important Motion. We should not mince our words when we are describing the status of the education sector in this country. It is a crisis. Whenever we have a crisis, we should come together, offer solutions and see how we can handle it best. The CBC programme that was introduced into this country a few years back has become the elephant in the room. It has not been able to actually take course as it was anticipated. Apart from the issue of infrastructure, we took up a system that was not meant for us and it was not

well structured in terms of implementation. We are already in it and now need to look at how we can improve it.

This draws me to the dream of Hon. Mwai Kibaki, the former President of this country. May his soul rest in peace. When he brought in Free Primary Education (FPE), his mind was to ensure that every single child had a chance in education, especially basic education. After that, the sequential governments that have come in have not been able to improve on it and put resources so that the FPE that Hon. Mwai Kibaki brought in could be the one that he dreamt about. There was a saying when we had a lot of problems in this country some time back that the children that were in the streets were the first products of the FPE of Mwai Kibaki. Now that we have the CBC, we need to have a serious interrogation of the Ministry. The officials need to be called here to explain how to handle the infrastructure that is needed urgently before January next year, in Grade 9. We need to hear whether they are ready not only in a few parts of this country, but everywhere in the country where this programme is ongoing.

It is obvious that even teachers are not well prepared. I would like to hear from the Cabinet Secretary and the Ministry how it is going to do serious teacher training and ensure that teachers are prepared to handle Grade 9 students. While we are releasing pressure in secondary schools because of the classes that are going to be empty, we are burdening primary schools to a level where they will not be able to work. We need to come together as NG-CDF and the Ministry to urgently put resources so that we can evade a serious crisis of having children who do not have teachers and classrooms. I would also like the formation of a committee to check on the sustainability of our education model.

In my opinion and without doubt, there is a problem with the sustainability and the expense required to continue with this project of CBC. There is also an important role that is supposed to be played by a committee to ensure that no area in this country is left behind. We need to do an assessment and an audit to know whether we are able, as a country, to make the changes we are making in education. Our public universities do very well. Many of our children, even of senior government officials, go to public universities.

**The Temporary Speaker** (Hon. Farah Maalim): You have run out of time. Is the Member for Samburu East there? Hon. Lekumontare proceed.

*(Hon. Gitonga Mukunji spoke off the record)*

Member for Manyatta, you have already exhausted your time. You only had five minutes.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Speaker, for this time to add my voice to this discussion. The CBC, which is now our education system, is almost lacking in everything. Since we started this CBC, our children have been in schools without teachers. The CBC was meant to be for a different course from that of our primary education. They were to even have a different administration. The headteacher of a primary school heading a junior secondary school is something that has never happened. This system requires a lot of practical education, but schools lack materials. Infrastructure is lacking in schools. They are still using a balance of classrooms, that is, former Standard 7 and 8, and we are already seeing problems. As Members of Parliament, we are talking from a knowledge point of view because we visit these institutions. We entered a system that we were not ready and prepared for. Because we are already there, the Ministry of Education should come in and provide what is required.

I remember when pupils were supposed to go to secondary school, they were ushered into some classrooms which were, maybe, left vacant in the secondary schools. So, I think where we are now since CBC started... There is nothing much which is going on in Junior Secondary Schools. Also, imagine all those subjects that should be taught: you cannot take an English/Literature teacher to go and teach sciences. That is a problem! We have already

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affected our children. Something has to be done for the Grade 9. The assumption by many people is that the NG-CDF will be able to provide infrastructure. Hon. Temporary Speaker, it will not be enough. The NG-CDF is trying but the Ministry has a lot of funds which it really needs to give to these institutions. Otherwise, come next year, we will have a lot of problems because right now the primary schools where junior secondary schools are situated have reached a maximum point where there are no other extra classrooms. We cannot wait until that time. We really need to get the Ministry to provide the solution before that time. Otherwise, thank you Hon. Temporary Speaker. This is a good move and we are going to support.

**Hon. Temporary Speaker** (Hon. Farah Maalim): Hon. Phylis Bartoo. Is the Member of Parliament (MP) for Moiben in the House? No, she is not in the House? Okay.

Hon. Nabii followed by Hon. Mutunga, proceed.

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

Hon. Nabii first followed by Hon. Mutunga. Hon. Nabii Nabwera.

**Hon. Nabii Nabwera** (Lugari, ODM): Yes, I am here.

**Hon. Temporary Speaker** (Hon. Farah Maalim): Proceed.

**Hon. Nabii Nabwera** (Lugari, ODM): Thank you, Hon. Temporary Speaker.

I want to add my voice on this noble Motion this afternoon. The CBC is facing a myriad of problems, other than the lack of classes, laboratories, resource centres, and enough teachers. More importantly, Mathematics, English, and Integrated Science and Computer have almost nil teachers at Grades 7, 8 and 9.

A quick run of my constituency which has 112 primary schools: only seven schools have postings of Mathematics teachers. The most difficult part of this CBC is that the teachers have pointed out to me that even the books developed by Kenya Institute of Curriculum Development (KICD) for curriculum delivery are not in tandem with what is supposed to be the case. In some of the books, the mistakes are just too many for them to use. They have resorted to using Google.

*(Applause)*

The biggest challenge we have with this system is this: we have teachers but because of the way the Teachers Service Commission (TSC) is configured, teachers who could help, like the P1 teachers who have capability and could have gone to teach in Grade 7 or 8, cannot move to teach there. I would like to make the following suggestions to help out. The first thing we need to do for us to get enough classrooms in the next three months is for us to give a conditional grant to NG-CDF of Ksh21.6 billion.

*(Applause)*

Even with the capping arrangement, in my constituency where I have 112 schools, up to today capping has only been able to do 12 schools, a classroom each.

In Lumakanda Township, a school that requires six classrooms for Grade 9, they have only been able to do three. The second solution to this problem is that we must trigger the recruitment of 20,000 teachers to start on 1<sup>st</sup> of October; not in January. Since we provided the money for it in the Budget. Can we not trigger TSC to start recruiting by 1<sup>st</sup> of October so that by the end of December, we have these teachers on board? Are we aware, that in this country we have emergency money? This is a matter that requires funds from the emergency kitty.

*(Applause)*

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And if we really care for our kids; if we really care for the three generations we are about to lose; can we use the money from the emergency kitty to provide classrooms? Thank you, Hon. Temporary Speaker.

*(Applause)*

**Hon. Temporary Speaker** (Hon. Farah Maalim): [Inaudible] Hon. Mutunga followed by MP for Kasipul.

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker for the opportunity to also add my voice to this debate.

I start from the point of view that as a country, we are straining right now. We are straining economically because we cannot manage to meet our ends. Every Kenyan knows how we closed the financial year. Very many bills transited to this year meaning that we actually do not have enough money. The other day I watched the Cabinet Secretary for Treasury and National Planning speaking to the Senate and the kind of confessions that he made, that we have to be really careful about how we spend the little that we have.

We have an entire infrastructure laid out in secondary schools and these children are Kenyans. If we must take them through this experiment, then let us be realistic, at least, for once as a country. Let us realise that we have an entirely completed and tried out infrastructure as secondary schools which they can immediately occupy. The National Treasury does not have to cough a single coin. We do not have to build other classes. We are doing double development or making a double provision. We are going to invest in building Grade 9 classes for Junior Secondary Schools and then we shall forfeit the Form 1 classes which are already there waiting for children. That is neither a logical nor reasonable thing to do as a country which is straining. We are making a huge mistake. We need to be realistic.

If it is about a name, that is, calling it junior secondary school, we could rename it. Let us set up another committee to come up with an appropriate name, say, transitory. It will show that it is all about transiting from primary school to secondary school. It does not really matter. We are the ones who are inventing these names. I am of the serious opinion that if we must continue this experiment on our children, let us be realistic for once as a country. As you continue teaching children, the advancement of knowledge increases. The need for investment in facilities, elaborate laboratories, reagents and equipment calls for attention.

The problem we have right now is that all 98 per cent of primary schools in this country do not have elaborate laboratories or sufficient reagents. In fact, day secondary schools do not have laboratories. We are struggling as Members of Parliament trying to guide that NG-CDF focuses on building laboratories for day secondary schools. So, if we do not even have laboratories for day secondary schools, yet students in Forms 3 and 4 are already preparing for their exams, how can we be talking about establishing laboratories for a whole new system that is being tried out?

Hon. Temporary Speaker, if the infrastructure is already there, let us take the children there. Again, we need elaborate libraries that will give these children sufficient material to be able to learn. We need elaborate libraries that will give these children sufficient materials to learn. We have problems with some of the subjects like Integrated Science. At secondary school level, you will find a Chemistry teacher, a Biology teacher and a Geography teacher. Teachers are there. We can cause this integration to happen quickly by guiding them in terms of the principle of who should teach what under the integrated curriculum. Let us be realistic as a country. Too many of our children will have a very difficult time learning without facilities, proper books, and well-trained teachers.



Another issue is the grading system of exceeding expectations, above expectations, and below expectations. We know that when our children want to access university education in other countries or to get jobs in other countries, they are taken through examinations to establish whether they understand, yet we have proven universities that give us certificates. In this particular system, are we really moving forward or we are moving backwards? Shall we really deliver Kenyans who are ready for that market? We need to rethink as a country. The task force that produced this Report – it was adopted – needs to go back to the drawing board and ask itself if it did the right thing. I endorse the Motion.

**The Temporary Speaker** (Hon. Farah Maalim): We will have the Member of Parliament for Kasipul followed by the Member of Parliament for Gichugu.

**Hon. Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker. For the record, it is Kabondo Kasipul. There is Kasipul Constituency.

**The Temporary Speaker** (Hon. Farah Maalim): Okay, Hon. Eve Obara. Proceed.

**Hon. Eve Obara** (Kabondo Kasipul, ODM): Thank you, Hon. Temporary Speaker. This is not a laughing matter. We need to say it as it is. The question that we need to ask ourselves is this: Is CBC facing challenges? I say yes, a big one. Actually, it looks like we made a false start. Most of the schools – I am talking about my constituency – are ill-prepared in terms of infrastructure. We do not have enough classrooms, laboratories, and libraries for these JSS schools. The NG-CDF has tried to build classrooms but they are not enough. The Ministry has also done some work. Again, as I said, not enough has been done. It is not realistically possible for the Ministry or the NG-CDF to build laboratories in all these JSS schools. That is the reality.

The elephant in the room is the human resource. A teacher is ill-equipped. An arts teacher is forced to teach sciences. They are, for example, assigned to teach biology and chemistry which were not their subjects at the university. They are forced to read in the night and prepare for science subjects, come back and disseminate the same to the students. Do you call that learning? No! Re-tooling has also not been done. For teachers, as I have said, they are ill-prepared. I can tell you for free that they are a frustrated lot in the JSS classrooms.

The transition to Grade 9 is another problem. We have three months to think through how these students are going to transit. Is it possible to build new classrooms for them within the time that is left? I do not think so. Is there enough money to give to the NG-CDF to build the classrooms? I am not sure. Maybe that can be answered by the Chairman. Let us be realistic. What is the possibility of Grade 9 being domiciled in secondary schools? The previous challenge of age that we had is no longer an issue because the last cohort of 8-4-4 is going to exit this year. Therefore, all the students who will be in secondary school will be under the CBC programme. Let us think outside the box. If at all we agree that Grade 9 go to Form One, there will be an extra classroom because there will be no form ones. So, it will be at no expense. Will this be possible? Yes, I think it will be. We will have laboratories and subject teachers. That will not be a problem. The matter of libraries will also be sorted. Do we need to push through what we know may not be humanly possible to do within the months that we have? Let us think outside the box. We are the ones who made the policy. It is not cast in stone. We can review it and see how best our children can benefit from education. Let us not waste the future generation of this country.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. The Member of Parliament for Gichugu.

**Hon. Gichimu Githinji** (Gichugu UDA): Thank you, Hon. Temporary Speaker for the opportunity to also contribute to this Motion of Adjournment sponsored by the Member of Parliament for Kathiani, Hon. Robert Mbui. I must thank him for taking the lead because this is a matter that has lingered in the minds of most of the Members of Parliament. It has come at the right time just before ushering in Grade 9 next year. There is a possibility of addressing the issues that have been raised if we bring our hands together as a Parliament and we also involve the Executive as we did with the matter of higher education funding under the leadership of the right Hon. Speaker. This is a matter that also requires a *kamukunji* so that the Permanent Secretary of the Department of Basic Education can come and brief the House on the preparedness of the CBC before we experience a lot of confusion.

I believe that what Members, parents, and the public, generally, are concerned with is the very limited information dissemination from the Ministry of Education. There is scarcity of information and yet the Ministry of Education has roots up to sub-county levels. Instead of the officers of the Ministry disseminating this information across the schools and to the parents, they have been lax and this information has not been cascaded down to the consumers.

I happen to have attended one of the sessions that an officer from the Ministry had been sponsored to come and explain CBC by the school where my children go to. The way it was explained, I understood it to be a good thing. Junior secondary is supposed to prepare children in their areas of competencies before they transit to senior secondary school so that if someone drops along the way and does not make it to the university, they can make a livelihood out of the competency that they were taken through training. However, this information is little known to many parents in this country. It is high time we tasked the relevant department to take up the role of dissemination of information to consumers – who are mainly parents and students – in every school. The Ministry can sponsor and get data of all the requirements of the CBC in each and every school. I know that the NG-CDF, with the little resources, is making efforts to build more schools and provide the relevant materials and equipment for this programme. However, with little information, we will not do much as expected.

As I wind up on issues of infrastructure, for there to be equity for every child in this country, infrastructural funds should be disbursed through constituencies but based on the actual needs of the constituency and not as a blanket figure which is forwarded to the constituencies. There are schools which do not require infrastructure while others require new classrooms and renovation.

Hon. Temporary Speaker, I support.

**The Temporary Speaker** (Hon. Farah Maalim): Next is the Member of Parliament for Bumula, followed by Hon. Melly, the Chairperson of the Departmental Committee on Education and Research and thereafter Hon. Ruku in that order.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Thank you, Hon. Speaker. I take this opportunity to thank my leader and brother, Hon. Mbui, for bringing this very important Motion that affects our children, who are our future.

We have a problem. I lead a rural constituency that has about 110 schools. Out of all the schools, the infrastructure to accommodate this programme is lacking. It is not even at 5 per cent. The Government must rethink its strategy. We need to pull resources together urgently. For the interest of these children, we should ensure that we finance schools. I propose this be done through the NG-CDF because it has a direct link to the ground and ensure that we prepare ourselves for January. We have put together all the technical subjects and said we are going to have a resource centre that will serve as a laboratory and all that. A modest resource centre would cost about Ksh2.5 million. We have 32,000 primary schools in this country. We are talking about Ksh80 billion. This is something that must be dealt with as a matter of

urgency. If the Government is serious, indeed, we must pursue that. We have a situation where we have one teacher in a school teaching all subjects. That is totally unacceptable.

What are we preparing our children for? Can they really compete nationally and internationally? They cannot. Some of these teachers were not prepared to teach these subjects because it is a new curriculum. Most of these teachers, if not all, need re-tooling. They need refresher courses. They need to go back to school and be aligned to the new system. We have had situations where students are supposed to prepare for practical subjects but there are no practical materials to work with. Some of these teachers have never seen some of those materials they are supposed to use to engage students! At the end of the day, we find that teachers, parents, and Government do not understand the CBC) and how it works. How then do we expect a student to understand CBC?

At the end of the day, the Government must be serious. When I was growing up, and even now, during any job interview we are asked for the Kenya Certificate of Primary Education (KCPE) to gauge whether one is qualified for that job or not. Now, we have students who are passing through a very critical stage of learning. If these students were to go international, what would they use to determine their education qualifications? We are setting a very dangerous precedent. We have a situation where classes are going to be vacant in Form One, but we are struggling to accommodate students in primary schools where we do not have classes. Why can we not have a linkage of how we can address this issue so that at the end of the day, the students of Kenya do not suffer in the very hands of that Government which must protect them?

Thank you. I support and thank Hon. Mbui.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support Hon. Mbui on this Motion. Regarding the issue of CBC, I will just give a very short brief emanating out of a taskforce from Prof. Douglas Odhiambo in 2012. The Odhiambo Taskforce was trying to align education with the new Constitution. In so doing, it proposed a new education system like the previous education systems.

In 1964, we had the Ominde Report. That brought education from a whites-only, blacks-only and coloured-only system into one unified national education system and all students were treated equally. Whites and Africans were taken as one. In 1976, we had the Gachathi Report on education objectives and manpower development. In 1984, we had the Mackay Report that established the 8-4-4 system and the new university.

The education system in any country is very dynamic. It needs to address the current happenings. Why the 8-4-4 system of education which was introduced in Grade 7 and went to class eight immediately succeeded was because the then government of President Daniel arap Moi did a lot of publicity. I want to agree with Hon. Members that the problem we have with CBC is that no one knows it. If you go to the villages, ask mothers and parents of 70 or 80 years, they will tell you about the days the chiefs talked about *karakana*. They will tell you why the 8-4-4 system was introduced. I remember very well they understood it. The cattle dip attendants, the chiefs and everybody in the marketplaces would tell you what the 8-4-4 system was. The preparatory levels were very low compared to what we have today. We have invested huge resources in the CBC, but our biggest problem is the implementers.

I want to report to this House as the Chairman of the Departmental Committee on Education and Research that the Committee has taken a lot of time on this matter. The Members who are here have explained it very well, that the Ministry of Education started CBC in pre-school — in PP1 and PP2 — 10 years down the line, yet they did not do publicity and talk to the parents. This is a very good education system. It is competence based. We are differently endowed. Based on the competencies of the child, for example, if you are science-based or likes sports or music, these are things that we are encouraging parents and everyone else to go

through. If you look at us who are here today, a number of professors or leaders were taken through very difficult mathematical questions, yet that is not their field. They were told to do physics, chemistry and biology, yet they are arts-based or social science-based. This problem is the one we are getting as a result of poor publicity.

Secondly, there is a lot of investment that the Ministry of Education has made in preparation. I want to ask that you give me more time, Hon. Temporary Speaker, because it is an issue that we need to make the public aware of. That, over the years, there has been training of teachers. This is what the Teachers Service Commission has been trying to do, but the adequacy of the training is the issue. There should be a stakeholder engagement where the Kenya National Union of Teachers (KNUT), Kenya Union of Post-Primary Education Teachers (KUPPET) and parents' associations are brought to the table, to be better informed.

Why are we saying that CBC should be domiciled in primary schools? This is because of parental involvement. The family is the first educator. Today, the reason why many children in our society have developmental problems is because they grew up away from home. They were enrolled in boarding schools. Children should show their assignments to their parents so they can participate. That way, they will have a developmental relationship and parents will know a new trait their child is developing and nip it in the bud. It is important for a child to grow within the family setting from Grade One to Nine.

During the piloting period of CBC, we indicated the need to have activity rooms created from Grade Three to Six. These will enable the children to participate. In the education of children, of importance is what they see. This issue came up because the activity rooms were not implemented. Regarding Grades Seven, Eight and Nine, in this House, I moved funds from the Ministry of Education to the NG-CDF.

I want to thank the Hon. Member for saying exactly what is happening; that there are no funds and yet we want to construct laboratories. We passed an allocation of Ksh3.4 billion for NG-CDF and we are still waiting for the funds up to now. The NG-CDF owes constituencies about Ksh10 billion. The funds have not been realised yet in this country, 95 per cent of NG-CDF money goes to education institutions. We are preparing for Grade Nine and the ball is in the National Treasury's court. If it wants this programme to succeed, we need the money.

Additionally, Government officials should leave the comfort of their offices and go to the field. Let everyone from *mama mboga*, teachers and chiefs know the basics of CBC. If the tenets are well explained, it will be very easy for everyone to embrace it. The Member for Gichugu stated very well that this is the best education system in terms of philosophy and structure. That is why we are doing it at the primary school level. Right now, the Ministry is constructing about 11,000 classrooms in the country courtesy of the World Bank. Unfortunately, they have not informed Members of Parliament, who also have a similar programme.

Lastly, I want to inform the House that based on the challenges CBC is facing, it will be good to have an engagement. The Cabinet Secretary will be here tomorrow and we can call for a *Kamukunji*. More so, we will ensure that the Ministry holds stakeholder engagement in the schools, villages, sub-counties and counties level. Let everyone in the *matatus* and markets be informed on what CBC is about. I have listened to what Hon. Members have said. The Ministry has undertaken a pilot on the subjects taught in Grades Seven, Eight and Nine. They have done the curriculum designs or what was previously referred to as the syllabus.

Hon. Temporary Speaker, the syllabuses are ready but we want the teachers to be taken through. We need a CBC champion in every school, who will be able to tell fellow teachers what it is all about and what we exactly mean when we talk about pathways. When you say the sports, sciences and social sciences, what are we intending to do? Why do we say Exceeding Expectations, Below Expectations or Met Expectations? This is because, we are used to marks. For example, when we say you have a grade C, it means that you are average. When you get a

grade A, you are excellent. What is the meaning of Exceeding Expectations and not Meeting Expectations? We have to tell the public. Where is it? Let the Ministry move up and we will do it in a better way. Thank you. I support.

**The Temporary Speaker** (Hon. Farah Maalim): Let us have Hon. Ruku followed by Hon. Phylis Bartoo.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I thank my brother Hon. Mbui for bringing this Motion. Last year I had a similar Motion in this House where we discussed CBC in details and this House resolved a number of issues as far as CBC is concerned.

I am very disappointed that the same matter is on the Floor of this House again, whereas this House resolved a number of things. It means, therefore, that what we resolve as a House is never taken seriously by the responsible ministries. If it was possible, the Ministry of Education and the senior managers who are there need to be either prosecuted, fired or put somewhere together in a public gallery for the public to come and punish them. This is because our schools are in dire need.

In my constituency, I have 100 primary schools and 48 secondary schools. All these schools are in a terrible state. The money allocated through the NG-CDF is not enough to take care of the needs which each and every school needs.

Last year and in this House, we went through a number of challenges that this system of education is facing. Curriculum development is a very serious issue, which needs to be taken extremely seriously by those who are responsible. As Hon. Mbui has indicated in this Motion, we do not have proper infrastructure for our kids in our constituencies across the Republic of Kenya. There is inadequate teacher training as far as the CBC curriculum is concerned.

Another challenge is the limited access to technology. One of the key goals of CBC is competency and literacy in technology. Very few of our schools in our constituencies have these devices. Lack of parental and community involvement as the Chairman of the Departmental Committee on Education and Research has said is also a challenge. This is a curriculum system which requires proper involvement of parents and communities. The Ministry of Education has not taken this seriously.

We mentioned and debated this last year. However, we have not seen the effort from the Ministry of Education involving the parents and communities as far as the CBC curriculum is concerned.

Another challenge is overburdening the parent. As you know, some of us are parents and our young daughters and sons are going through this system and we know what it means to run it. If some of us can feel the burden, what about the very poor in our villages, the people we represent who are at the bottom of the pyramid? The Ministry of Education needs to think about this issue as quickly as possible.

We also said that there is a way forward. Curriculum development and the training of teachers should be taken seriously. More teachers should be trained by the TSC and learning resources should be provided. Monitoring and evaluation should be properly done, and parents and the communities should be involved.

We mentioned that there is no proper legal framework as far as the implementation of the CBC is concerned. We need to amend the Basic Education Act of 2012. Some of us can take up that matter, but it will move faster if the Chairperson of the Departmental Committee on Education and Research takes it up.

Assessment and evaluation should be properly done.

**The Temporary Speaker** (Hon. Farah Maalim): Order. You have half a minute.

**Hon. Ruku GK** (Mbeere North, DP): Funding needs to be put in place. It is better that we forfeit funding some sectors of our economy. Lack of education pains the poor in our community. Another thing that pains the poor is lack of proper health facilities. We need

universal funding as far as education is concerned, from primary school up to university. If it means funding the education and health sectors at the expense of other sectors, so be it. Some of us are in this Parliament because we were properly schooled. Many dreams are cut short because students are not provided with an opportunity to go to school. Very bright students in our villages are unable to access education because there is no proper funding. The Government must take the education and health sectors more seriously than any other sector. The poor in our villages are in pain because of lack of education and proper health facilities.

I rest my case. Thank you, Hon. Temporary Speaker. I support the Motion.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Moiben, followed by the Members for Central Imenti and Likuyani in that order. Proceed.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion. There are two things that a country needs for it to be recognised internationally. One, is the credibility of its passport. Second, is the credibility of its education system. If those two sectors are not okay, everything else is ruined.

The CBC curriculum was conceptualised to cure some societal problems. It was supposed to enable students to practise what they are taught in class and to function in society. It had reached a stage where most graduates of the previous system of education were unable to implement what they were taught. It was important to re-model the system to mirror what they were taught.

Any change comes with challenges. Those are the challenges we are experiencing in the implementation of the CBC. The most complex problem with the system is that there is a disconnect between the implementers, the policy makers and the consumers. There is a disconnect between those who sit at the Ministry and those in the rural areas. There is no communication. Is it too difficult for the Ministry of Education to take this CBC to the grassroots and communicate in a language that the people will understand? If it is Kikuyu, let them even go to the level of translating and explaining to the common *mwana* what the CBC is. They should explain it to the parents and students. They should communicate in all the languages. We have people who can disseminate this information. Let us cascade it down so that we can read from the same page.

Hon. Temporary Speaker, there are challenges when it comes to infrastructure. We do not have sufficient classrooms and enough teachers. We should start by looking at the 46,000 interns who are supposed to be employed. They should be employed as soon as possible. Let them be tooled. These teachers do not need to be taken to a classroom like a Parliament set up and be taught because we have digital platforms.

The Ministry should utilise those digital platforms to retool those teachers as fast as possible so that our students are not disadvantaged. If we do not move with speed, we will be compromising the standard of education for our children. We do not want our children to be turned away if they go looking for jobs internationally. We want to be the best like we were before. Kenya is known to have the best education system all over the world. I think Kenyans are among the most brilliant people in this world, and we do not want to compromise that component.

Parliament appropriates resources, and going forward, I think we should be putting the bulk of money to the education sector so that we have enough infrastructure and teachers. We should not compromise our education at all cost. Let us have the systems in education running. The staff who sit in the Ministry headquarters should relocate and activate the systems. We need to see the Cabinet Secretary and his team in Central, Coast and Rift Valley provinces disseminating this information so that everybody can read from the same page.

The CBC is a good system. If it is given support and implemented well, it will go a long way in shaping education in Kenya. We will be ranked the best internationally.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Let us have the Member for Central Imenti, followed by the Member for Likuyani and the Member for West Mugirango. Proceed.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this very important Motion of Adjournment as it pertains what is currently affecting our society. If the CBC model of education is implemented as it is, hypothetically, I want to state that it is one of the best systems. However, as we speak, students, teachers, and even parents are going through a lot of hardship under this system. Areas are not the same; some areas are very remote to the extent that the idea of CBC is a strange thing to them. They are taught, but it is just hypothetical. It is not practical.

The long recess gave us an opportunity to visit various places and checking on the students, and even look at infrastructure in various areas. I found out that the system is too much down in rural areas compared to the urban areas. In some rural areas, the problem with the 8-4-4 system still persists; there are no adequate classes for CBC, especially in the transition system from Grade 8 to 9.

In addition to the infrastructure of the classrooms, there are no adequate teachers. The teachers in the Junior Secondary Schools are employed by the Board of Management (BoM). Parents are struggling to get that little money to pay those teachers who are teaching there. Now we hear that there is free education. We cannot have free education when teachers are being paid by parents because TSC has not sent teachers to some places. We do not have enough laboratories for CBC practicals. We do not have them because we have no money. The NG-CDF money has not been disbursed adequately to cater for infrastructure. They are not there.

The only problem our children have been exposed to is that the tribunals which have been formed to look at the models of education have been based in urban areas. The elites have never included anybody from rural areas so that, at least, they can come up with an idea of what afflicts rural areas. What they come up with is only practicable in urban areas. When it comes to rural areas, it is not very much effective. You find that life is very easy for those living in towns, but for those living in rural areas, it is a challenge. It is not possible for CBC to be implemented as smoothly as it is supposed to be. It is somehow very difficult and challenging to the students in rural constituencies compared to those in urban areas.

But here we are, faced with a serious challenge of infrastructure. In the secondary schools which have been existing, the previous government set up funds to put up two extra classes for CBC. Other than those two classes, there are empty classes which have been left by Form 1 students because we will not have Form 1 next year. So there are three empty classes in secondary schools. What do we do about them so that they can be occupied by Grade 9? By having direct transition to secondary schools, we are going to solve a big problem which exists. Money which put up those classes is ours. Students are ours. It is the same in Kenya. Why can we not address it in that form, where the Executive and Parliament put their heads together to have a very good solution for the problem facing us?

**The Temporary Speaker** (Hon. Farah Maalim): Member of Parliament for Likuyani.

**Hon. Innocent Mugabe** (Likuyani, ODM): Thank you very much, Hon. Temporary Speaker, for this opportunity. I support Hon. Mbui on this Motion. As a country, we are in a very precarious position about matters education of our children. The Government changed the education policy and it is a total paradigm shift. The only problem is that we were not told how much money this change will cost and where we will get that money. It is very important that for us, as Parliament, to allow a policy change, it must be accompanied by budgetary or monetary implication and where we are going to get the funding for that change. CBC might be very good, but with our resources, are we able to implement it? As we shift with these struggles and with no money to implement it, who suffers? It is that child of the poor person

that is going to suffer because of the shift. It is a generation we are losing because of poor planning.

Education and health are the only things that the poor person can get directly from the Government. More importantly education can help poor families to transit to wealth. We see this. So, it is something that we should never compromise.

On my second issue, when I look at this system, the child will spend close to 11 years in primary school and only three years in secondary school. If you look at the first initial system, it was seven years in primary school, then we had four years and two years. We have 11 years and three years now. Are we preparing this child adequately to face life in the university and college? The answer is no. We must rethink on the whole system and see how we can increase the number of years that these children will spend in high school, so that we prepare them adequately for the world, college and university. This will also help to solve the current problem that we have right now of transitioning to Grade 9 and lack of infrastructure.

To arrest this situation, the Ministry of Education should work to have those children in Grade 8 right now transit to secondary school as Grade 9, as they make a decision. If possible, I propose we have primary school up to Grade 7, while Grades 8 and 9 go to secondary schools because they already have capacity, teachers, laboratories, workshops and libraries. We must not just look at it as a simple issue. We must relook, go back to the drawing board and address these issues of CBC properly.

I support the Motion.

**The Temporary Speaker** (Hon. Farah Maalim): The Member for West Mugirango.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for giving me a chance to support this Motion of Adjournment on a Matter of Urgent National Importance by my senior, Hon. Robert Mbui.

Indeed, education touches every home in this Republic. As elected Members, we know better that every home that contributed the votes that brought us to Parliament deserves better when it comes to education matters. It is true that this CBC education system is now under implementation. I do not know when the conceivers, architects and implementers of this system got their foot off the pedal for us, as Parliament, to start interrogating our preparedness to transit the Grade 9 and Grade 6 pupils.

Truth be told, we face a situation where we have an infrastructural crisis in the lower basic learning institution, while there are idle classes or excess capacity, as we call it in economics, in the secondary section. How can this country justify having idle classes in every secondary school in this Republic, when there is congestion crisis in the lower learning institutions? How soon have we forgotten what COVID-19 can do when we congest our children in a place where clearly, we know there is no infrastructure? As my colleagues said earlier, this House should not compromise education matters.

We are the people who appropriate resources. If there are not enough resources for education, then this House has no business sitting when the parents of those poor children do not know where their children will go to in January. Arising out of this Adjournment Motion, Hon. Temporary Speaker, the Cabinet Secretary of Education, and thank God he is a new sheriff in town, should be summoned to this House, together with the Principal Secretaries, to reassure this House and the Republic of Kenya that we are on course to have our children learn and transit to the next level of learning without interruption, delay, and congestion.

Indeed, as a Member of Parliament for West Mugirango Constituency, I have done my part to build and improve, through our NG-CDF committees, new infrastructure to support education in my constituency and, of course, in the Republic of Kenya. But clearly, that will not be enough next year when the children are transiting to the next level. It is, therefore, important that this House commands the NG-CDF Board to ensure that every money that is



meant to be spent in upgrading or developing school infrastructure should have been released like yesterday. We cannot afford any further delay.

Hon. Temporary Speaker, the National Treasury cannot hold education at ransom because education is a national Government function and it is us Members of Parliament who answer when things go wrong. It is, therefore, because of that I am asking that this House stamps its authority and orders the National Treasury to release all funds that are required to support infrastructure in this Republic so that our children's education does not get interrupted.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed. You can have one more minute.

**Hon. Stephen Mogaka** (West Mugirango, JP): I thank God also that the Cabinet Secretary now at the National Treasury is one of us who just graduated the other day and he understands best what it means to have timely resources released to constituencies.

So, I urge this House, pursuant to this Motion of Adjournment, to make very serious resolutions that will ensure that there is no interruption of learning in schools and there is timely delivery of services in the education sector.

For now, Hon. Temporary Speaker, all I can do is celebrate Hon. Robert Mbui for considering it fit to bring this Motion of Adjournment. On behalf of the people of West Mugirango, I really thank Hon. Mbui, and say that when I grow up, I will be like him by bringing such Motions.

God bless. Thank you, Hon. Temporary Speaker.

#### ADJOURNMENT

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the time being 6.58 p.m., this House stands adjourned until Wednesday, 18<sup>th</sup> September 2024, at 9.30 a.m.

The House rose at 6.59 p.m.

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