

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD**

Thursday, 18<sup>th</sup> February, 2021

The House met at 10.00 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

**PRAYERS**

**Hon. Deputy Speaker:** Order, Members! We do not have the required quorum. Therefore, I order the Quorum Bell to be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order, Hon. Members! Kindly take your seats because we now have the required quorum.

*(Loud consultations)*

Order, Members! Take your seats and have your masks on. Let us proceed.

**PAPERS LAID**

**Hon. Emmanuel Wangwe** (Navakholo, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General and Financial Statements on Donor- Funded Projects for the year ended 30<sup>th</sup> June 2020 and the Implementing Agencies...

Hon. Deputy Speaker, it is important for Members to note that these are donor-funded projects.

- (i) Data Collection and Data Development Project – The Kenya National Bureau of Statistics;
- (ii) Eastern African Regional Transport, Trade and Development Facilitation Project – Information and Technology Authority;
- (iii) Multiple Indicator Cluster Survey Project (UNICEF) – Kenya National Bureau of Statistics;
- (iv) National Information Platform for Food Security and Nutrition Project – the Kenya National Bureau of Statistics;
- (v) Africa Centre of Excellence (ACE II) in Phytochemicals Textiles and Renewable Energy Project – Moi University;
- (vi) East Africa Skills for Transformation and Regional Integration Project – Meru National Polytechnic;

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- (vii) Support to Water and Sanitation Services in Peri-Urban Area Project – Athi Water Works Development Agency;
- (viii) Nairobi Water Distribution Network Project – Water Works Development Agency;
- (ix) Kenya Towns Sustainable Water Supply and Sanitation Programme – Athi Water Works Development Agency;

*(Hon. (Ms.) Sabina Chege walked into the Chamber)*

**Hon. Deputy Speaker:** Order! Who is this coming between me and the Member on the Floor?

Order! Proceed, Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Hon. Deputy Speaker, *Waswahili wanasema macho hayana pazia. Haya!*

- (x) Rural Electrification in Five Regions Projects – Rural Electrification and Renewable Energy Corporation;
- (xi) Bogoria-Silali Geothermal Project – Geothermal Development Company Limited;
- (xii) Kenya Electricity Modernization Project – Rural Electrification and Renewable Energy Corporation;
- (xiii) Last Mile Connectivity Project I...

*(Hon. (Ms.) Nyamai stood up in her place)*

**Hon. (Dr.) Rachael Nyamai** (Kitui South, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it, Hon. (Dr.) Nyamai?

**Hon. (Dr.) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Deputy Speaker. Is it in order for the Majority Whip to watch the Member for Murang'a majestically walk in and state that: "*Macho hayana pazia*" in the middle of a very serious business? Is that in order? What is it that he saw that made him make that statement?

**Hon. Deputy Speaker:** I am trying to analyse the statement that he made. Firstly, he said *macho hayana pazia*. That is factually acceptable.

Secondly, I would not blame the Majority Whip. I would blame the Member who violated the Standing Orders. No Member should come in between the Speaker and the person contributing. Therefore, Members are encouraged that when they walk into the Chamber, they must always avoid destructing the Chair in any manner from following the Member who is contributing.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Deputy Speaker. Dr. Nyamai is a renowned scholar and educator. The question that you posed from the Chair was this: "Who is this that is coming between me and the Member on the Floor?"

Hon. Deputy Speaker, this House has allowed both languages. You were obstructed. I said: "*Macho hayana pazia*" because you had seen something.

*(Laughter)*

Allow me to proceed.

**Hon. Deputy Speaker:** Hon. Majority Whip, proceed and you are protected.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Deputy Speaker.

- (xiii) Last Mile Connectivity Project I – Kenya Power and Lighting Company Limited;
- (xiv) Last Mile Connectivity Project II - Kenya Power and Lighting Company Limited;
- (xv) Multinational Kenya-Tanzania Power Interconnection Project (Kenyan Component) - Kenya Electricity Transmission Company Limited;
- (xvi) Kenya Development of Solar Power Plant in Garissa Project - Rural Electrification and Renewable Energy Corporation;
- (xvii) Water and Sanitation Services Improvement Project - Athi Water Works Development Agency;
- (xviii) Eastern Electricity Highway Project - Kenya Electricity Transmission Company Limited;
- (xix) Menengai Geothermal Project - Geothermal Development Company Limited;
- (xx) 220KV and 132KV Transmission Lines and Sub-stations (EXIM Bank of India Funded Projects) - Kenya Electricity Transmission Company Limited;
- (xxi) Power Transmission System Improvement Project - Kenya Electricity Transmission Company Limited; and,
- (xxii) Multinational - Kenya Section of Interconnection Project of Electric Grids of Nile Equatorial Lakes Countries - Kenya Electricity Transmission Company Limited.

I thank you, Hon. Speaker.

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

### ORDINARY QUESTIONS

**Hon. Deputy Speaker:** On this particular Order, we only have Ordinary Questions. We do not have Statements Requests this morning or responses. So, we will start with the Member of Parliament for Butere, Hon. Tindi Mwale.

*Question No. 008/2021*

#### REHABILITATION AND OPERATIONALISATION OF KAKAMEGA AIRSTRIP

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it again Hon. Sankok?

**Hon. David ole Sankok** (Nominated, JP): Hon. Deputy Speaker, we are not yet out of the COVID-19 pandemic. I think there is some attraction between some Members and they are not keeping social distance. Hon. Sabina Chege and Hon. K.J are not maintaining their social distance. For our own safety, please, advise them to maintain the social distance.

**Hon. Deputy Speaker:** Actually, Hon. Sankok is right on this one. Members are encouraged to keep social distance. If you want to consult on matters that are parliamentary, there is somewhere you can consult while keeping a good distance. I am a bit surprised because there is a Member who seems to have quite a number of Members wanting to discuss a thing or two. So, can we please keep social distance? Hon. K.J, if you have to consult, please, do it elsewhere in an environment where there is space.

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

**Hon. Deputy Speaker:** What is it again, Hon. (Dr.) Pukose?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Deputy Speaker, just on this issue of social distance, unfortunately, when we travel by airplanes, people sit next to each other. There

have also been cases of rallies where people come closer together without masks. I think it is good for us to be reasonable that we can allow people to consult without necessarily touching or having a way of transmitting the virus to each other.

Also, of value, I have realised that at the entrance, the security people are no longer checking body temperature. That is supposed to be adhered to and ensure that those with fever are identified and blocked from entering Parliament. So, with your guidance, Members can still consult by keeping their distance.

**Hon. Deputy Speaker:** Well, you are a seasoned medical doctor and surgeon. I hear you and agree with you on one side, but not on the other. The fact that we need to have body temperature tested is a perfect one. It is something that will be resolved. On the issue of keeping social distance, especially when it comes from a member of the Departmental Committee on Health in the House... The protocols have not been reviewed.

The fact that people sit in *matatus* or airplanes very close to each other... Two wrongs do not make a right. So, until the protocols are changed, we are going to keep social distance. It is good and for a National Assembly, it will send very good signals to the country that we should not put down our guard when, sometimes, we know there can be spikes. I know the Chairperson is being consulted on many matters, especially to do with the docket which she handles but, in the same vein, the advice that she gives to other people must be utilised within the precincts of Parliament.

I see there are quite a number of Members who want to speak to this. Let us have Hon. (Dr.) Amollo, then the Member for Gilgil. What is it?

**Hon. (Ms.) Sabina Chege** (Murang'a, CWR, JP): Hon. Deputy Speaker, I have been adversely mentioned and I have a right to reply.

**Hon. Deputy Speaker:** In the meantime, as Hon. (Dr.) Amollo is preparing to have the microphone, you can talk from there and ask the Member for Narok North to give you some good distance.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon Deputy Speaker, I just want to confirm, contrary to what Hon. (Dr.) Pukose has said – and it is fair to state - the security officers at the gate are checking body temperature. I have not come into Parliament any day when they have not checked my temperature. So, if Hon. (Dr.) Pukose has been using other routes other than the known ones, we might want to know that.

Secondly, you have properly already stated this, but my worry is that you have even ruled on the distancing. Looking around Parliament, there are already four Members who are already flouting your very direction right now; which means they may need to be reinstated with some firmness, especially the Members who like consulting the Chairperson of the Departmental Committee on Health. She appears to attract some fair number of consultations. You might want to designate a different area for that.

I thank you Hon. Deputy Speaker.

*(Laughter)*

**Hon. Deputy Speaker:** Yes, and the Member for Homa Bay too. He seems to attract the same trouble. What is it Hon. Member for Gilgil?

**Hon. (Ms.) Martha Wangari** (Gilgil, JP): Thank you, Hon. Deputy Speaker. I was just going to agree with Senior Counsel Hon. (Dr.) Otiende Amollo because every day, when we come to Bunge, the temperature checks are consistent and the staff at the gates are doing a good

job. On the other issue, the person who needs protection is the Murang'a Member of Parliament. That is because I do not know why people are just trooping there.

Hon. Sankok was right there and now he is jealous that K.J. has taken the same seat. I think you need to protect Hon. Sabina Chege.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. K.J, the issue of boy-child... I do not know what the outfit of Mr. Kibor is called but whatever it is, that conference is not very relevant here. However, there are Members who are flouting rules, including the Member for Homa Bay. That is the Chairperson, Departmental Committee on Education and Research. I would not accuse her because she is seated perfectly where she is supposed to. However, that other Member who has come very close is somebody I would be asking... Is that Hon. Osotsi? What is it? You could definitely not be canvassing on issues to do with Homa Bay. Well, being a nominated Member, you could be all over. Please, let us leave it at that.

Hon. Sabina Chege, what is it? Is there any issue or is it COVID-19 issues? What is it?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. I think the first person who should explain to us the problem is you.

**Hon. Deputy Speaker:** Now you are completely out of order. You are going to attract my wrath.

*(Applause)*

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Hon. Deputy Speaker, I only passed by. I did not stand in between you and the person who was speaking. I passed quickly and assumed my position, since the seats are marked. I was consulting with Hon. K.J. on the Blood Transfusion Bill. He is concerned if it will be there this afternoon. I apologise if I distracted you in any other way, apart from just passing by.

**Hon. Deputy Speaker:** Your apology is accepted. Do not flout the Standing Orders again.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Hon. Deputy Speaker, I stand guided.

**Hon. Deputy Speaker:** Nothing should come in between the Speaker and the person contributing on the Floor.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Especially not me. I just wanted to confirm what Hon. Amollo has said. I have just come in through the gate and my temperature was checked. I was given a sanitiser. So, the security people are doing a good job not unless Hon. (Dr.) Pukose has been sneaking into Parliament through other routes. Right now, if you send somebody to the main gate, he will see that they are checking body temperature and sanitizing members' hands.

**Hon. Deputy Speaker:** That will be confirmed. We would like to ask them to up their game now because we have to keep our guard up. I think this is important.

Hon. Members on a very serious note, please, have your masks on and avoid getting very close to each other. Let us keep social distance.

So, let us proceed with our Questions. The Hon. Member for Butere seems not to be in the House. Next is the Member for Kikuyu, Hon. Ichung'wah, who has indicated to us that the Majority Whip should read the Question on his behalf, and I do not see him. So, we will proceed to the next Question which is by the Member for Kilifi North, Hon. Owen Baya.

*Question No. 020/2021*

## SETTLEMENT OF RESIDENTS OF TAKAUNGU IN KILIFI

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 020/2021 to the Cabinet Secretary for Lands and Physical Planning.

- (i) Could the Cabinet Secretary explain when the Government will address the plight of the residents of Takaungu, Kilifi North Constituency, who have endured years of neglect, disservice and historical injustices in their own motherland with regard to settlement and land ownership?
- (ii) What specific affirmative and other measures is the Government pursuing to assist residents of Takaungu, Kilifi North Constituency in securing their livelihood through settlements and issuances of title deeds?
- (iii) When will the Government finalise compensation for the Mazrui Family Land in Takaungu, Kilifi North Constituency for settlement of squatters considering that funds had been allocated for compensation in the FY 2019/2020 Supplementary Budget?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. This one will be replied to before the Departmental Committee on Lands. Next is the Member for Murang'a, Hon. Sabina Chege. You have a Question you want to ask or you do not have the information?

*Question No.021/2021*

## STATUS OF INVESTIGATIONS INTO THE DEATH OF MS. JUDY WANJIKU

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. I stand to ask Question No.021/2021, which goes to the Cabinet Secretary for Interior and Coordination of National Government.

- (i) What is the status of investigations into the death of Ms. Judy Wanjiku of ID No. 33767891 who was thrown out of a moving vehicle registered as KCZ 729C belonging to Memba SACCO in Juja?
- (ii) What immediate action has been taken against the owners of the motor vehicle as well as Memba SACCO for causing the death of Ms. Judy Wanjiku?
- (iii) Could the Ministry consider taking punitive measures against the Memba SACCO including deregistering it from conducting passenger service operations?
- (iv) Within which timelines will the family of Ms. Judy Wanjiku be compensated for the loss of life of their loved one?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. This one will be replied to before the Departmental Committee on Administration and National Security.

Hon. Majority Whip, you can ask the Question on behalf of the Member for Kikuyu.

Just a minute! I can see the Member for Kikuyu raising his hand. I understand that the only other Member who could have asked the Question on his behalf is the Majority Whip. This is because I had received information that he is the one to ask. So, it could not have been anybody

else. If any Member would wish a Member to ask a Question on their behalf, they must be able to give that information.

Proceed, Member for Kikuyu.

*Question No. 015/2020*

BAN ON EXPORTATION OF UNPROCESSED SKINS AND HIDES

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Deputy Speaker for your indulgence and having allowed the Hon. Majority Whip to ask the Question on my behalf. I am panting because I have come running from the gate due to traffic.

I beg to ask Question No.015/2021 to the Cabinet Secretary for Trade, Industry and Co-operatives.

- (i) Is the Cabinet Secretary aware that, as a result of Government policy, the prices of raw hides and skins from our local abattoirs have greatly declined thus negatively impacting the livelihoods of thousands of people?
- (ii) Why does the Government allow the importation of raw hides and skins from neighbouring countries while, at the same time, stopping Kenyan traders from exporting the same raw hides and skins as was the case before?
- (iii) Why did the Government ban exportation of unprocessed skins and hides from Kenya and yet, it does not provide facilities for value addition and processing of raw hides, and within what timelines shall this ban be lifted?
- (iv) Why has the Government failed to complete the construction of the Kenanie Leather Processing plant in Athi River, and what plans are there to complete this facility and other similar ones across the country?
- (v) How will the Government enable Kenyans and particularly operators of abattoirs in Ruai and Dagoretti to access markets that fetch good pricing for their hides and to address declining prices of hides and skins in the country?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** This one will be replied to before the Departmental Committee on Trade, Industry and Co-operatives.

*(An hon. Member stood up in his place)*

Order, Member! Order! What is it? I am not giving you the Floor? No! No! That cannot be allowed. On Questions, there cannot be any intervention. Order, Hon. Member! Take your seat.

The Member for Homa Bay has had her Motion approved. Therefore, I am thinking rather than pushing it to the afternoon, we can dispense with it now.

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

**Hon. Deputy Speaker:** Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, I cannot remember which Order it was that the Majority Whip laid some Reports regarding the foreign donation issues. This touched on the Departmental Committee on Energy. Since, we are looking at the implementation of the Budget, I would wish you direct the Table Office to avail those documents so that we can pick the few copies of what involves respective departments. This will enable us to scrutinise a few issues.

**Hon. Deputy Speaker:** Hon. Gikaria, obviously, I did not get what you were saying. You may need to repeat.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker...

**Hon. Deputy Speaker:** What is it Hon. Gikaria? Proceed and I want you to concentrate.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, I tried to raise my voice so that your eyes could...

**Hon. Deputy Speaker:** Proceed, Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, JP): The Majority Party Whip tabled some Reports regarding foreign donations, and issues that affect part of our Committee's work. So, I was asking with humbleness that you ask the Table Office to avail those reports because we are having a meeting on Tuesday morning. Our Committee needs to go through the reports. Thank you.

**Hon. Deputy Speaker:** That one is noted. It will be done. Let us have the Hon. Member for Homa Bay.

## NOTICES OF MOTION

### REPORT ON INQUIRY INTO OPTIMISATION OF REVENUE IN GRAIN HANDLING SERVICES

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Deputy Speaker, I beg to give notices of the following Motions:

THAT, this House adopts the Report of the Departmental Committee on Finance and National Planning on its Inquiry into the Optimization of Revenue in Grain Handling Services at the Port of Mombasa, laid on the Table of the House on Thursday, 26<sup>th</sup> November 2020.

### REPORT ON INSPECTION VISITS TO KENYA REVENUE AUTHORITY OFFICES

THAT, this House adopts the Report of the Departmental Committee on Finance and National Planning on Inspection Visits to the Kenya Revenue Authority Offices to Ascertain the Impact of Revenue Enhancement Initiatives on Revenue Collection, laid on the Table of the House on Thursday, 26<sup>th</sup> November 2020.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** We go to the next Order.

## BILL

### *Second Reading*

### THE CROPS (AMENDMENT) BILL

*(Hon. Kassim Tandaza on 11.2.2021)*

*(Resumption of Debate interrupted on 11.2.2021)*



**Hon. Deputy Speaker:** Hon. Members, we are resuming debate. We have debate that was interrupted on Thursday, 11<sup>th</sup> February 2021, in the Morning Sitting. The balance of time that we have is two hours and 15 minutes. I am eager to know whether there was a Member on the Floor. If not, then I will proceed and give out to any Member. There was no Member. So, Hon. Yussuf Haji, Member for Mandera West, do you want to speak to this one?

**Hon. Yussuf Adan** (Mandera West, EFP): Yes, Hon. Deputy Speaker. Thank you for giving me this opportunity. I think since agriculture is the backbone of our economy and agriculture was the only sector that was able to grow during the COVID-19 menace, this is the right time to make sure that we implement the Crops (Amendment) Bill in the National Assembly such that agriculture continues to gain while COVID-19 continues to affect the other sectors seriously. We would like some of the crops to be classified as scheduled crops so that we can gain from them. Every Kenyan, whether in urban or rural areas, depends on crops in one way or another. Without them, life would be very difficult and, hence, I stand to support this Bill.

Thank you.

**Hon. Deputy Speaker:** Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Deputy Speaker, for giving me this opportunity. At the outset, I support this Bill by saying that Kenya, having been founded on agriculture as the main source of our economy, we need to harness all crops that require to be part of the scheduled crops. This particular crop, Bixa, is one of the crops that are doing very well especially at the Coast and it has several values. I am not mentioning all of them but things to do with drugs, lipstick, colouring and so on. So, the people of Lamu, Kwale and the coastal region will benefit immensely. If this one is actually scheduled as a crop, it will go a long way to actually then allow research in order to fund and expand its use. It will also go a long way to then create foreign exchange for the farmers and also allow research on this crop for its medicinal value, given that now we are struggling with COVID-19 and we do not know where the drug will really come from. This could be the area. Above all, farmers will gain in terms of the value of their crop.

Hon. Deputy Speaker, I think this is a Bill that I want to fully support and without taking much time, I support it.

**Hon. Deputy Speaker:** Hon. Sankok, your card is always on top. What time do you put your card in here?

**Hon. David ole Sankok** (Nominated, JP): Very early in the morning, Hon. Deputy Speaker, because I must earn from my sweat. I have been taught by my parents that I should not earn where I have not worked. So, I make sure that very early in the morning, I am here before the Speaker and I leave after the Speaker so that whatever I earn is a blessing to my kids and my business.

This is a very important Bill. Agriculture, being the backbone of our economy and also realising that during COVID-19, the only sector that was doing well was actually agriculture and most of us were directed back to the rural areas because there was cessation of movement in towns. There was no cessation of movement in rural areas. So, there were plenty of agricultural activities.

Most of our energetic young men who were working in industrial area went back to our rural areas hence jump-starting our agriculture sector. So, with this in mind, we need to think about agriculture as a strategy in the post-COVID-19 recovery strategy. Again, we have heard of this crop called Bixa, which is very valuable. It has antioxidants which remove free radicals in our system. It is a very important crop, but we have not been able to educate our people on this. It is high time that the Government thinks of marketing some of those products not only within, but also outside this country. In terms of marketing of our agricultural products, our Government has

totally failed. We have very important crops. That crop does well in arid and semi-arid regions. I am sure in Narok, it will do well. It can also do well in Machakos and other areas. The moment we really invest in it, then we will economically assist our people. It is high time the Government invested a lot in marketing because before Hon. Owen Baya talked about that crop, some of us, even Members of this House, were not aware of its benefits.

Lastly, we have to invest in agriculture seriously. We are blessed as a country that we have water that is 3,000 feet above sea level, especially in the Aberdares, Mount Kenya, Mount Elgon and Mount Kilimanjaro. As a Government, ours is only to channel that water through piping to semi-arid regions. About 80 per cent of our land is semi-arid. Fortunate enough, those areas are very fertile after soil erosion deposited a lot of fertile soil from the highlands to the lowlands. If we can channel water to semi-arid and arid regions, we will be able to empower our people and be able to have enough food security. We will be able to have an alternative source of income. For instance, we gave Kshs10 billion to *Kazi Mtaani* Programme. We gave Kshs10 billion to the youth to go and slash, do some manual work and unblock the sewerage yet, even the grass that they cut has grown again.

If those people took up to irrigation schemes in our lowlands where water is channeled from our highlands, we would be having an alternative source of income as a Government, instead of overtaxing our citizens. Due to overtaxing and because we are not thinking of other channels of economically empowering our country, the fuel in Kenya is now at Kshs100 and above. In Uganda, it is around Kshs60. You wonder why all the fuel to Uganda passes through Kenya, but we pay more than them. So, it is high time we thought of ways of jumpstarting the agriculture sector not and only on Bixa. There are other crops like *ndengu*, wheat, barley and so on. The moment we empower our farmers, I am assuring you that this country will be somewhere in terms of the economy. We are not using 80 per cent of our landmass because the Government has not invested in agriculture.

I support this Motion. Thank you very much for giving me this opportunity.

**Hon. Deputy Speaker:** Hon. Sossion, you wanted to speak on this one or the next one? He is not even there. Hon. Baya Yaa.

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Deputy Speaker, I seconded this Motion, but I would like to give some information about this Bill.

**Hon. Deputy Speaker:** Sorry, if you have done it, do not. We do not require that information at this point in time. You will do it later. Do not flout the Standing Orders. So, I will give the Floor to Hon. Amin Kassim.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Deputy Speaker for giving me this opportunity to give my input with regard to this Bill - the Crops (Amendment) Bill. Kenya as a nation has relied heavily on crop production and agriculture as a whole. Agriculture is a major income earner for our country. Over the years, there have been significant contributions from agriculture. But we have not been careful in terms of apportioning significant amount of money so that we can make our land more productive and more sustainable in terms of crop production and agriculture as a whole.

Nearly 80 per cent of this country's land is arid and semi-arid lands (ASAL). There is a significant amount of land which can be exploited and can be a major frontier in terms of crop and livestock production. It is imprudent of this nation not to have strategic consideration in areas where we have strength, endowment and potential so that we map this country as a whole and say: "This part will be used for agriculture and this part for crop production." I am familiar with the

Bixa crop. It has very significant benefits. It can develop energy, it can provide fruit juices and it has significant and numerous benefits to the society.

*(Hon. ole Sankok interjected)*

**Hon. Deputy Speaker:** Hon. Sankok order! You realise that you have spoken to this twice. That is extremely...

**Hon. David ole Sankok** (Nominated, JP): Hon. Deputy Speaker, the animal with the shortest memory is only the warthog. I doubt I have that short memory. I do not remember speaking to this. If I spoke on it, probably I have forgotten because issues to do with agriculture are so many and this one is specific to Bixa. So, I apologise.

**Hon. Deputy Speaker:** Hon. Sankok, this is not a matter of making jokes.

**Hon. David ole Sankok** (Nominated, JP): I apologise.

**Hon. Deputy Speaker:** You cannot come and tell us that you have a short memory and you contribute twice. It is morally unacceptable and I might decide to give some punishment against you, to serve as an example to other Members who want to speak and pretend that they have forgotten that they spoke and, therefore, take an opportunity to contribute twice when other Members have not been given an opportunity.

**Hon. David ole Sankok** (Nominated, JP): I sincerely apologise. I did not remember.

**Hon. Deputy Speaker:** It is not all the time that you want to joke about a mistake that happened. You do not do that.

**Hon. David ole Sankok** (Nominated, JP): I said I forgot but I am apologising.

**Hon. Deputy Speaker:** Your apology must be unreserved. If you tell me that you had forgotten that you contributed, that is another mistake. Hon. Sankok, we must take the work of Parliament a bit more seriously.

**Hon. David ole Sankok** (Nominated, JP): I apologise.

**Hon. Deputy Speaker:** Proceed and wind up, Hon. Amin.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Deputy Speaker for your indulgence. That is because there is a tendency by Hon. Sankok to speak on every matter on the Floor of this House without having any consideration of other Members who need to have significant time. It is good that you have been able to speak to this matter. Thank you.

Hon. Deputy Speaker, 80 per cent of this region is ASAL, which is a water scarce region. As a country, we have not been able to look at what opportunities we can use in terms of technology. Technology is very significant and this country has not been able to use technology in farming. Water conservation, irrigation and drip irrigation are some of the technological improvements that have been done in very advanced countries. As a House, we need to speak and support so that we can realise the full potential of this country. This is an agricultural country.

Further to that, there is the manufacturing part of it because after production, we need to go to storage. Then after storage, we need to go to the manufacturing part. This will ensure the significant use of the crop and we will be able to get the real meaning of agriculture being an agricultural country. Bixa grows very well in hot areas. It has a lot of potential in the sense that it has many benefits. You can derive juice from it and it has medicinal value. I support this conversation in trying to promote this crop and all the other crops that can do well in dry areas.

Thank you very much, Hon. Speaker.

**Hon. Deputy Speaker:** We go to the next Member, Hon. Teddy Mwambire.

**Hon. Teddy Mwambire** (Ganze, ODM): Thank you very much, Hon. Deputy Speaker. I rise to demonstrate my appreciation and support for this Bill. It is long overdue. This country should harness all the opportunities across the country for the betterment of the Republic.

For a long time, the Government has not been putting more effort in promoting crops which do well in other parts of the country. I believe the passage of this Bill will give an indication to areas like Coast region where it will do well and we will be in a position to also appreciate what we have in the region and be part and parcel of the promoters in this country. I believe that even after the passage of this Bill, other crops will also be looked into like cashew nuts, coconuts, paw paws, pineapples and all the crops that do well in this country. They must be given the best support so that, at least, people can revert to agriculture. We have been doing a lot but I think this is the time we must look at agriculture not just in production, but also in manufacturing so that we can also be exporting products and bi-products for the betterment of this nation.

It is my humble request that Members will see the need of supporting this Bill so that Bixa can be one of the greatest crops in this country. I believe in about five years this country will have moved a notch higher in terms of revenue and export. I know Bixa does very well along the Coast and in other areas in this country like even Mumias.

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

**Hon. Deputy Speaker:** Hon. Waweru Kiarie, do you want to speak to this one or you are not ready?

**Hon. John Kiarie** (Dagoretti South, JP): Hon. Deputy Speaker, I want to speak on the next matter. I appreciate the opportunity. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Then we go to Hon. Ali Athman. Which side are you on? Okay. Eventually, after Hon. Ali Sharif, I will give two Members from this other side. Hon. Ali Sharif you are not even ready.

**Hon. Ali Sharif** (Lamu East, JP): Ahsante, Mhe. Naibu Spika. Ningependa kutumia fursa hii kumpongeza Mhe. Kassim Tandaza kwa kuja na Mswada huu. Sote tunafahamu kwamba ukulima ndio uti wa mgongo katika maisha ya leo. Mmea huu, ambao Mhe. Kassim Tandaza ameutaja, ni mmea ambao unapatikana katika sehemu za Pwani, hususan katika maeneo ya Lamu na Kwale.

Kabla sijazungumzia mmea huu, ningependa kuzungumzia swala nzima la ukulima na faida ya ukulima, hususan katika nchi hii na eneo la Pwani. Mbali na kuwa tunafahamu kwamba ukulima ndio muhimu sana katika uchumi wetu, tumeona wazi ya kwamba watu wanategemea ukulima katika mambo mengi. Kwa masikitiko makubwa, nikizungumzia eneo la Pwani, ukulima umefifia sana kwa sababu ya kutotiliwa nguvu na kutosaidiwa na Serikali. Ninaamini kwamba Wapwani wanapenda maswala ya ukulima na wanajitahidi sana. Lakini katika swala hili, Wapwani hawajasaidika na namna ya kujiendeleza na ukulima wao.

Kwa hivyo, Mhe. Naibu Spika, tunapojadili swala hili, ni vyema tufahamu na Serikali ijue ya kwamba Wapwani wanahitaji usaidizi katika kuendeleza ukulima. Kuwe kwamba tuko na ardhi za kutosha na mimea ya kutosha. Katika hali hii, tunaamini ya kwamba angalau tutapata misaada kama vile misaada mingine inavyotolewa katika sehemu nyingine katika nchi hii. Tukifanya hivyo, Pwani itakuwa na ukulima mwingi na wengi watajiingiza katika jambo hili ili waweze kusaidika na kusaidiwa kuliendeleza jambo hili.

Vile clientele, ni vyema tufahamu kwamba katika hali ya uchumi wetu hivi sasa, ukulima ndio jambo ambalo tunahitaji kulipea kipaumbele. Ardhi tuko nazo na wanaohitaji kufanya ukulima tuko nao lakini Serikali lazima ijitokeze, kupitia kwa wizara husika, kuhakikisha ya kwamba wakulima hawa wamesaidiwa kwa njia zote wanazotaka na kuhamasishwa, ili

kuhakikisha ya kwamba wameweza kufanya ukulima wao ili kujiendeleza na kujimudu katika maisha ya leo.

Kwa haya, ni wajibu wa Serikali kuhakikisha wakulima wa sehemu zote wamefaidika, hususan Wapwani, nikiamini pakubwa kwamba wakulima wa Pwani wameachwa nyuma kwa kutosaidiwa na Serikali katika swala nzima la ukulima.

Ahsante.

**Hon. Deputy Speaker:** Surprisingly, many Members who want to contribute are to my left. I am trying to look out for Members from my right but in the meantime, let us have Hon. (Ms.) Mishi Mboko and then I will give the rest of the Members. I will look out for any Member from this other direction and give them an opportunity because not many of them are here.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Thank you, Hon. Deputy Speaker. I support this Motion by Hon. Kassim Tandaza. At the outset, I congratulate and appreciate him for coming up with such an important amendment to this Bill.

Achiote Crop, *Mrangi* or popularly known as Bixa, was introduced in the Coast region way back in 1970. That crop is disease free; it is drought resistant and it mainly grows in the Coast region in Lamu area and in Kwale, in an area called Tiwi. It is important to note that there is a small Bixa industry in Kwale County at Tiwi. But it is unfortunate that it is almost collapsing because it does not get any support from the Government and does not get advice, in terms of value addition and marketing. That crop has different benefits to the society. The crop, when harvested, can be used to create cosmetic products such as lipsticks. It can also be used to create cheese, margarine and dyes throughout the world. Other farmers can also use the crop as a buffer crop to distract wild animals from destroying their crops.

Hon. Deputy Speaker, our traditional cash crops in the Coast like the coconut and the cashew nuts are scheduled crops. However, they are still at the Third Schedule where they do not get the benefits like the other crops which are under the First Schedule. This Bill wants to ensure that Bixa is put under the First Schedule. This is not difficult because the Bill does not attract any additional finances. If that crop is put under the First Schedule, it will have several benefits, including strategic advice in terms of value addition, financial support from the Government and ensuring that there is a steady market for the crops. That way, farmers can be motivated to continue growing such a crop.

Through research, that crop can grow very well in the arid and semi-arid areas. In that sense, we can boost our economy by creating a Bixa industry where we can create job opportunities. Through the resolve of this Parliament, I appeal to the Cabinet Secretary for Agriculture, Livestock and Fisheries, because he has that power, to declare that crop as a First Schedule crop. We have challenges in terms of employment. We have challenges in terms of our economy because of the Covid-19 pandemic. If we can utilise the finances we have, through the Ministry of Agriculture, Livestock and Fisheries, to assist farmers who grow such kind of a crop, we will be ahead. We will also ensure that the Agenda Four of His Excellency President Hon. Uhuru Muigai Kenyatta, which talks about manufacturing, is fulfilled. This will be one of the industries which can be created in the Coast region.

I support this amendment. I, once again, congratulate Hon. Kassim Tandaza.

I thank you.

**Hon. Deputy Speaker:** Hon. Kipyegon Ng'eno.

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Speaker, for giving me this opportunity to speak to this particular amendment.

From the first instance, I support. I want to give my input especially on matters to do with the agricultural crops, which are used as part of earnings and, at the same time, as food in most of the areas that we come from. Almost 80 per cent of our country is agricultural. From time immemorial, our country has been relying mostly on agriculture. After independence and even before independence, you will realise that the major issue that we had with the colonial government was the matter to do with land. The issue of land arose because, majorly, most of our people were agriculturalists and their way of living was through agriculture. The reason why most of our people fought for independence and even in post-independence, and we have had issues with communities, is because of land. The reason why they fight for land is so that they can use the land for agricultural and other domestic uses.

Hon. Deputy Speaker, it is unfortunate that some way back, we abandoned the income earners for our country. Generally - and as we know even up to now - the greatest Gross Domestic Product (GDP) earner for our country is still agriculture. Although we have tourism and a few others, we still rely on agriculture, both for domestic use and as a foreign exchange earner. Our country lost its immediate agenda on agriculture because we thought we could rush to other matters like industrialisation, communication and all that. We did that without a plan. We should have first made sure that agriculture is stabilized in our country because it is through it that we can now move to the next level of development.

We have had several agenda on matters of crops. For instance, you remember the Ministry plus the Kenyan Government opted to practise irrigation in areas in the coastal region and some parts of southern Kenya. Those plans never went through because instead of investing in irrigation and producing crops that do well in our country, we decided to convert that investment into a corruption undertaking. I support my brother *Mheshimiwa* Tandaza for this amendment Bill.

Peas are another crop which does well in parts of the country, especially semi-arid and arid areas. It can also do well in other parts of the country. Other than the coastal region, it can also do well in some parts of the northern region and also in Narok where I come from.

On a serious note, the Government should go back to its original days when it used to know that agriculture was the best earner in our country. It should invest a lot of money in agriculture. We devolved agriculture, but when we look at how the county governments have dealt with the agricultural sector, we realise that they have not established a serious agenda. It is still the national Government which can set serious policies for our county governments. If the agricultural sector remained part of the national Government, we could deal with very serious issues.

The Rift Valley has been the bread basket of our country, in terms of food security and other economic sectors. Currently, sectors which we used to rely on such as tea, maize and pyrethrum – which is grown in areas where most of us come from such as Molo – have died. Even as we support this Bill, it is high time that we sat down as a country, and especially as the Departmental Committee on Agriculture and Livestock to relook at all those agricultural crops which used to earn our country a lot of money.

Look at the sugarcane sector, especially in the Western and Nyanza regions. You cannot find sugar on the shelves in shops. This is despite the fact that 80 per cent of Kenyans use sugar. You are left to wonder why there is no sugar on the shelves. The crop itself does not earn anything for the people who plant it. It is time we sat down as a country and looked at those areas that were earning this country foreign exchange and putting money in the pockets of our population.

It is time we sat down as a country and created an agenda that deals with agriculture that will help to revert the earnings that we used to get from agriculture and make our country move forward. We need to relook at many other crops that we have. If we made *miraa* and macadamia

major crops in our country, they could earn us a lot of money. We should bring back pyrethrum of which you, Hon. Deputy Speaker, are a major farmer. Currently, pyrethrum has lost. We no longer see it in our country. If we brought it back, our country will move forward.

I support the Bill.

**Hon. Deputy Speaker:** Let us have Hon. Ogutu Abel.

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

Looking back on the development of the crops sector, the country seems to be moving in reverse. Many crops that were popular in the 1960s and 1970s have now disappeared. This disappearance has been not complemented by the expansion of new crops such as coffee. If well-embraced in many areas of this country, coffee could have improved the economy of this country in a number of areas where it has more or less disappeared.

Part of the challenge is because of the technology that is supposed to develop those crops. So far, most regions seem to have completely lost any support that was coming from the national Government. If you look at the coffee sector for instance, there is hardly any support in the rural areas that comes from the Government, either in terms of the varieties of coffee, the seedlings or the chemicals that were formerly used to ensure that those crops can produce their best.

I will focus on one crop, namely tea, which has been a major source of earnings in the rural areas in most regions, especially in Western Kenya, Kisii and in my constituency, Bomachoge Borabu. The crop was popular about 10 years ago, but these days you will find farmers uprooting it. It is unfortunate that they are uprooting the crop, not because they do not want it, but because the prices from it are too low to sustain the investment by the farmers.

As we amend this Bill, it is important to ask ourselves as a nation if we are really serious about food security. Are we serious about increasing employment through agriculture, value addition or farmer-involvement at the primary level? If we can answer some of those questions, we can then move to the second level and ask; how do we improve management of this crop at the market level and beyond?

The country has spoken about value addition for many years. However, we do not seem to demonstrate that value addition. If you go to the supermarkets, the products from crops that you find there have been imported, in some cases after they have used Kenyan raw materials. What is happening with regard to the value addition in this country? If we invested a lot in value addition, we will have reason to export our products to the region and also have more earnings going to the farmer.

If you look at the crops sector, you wonder whether the graduates from the universities are adding any value to the production at the farm level. They are not there. The services that used to be provided in the 1970s and 1980s are not there. Even when they are from the private sector and individual consultants, the prices are too high and even the consultants are not available.

It is important that even as we amend this part of the Act, we look at the many areas that are putting this country into a very awkward situation such that we now have to rely on the neighbouring countries for very simple products. The market is invaded by products from the region that we do not even need. They come to spoil the market. We need to look at the critical areas to ensure that our farmers are more interested in investing in crop production and have more reason to celebrate the crops they are growing. This is important because as a country, we have an agenda that is focused on food security and manufacturing. This agenda cannot be of any significant value unless we expand the base level of crop production.

Hon. Deputy Speaker, I fully support the Crops (Amendment) Bill. As we, as a country, move forward, I appeal that we need to know that agriculture is fundamental. Crop production is very critical both in the high and low potential areas. It is not only for food production, but also as a source of income and a sector that employs majority of the people in the rural areas.

I support the Bill. Thank you.

**Hon. Deputy Speaker:** Hon. Mboni Mwalika.

**Hon. David Mboni** (Kitui Rural, CCU): Thank you, Hon. Deputy Speaker for giving me this opportunity to support the Crops (Amendment) Bill. We need to agree that agriculture is very important in this country. It contributes 30 per cent of the Gross Domestic Product (GDP) and 75 per cent of Kenyans engage in agriculture.

Most of the industries in this country are agriculture-based. Therefore, agriculture is very important. We used to have agricultural extension services and artificial insemination in the 1970's and 1980's. These services ceased to exist. They affect production in agriculture. These are very important services which should be revived going forward. It is high time this country moves from rain-fed agriculture to irrigation. This is because two major rivers, Tana River and Athi River, pass through where I come from, Ukambani.

However, these are areas with a lot of shortage of food and yet that water flows into the Indian Ocean. If we irrigate some of these areas, this country will be a net exporter of food as opposed to net importer of food. We also need to invest in storage services. When we get a lot of food, most of it goes to waste because we do not have storage services. Therefore, farmers end up making a lot of losses.

As we support this Bill, we also need to zone this country in terms of crops which do well in some of these areas. Where I come from, a crop like *ndengu* does very well. However, there is no support from the Government. This is the livelihood of the people from Ukambani. As we support this Bill, we need to think about crops which grow in certain areas. For example, sugarcane should be supported in Western Kenya, so that these people can earn livelihoods from them. I have heard that mangoes do well at the Coast region.

**Hon. Elisha Odhiambo** (Gem, ODM): On a point of order, Hon. Deputy Speaker.

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

**Hon. Elisha Odhiambo** (Gem, ODM): Thank you, Hon. Deputy Speaker. I just want to remind my colleague whom we were together in Kenyatta University that if he chooses to use the word "*ndengu*", he should speak in Kiswahili throughout. People from Gem Constituency call them green grams. If he chooses to speak in English, he should do it properly.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Elisha is re-stating the Standing Orders. It makes a lot of sense that we should speak in one language. Occasionally, there are some terms which can be understood in one way or the other. So, proceed, the Member for Kitui Rural.

**Hon. David Mboni** (Kitui Rural, CCU): Thank you, Hon. Deputy Speaker. I want to tell Hon. Elisha that I was not in Kenyatta University but in the University of Nairobi. However, he is my friend. Thank you for the correction.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Elisha, do not make statements that are incorrect. You know quite well where you went to the university, but you do know where Hon. Mboni went.

**Hon. Elisha Odhiambo** (Gem, ODM): Let me make a correction.



**Hon. Deputy Speaker:** Which correction do you want to make? Did you go to Kenyatta University or the University of Nairobi?

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Deputy Speaker, I did my first degree at Kenyatta University. I did the second Master's Degree at the University of Nairobi. I did the third one at United States International University (USIU). This must be on record. Maybe, when he was doing his Bachelor's Degree, it is the time I was doing Master of Business Administration (MBA) at the University of Nairobi.

Thank you.

**Hon. Deputy Speaker:** That is not what is in contention, Hon. Elisha. What is in contention is that you are alleging that your colleague went to Kenyatta University, when he can confirm that he was very close to this august House in the University of Nairobi. That is the issue. Whatever number of degrees you have.... Probably, you should have said that you went with him to the University of Nairobi, when you were doing your second degree. That would have made more sense. It is good to know that you have a number of degrees.

*(Laughter)*

**Hon. David Mboni** (Kitui Rural, CCU): Thank you very much, Hon. Deputy Speaker. I was saying that the country should be zoned in terms of crops which do very well. If you go to Western Kenya, you will find that sugarcane does very well while *Ndengu* and watermelons do very well in Ukambani. Protect me for saying this. These are crops which should be supported by the Government, so that people can earn livelihoods.

With those few remarks, I support the Bill. Thank you very much.

**Hon. Deputy Speaker:** Let us now have Hon. Ali Adan.

**Hon. Ali Adan** (Mandera South, JP): Thank you, Hon. Deputy Speaker for giving me the opportunity to contribute and support the Crops (Amendment) Bill. As it was said, Bixa is a drought resistant and pest-free plant that is widely grown in the coastal areas.

When I was in the Departmental Committee on Agriculture and Livestock, we looked at the issue of Bixa in depth. We discovered that the benefits that this crop brings to the country and to the people of the coastal region are immense. That is the reason why we must move with speed to pass this Bill in order for the people of Kwale County to enjoy the benefit. There is a factory that deals with Bixa in Kwale County which is dilapidated because of lack of funds. It is a private entity. However, with a little support from the Government, it can be up and running and support the local economy.

I am aware that the Agricultural Sector Transformation and Growth Strategy (ASTGS) is a 10-year document which must give effect to Article 43 of the Constitution which says that every person has a right to be free from hunger. By all standards, this is an excellent document. The Government must move with speed to implement the nine flagship programmes that are listed under ASTGS. The Crops (Amendment) Bill will find its way into that document, so that it can attract the benefit. The Government has put in place many programmes that would generally eliminate hunger and secure the country from perennial hunger crisis.

The other issue we dealt with in the agricultural sector was the amendment of the Agriculture, Fisheries and Food Authority (AFFA) Act of 2013. For some strange reasons, this Act collapsed over 13 Acts to be formed. We have realised that it is not working. We are now coming up with the Kenya Tea Board, Kenya Sugar Board, Sisal Board and Pyrethrum Board. We

want to make all these boards function and to zone in the particular sector to help the Kenyan farmer who is most affected at the moment.

We also had an issue with the storage, which was addressed through the Warehouse Receipt System Act. We want the Government to also move with speed to implement or operationalise the Warehouse Receipt System Act, which seeks to help reduce post-harvest losses. It also seeks to help in price stabilization. It acts as an instrument to the farmer. In the event that there is excess supply in the country, farmers can take their commodities to the warehouses operated privately, but regulated by the Act, for them to get some advances.

Therefore, I ask the Ministry to fast-track the operationalization of the Warehouse Receipt System Act as well as the Irrigation Act to give effect to the benefits that are contained therein.

*[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I can see that the Chairman of the Committee on Agriculture and Livestock, as well as the former Chairman are present. I want to thank Hon. Tandaza for coming up with this Bill. As a country, we have to be serious. I am saying this because I see that the current and the previous Chairs of the Committee are here. We have to be serious as a country and, if possible, have some resolutions to streamline the Ministry of Agriculture in doing some of the important things that everybody has mentioned here.

Firstly, we have to be serious because, agriculture is the mainstay of the economy of this country. Secondly, it used to be a foreign exchange earner, but now it is not. It also offers employment opportunities to our youths. We have to be serious because in the 1960s, 1970s and 1980s, it did very well. It was the best agricultural country in the region. Today apart from what Hon. Tandaza has mentioned, there are crops that are dying. I do not hear about millet and sorghum. Maize is almost gone. Drive around the countryside and see whether farmers are serious about planting maize.

For example, we have dairy farming, which I am afraid is also dying. You cannot believe this. You go to Kibera or anywhere else in Nairobi. You will see milk coming from Uganda when we actually used to export milk. We have lost our market in the Middle East. Today there is a shortage of milk in this country. This leaves me wondering what is happening to the parastatals that are supposed to be supportive of this sector.

Hon. Temporary Deputy Speaker, we have a serious issue. The Departmental Committee on Agriculture and Livestock, in which I also sit, should have a different approach with a view of coming up with solutions that can help streamline the Ministry of Agriculture.

What is happening at our research centres? Nothing! Some of them have closed down. For example, the research centre at Bukura Irrigation Scheme in Western Kenya is dead. When I was in Standard Two, I used to see extension service officers from the Ministry of Agriculture going round helping farmers to improve their methodology of planting maize, potatoes and other crops. Today, there is nothing like that. We have even devolved agriculture to the counties and I see nothing happening. I had a particular issue with extension services in my county.

*(Loud consultations)*

Hon. Temporary Deputy Speaker, can you protect me? I am addressing very serious issues. There is a *kamukunji* behind me. I do not know whether it is *Tanga Tanga* or whatever. I am not sure.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order! You will be protected but...

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): That kind of noise when we are discussing serious issues about agriculture in this country is not allowed.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Members have no capacity of making noise. Hon. Kositany, if you must, consult in low tones for us to listen to Hon. Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): It is because they are not serious about agriculture. That is why I am saying the Chairman of the Committee on Agriculture and Livestock, Hon. Tiren, should take the whip and get the Ministry of Agriculture working. Let us see extension services in the field. Let us have the research centres that were there in the colonial days revived. We have a lot of unemployed youths. Some of them have pursued agriculture up-to PhD level and they are unemployed.

What are we doing as a country? I will repeat myself. Today Kenya import milk from Uganda. Why do we allow that to happen? We have lost our Middle East market for powdered milk. Why do we do that? It is because we do not have any support services from the Ministry of Agriculture officers.

The Budget allocation to the Ministry of Agriculture is below expectations yet agriculture is the mainstay of the economy of in this country. What happened? The budgetary allocation for agriculture has been dwindling over the years and nobody cares about it. Therefore, as a House we should have resolutions to streamline some of these things that are affecting us. Hon. Tandaza is right to come up with this Bill. However, it is going to be discussed here and God knows what will happen; it will just end here.

Let us be serious about the situation so that we can go to the extent of having some crops revived. For example, the crops that you and I had when we were growing up, like cassavas. You no longer hear about cassava, yet it has a lot of benefits and contribution to the economy. The same is true for to millet and sorghum. They are all gone, not forgetting sisal. This country used to export sisal. We no longer have sisal, yet it was the main foreign export earner. We used to export sisal to India. Today it is not there. Ropes are now made of plastics. You can rarely find ropes made of sisal.

Hon. Temporary Deputy Speaker, this House has an obligation to ensure that the agricultural sector is revived. Once more, I thank Hon. Tandaza for coming up with this Bill. It is an eye-opener but let us do something about agriculture. The Chair of my Committee, and the former Chairman, has heard. Let us move towards reviving agriculture as a very important sector in this country.

I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mutunga, you have the Floor.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to add my voice to the debate on this Bill by the Hon. Tandaza. He has brought forth the importance of this crop and why we should support it.

Bixa Orellana is a very important crop in this country. It has characteristics that we should be very proud of having it as an indigenous crop in this country. It can grow in most of the arid and semi-arid lands without the need for water. It can grow without the need for pesticides because it is pest and disease resistant. Initial efforts in this particular area were very laudable and useful in the sense that they sensitised the people at the Coast. The people had been given a livelihood in the 1970s but a lot happened that led to the death of this initiative.

It is time we schedule this crop and have it in the First Schedule as one of the first crops that should be grown in this country. The death of this initiative affected many people at the Coast. I believe that is part of the reason Hon. Tandaza has come up this time to plead with us to look at how we can get the crop into the Schedule.

The world is going natural. Bixa has natural dyes used to colour food additives. It is used to colour cheese, salad oils and others. Being a natural product and we know that the world prefers organic foods; we have a great advantage as a country to promote this crop for various uses. The question is how to we should promote it. The crop should be put in the First Schedule as a crop to be grown in this country. We should initially structure out the research process that will lead to the knowledge of the crop, knowledge of the agro-ecologies in which it can do better and knowledge of the crop development attributes that need to be put in place.

We should also anchor this crop into legislation so that it is properly regulated and properly managed. We should, therefore, open up and out scale the crop to other areas because it is Arid and Semi-Arid Lands (ASAL) adaptive and can grow in many other areas. I am of the idea that the crop can do well even in Eastern Kenya where I come from and I believe the areas around Isiolo in my constituency can be very useful: the Rwanda sub-location in Tigania West. We should therefore develop the requisite literature and sensitise people on this particular crop so that they can take it up as a priority.

The crop is industrial. Being industrial, it offers great possibilities for us to industrialise it. However, we cannot industrialise a crop unless we grow it in large quantities for the industries to be set up so that they can absorb the product itself. We need to understand how we can produce enough of the material. To produce enough of it, we need to be clear that we can get sufficient amount of planting material; we need to be sure we can get large proportion of farmers or many people growing the crop in their farms and tending it. We also need to collect products to a collection unit. The Warehouse Receipts Systems Bill came up to support this initiative. Warehousing in this country is very important in the sense that most of our farmers are small-scale and, therefore, they need to aggregate their produce to properly access the market.

Bixa is important not only for industrialisation and job creation, but it is also important in creating wealth for our people and for the investors. Investors have a great opportunity to create wealth by investing in processing the crop.

I propose that we structure this crop, map out Bixa areas which are suitable in the country, sensitise farmers and register them accordingly so that we know who is supposed to produce the crop. We should also go further to produce the crop and collate the production with industries. We should support the production through research, development and extension. We should organise the entire value chain so that we know the producers, the off takers, how the off takers are organised and how they are supposed to meet the demands of the market. We should sensitise the people accordingly to invest in this crop. We should have the crop properly anchored into its own board and not necessarily to be part of the crops that are in AFA or properly anchor it along the industrial and medicinal oils. We should enable the growth and development of this particular crop

and generally support the farmers to be able to produce and serve the industry. If the industry is not properly organised, we will not be able to enable farmers gain from the crop itself.

I am in support of agriculture in the view of organising the industry. Agriculture in this country is not in the top priority when it comes to funding. The resource allocation to agriculture in the 2018/2019 and 2019/2020 budgets shows that agriculture is above number ten. It is not in the top ten. If it is not in the top ten, we are not serious as a country because when we look at what happened during the COVID-19 pandemic, it is only agriculture which grew at 6.4 per cent without any support from anyone.

Other industries, like health sector, grew because most of the money was directed there in order to contain COVID-19. So, as a country, we need to position ourselves properly and realise we have an advantage with a crop that can grow without requiring pesticides and insecticide, a crop that can do well in ASALs and realise that the country is 75-80 per cent ASAL. If we have most of the land and the crop is suitable to the land and we need to employ our people, therefore we can set up industries. The market is insatiable. So, why don't we take advantage of this?

I urge that this House supports this Bill and it grows into a legislation that will look at how we position this crop as one of the major crops that can help us move out of poverty and create wealth for the people of this country.

Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Osotsi, you have the Floor.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you Hon. Temporary Deputy Speaker for giving me the opportunity to also support this very important amendment Bill by Hon. Tandaza to amend the Crops Act, 2019.

As it has been said by many Members, this is a very important crop because of the high economic potential that it brings. The crop can be used in many things like flooring materials, cosmetics, shoe polish, ink, silk, medicinal and even food colouring. So, it is a crop which has high economic potential.

However, it is very surprising that since this crop was used for economic purposes from the 1970s, the Ministry of Agriculture has never thought to include it in the schedule of crops in the Crops Act. That demonstrates the level of laxity in the Ministry of Agriculture. There are other crops across the country which ideally should be included in the list. So, something has to be done about this. It means that the research arm of the Ministry of Agriculture or the organs within the Ministry that are supposed to undertake research are not doing their work.

I can give an example of the bamboo tree. It is doing very well in Vihiga County where I come from. It is doing so well and can be used for very many things but it is not listed in the Crops Act. Something has to be done. I am happy that the Chairperson of the Departmental Committee on Agriculture and Livestock is here. This is an issue the Committee should follow up to basically list down the crops which have high economic value in different regions and find ways of including them in the schedule of crops. They do not have to wait for a Member, like Hon. Tandaza, to bring a Bill so that a crop is included in the list. This is something that should be done automatically through research.

Most importantly, is that the gazettment of this crop would trigger other processes which are very crucial and which will lead to benefits to the farmers of Kwale and the Coast region. It will trigger marketing processes, distribution, transportation, promotion and, most importantly, even value addition. We want value addition to be done right here in Kenya before they are exported. Another important thing is that this crop does well in warm humid areas with

temperatures of about 32 to 38 degrees Celsius. We know many of our ASAL areas are some of the areas which can benefit from this crop.

Therefore, this is a very important amendment and I want to encourage the Departmental Committee on Agriculture and Livestock to continually look for such kind of crops. One crop that I really vouch for is the bamboo tree which has so many benefits, but it is not classified as a crop. That is one of the drops that I would urge the Committee to consider pushing the ministry to include.

Hon. Temporary Deputy Speaker, this crop will be listed under part II of that schedule which are crops.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order! What is it, Hon. Ali Haji. What is out of order?

**Hon. Ali Adan** (Mandera South, JP): As we contribute to a very important amendment such as this, the Member must be factual. I am aware that bamboo is a scheduled crop. Members from this region petitioned bamboo to be a scheduled crop. As we speak, bamboo is a scheduled crop. So, the Member should be factual when he is giving his statements.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. It did not look like a point of order. It looked like information. But, nevertheless, Hon. Osotsi must be now well informed.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Speaker, you know I was saying that because that I was looking at the original Act, the Crops Act. I could not see it listed. Maybe it was put in a gazette notice of which I am not aware. But, thank you for that information.

So, I think this crop is going to be put under part II which is basically crops with breeding programme. That is very significant because it is going to encourage research, development and, most importantly, certification of new varieties of this crop. So, I think this will be a great step for the people of Kwale and the Coast Region. For that matter, I encourage the people of Kwale to continuously support my colleague here, Hon. Tandaza; because of the huge step he has taken in trying to uplift the economies of the people of Kwale.

For those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Not Hon. Kathambi. It is the Member for Sirisia first. You are lucky because I was to give a chance to Commissioner Shaban but I am sure she will get a chance. You seem to be very first. You know, Member for Sirisia, you should be gracious enough to defer for the commissioner but, anyway, please, you have the Floor.

**Hon. John Waluke** (Sirisia, JP): Okay. Thank you, Hon. Temporary Deputy Speaker. I am sorry for Hon. Shaban because she is our boss. She is our Vice-Chair of the Parliamentary Service Commission (PSC). Sorry.

I want to thank Hon. Tandaza for bringing up this Motion. Our country really depends on agriculture. Agriculture is the backbone of the economy of this country. To me, even to devolve agriculture to county governments has really created many problems to the farmers of this country. Like with the tea sector, it is really suffering. As we speak, tea farmers are going to the fate of sugarcane farmers. The President of this country appoints the Cabinet Secretaries (CSs) to support him to run this country but, sometimes, the CSs who are appointed or the officers of the ministries fail to perform. They bring this country down.

These days we do not have extension officers to check on farmers in the field as it used to be like during President Jomo Kenyatta's time and President Moi's time. When we were children

we used to see extension officers visiting farmers to know their problems so that they improve on production. As we speak, the extension officers are not there. It means we are performing very poorly in agriculture due to lack of support. We are importing unnecessary things like eggs which are supposed to be produced by our farmers in this country. We are importing eggs from neighbouring countries like Uganda. We are importing milk from neighbouring countries like Uganda, instead of us promoting the farmers like other countries do to support their farmers and their country. We are doing very badly with coffee farming just because of middlemen that are in the middle trying to run this country down trying to steal from the farmer.

As we speak, the Government has not brought in subsidised fertilizer to the farmers. Let me speak to farmers of maize from the Rift Valley and Bungoma where we farm maize. Farmers always get fertilizer at a reasonable price but the price of fertilizer has gone up, Kshs3300 per bag of fifty kilos instead of Kshs1800 that the Government used to bring to the farmers. So, this will bring our people back to importing maize from outside the country and yet farmers can sustain this country with food.

So, the CSs who are appointed, especially the CS of the Ministry of Agriculture, Livestock, Fisheries and Cooperatives should support this Government to make sure that everything that is supposed to be done, like what Hon. Tandaza has brought on this crop, is supported. We are as Members of Parliament (MPs) earning salaries from the farmers. We do not produce the money that we earn. We do not produce money to pay ourselves or for our salaries. We just earn from the common *mwananchi* who is a farmer out there. So I am urging MPs to deeply come out and support the agricultural sector of this country, especially this project that Hon. Tandaza has brought. We are to support it so that we can get more money to support this country.

For those few remarks, I thank Hon. Tandaza for bringing this. As a House we need to support it. We need to fully support the Government so that this country can stand in each and everything. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Katana Kahindi.

**Hon. Paul Katana** (Kaloleni, ODM): Ahsante, Mhe. Naibu Spika wa Muda. Kwanza nataka kumpongeza Mjumbe wa Matuga, Mhe. Kassim Tandaza kwa kuleta Mswada huu wa mabdiliko. Wakati umefika sasa wa Wizara ya Kilimo kufanya utafiti kwa kila mmea katika majimbo yetu ili wajue ni mmea upi waweza kutumika kuzalisha na kuleta mapatao katika maeneo haya na nchi kwa jumla.

Kwa muda mrefu, mimea kama kahawa, chai, korosho, na mnazi zilikuwa zikisifika kwa mazao yao. Lakini, kwa sasa mimea hizi zimefifia. Tunajua kwamba kilimo ni uti wa mgongo wa nchi hii. Serikali inatajikana kuweka bajeti kubwa kwa Wizara ya Kilimo ili utafiti ufanywe wa kusaidia wakulima wa mimea hizi.

Kule pwani, tuko na mimea ya mnazi mkorosho na Bixa. Mimea hii imekua ikileta mapato lakini, tangu viwanda vya mkorosho na Bixa vifungwe, hali ya uchumi wa jimbo la pwani imerudi nyuma. Ni jambo la aibu kuwa kwa sasa tunaagiza tui la nazi kutoka nchi ya Malaysia ilihali pwani tuna mmea huu ambao unaweza kutumika kutoa zao hilo. Vile vile, kama Serikali inaweza kufanya utafiti, wa mimea hii mitatu pwani, inaweza kutoa suluhu la ukosefu wa ajiri katika jimbo la pwani na kenya nzima.

Kwa muda mrefu, ifikapo wakati wa uchaguzi, watu wengi huja pwani na kuwahadaa wapwani kwamba watawekeza kwa mnazi na kufufua viwanda vya mkorosho na Bixa lakini, ukienda kule baada ya uchaguzi, mimea hii haitambuliki. Nataka kuunga mkono Mswada huu.

Bixa, Mkorosho na nazi ziletwe kataika ibara ya kwanza ya mimea ambayo inaweza kutumika kuzalisha na kuleta mapato katika taifa letu.

Mnazi peke yake unaweza kuajiri zaidi ya watu alfu kumi. Kwa muda mrefu, watu wamekuwa wakiongea kuhusu bidhaa moja ya mnazi ambayo ni pome peke yake. Mnazi una Zaidi ya bidhaa kumi na mopja. Kwa mfano, fuvu la nazi linaweza kutumika kutengeneza vifungo. Kwa sababu kilimo kimegatuliwa, serikali za kaunti zinaweza kuleta mitambo na kuajiri vijana wengi, ili waweze kujikimu kuliko kuwapa maslasha wafyeke na kusafisha mitaro ya maji-taka. Pesa zinazotumika kule zinaweza kutumika kuwekeza kwa kilimo.

Mhe. Naibu Spika, kama waweza kukumbuka, mti wa mnazi katika nchi ya Malaysia umefanya nchi hiyo kukua kiuchumi. Serikali haijafanya utafiti muhimu wa kuhakikisha kwamba mti huu unaweza kutupatia pato.

Wakati huu wa ugonjwa wa COVID-19, ni kilimo peke yake abayo imeweza kusaidia wananchi kujikimu kimaisha. Naunga mkono Bixa kuletwa kwa ibara ya kwanza ya mimea. Vile vile, mnazi na korosho ziwekwe katika ibara ya kwanza ili tupate pesa ya kufanya utafiti na kutafuta masoko nchini na nchi za kigeni. Naunga mkono Mswada huu wa mabadiliko.

Ahsante.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Commissioner Shaban.

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Ahsante, Mhe. Naibu Spika wa Muda, kwa kunipa fursa hi. Mimi pia najiunga na wenzangu kumpongeza ndugu yetu mhe. Tandaza, mbunge wa Matuga kwa kuleta Mswada huu ambao unarekebisha sharia za mimea hapa nchini.

Kwanza, ningepende kuto risala zangu za rambi rambi kutoka kwangu pamoja na jamii yangu, eneo bunge la Taveta na Taita Taveta kwa ujumla kwa jamii za wabunge waliokufa. Bunge hili la kumi na mbili limepata kipigo cha kuwapoteza wabunge wengi. Tunawaombea na tunajua wametutangulia mbele ya haki. Kule walikokwenda, Mwenyezi Mungu aweke roho zao pahali pema peponi.

Mti huu wa Bixa au mrangi kama unavyoitwa pwani ni mti muhimu sana. Mbegu zake ni za muhimu. Si bure tu Mhe. Tandaza amelivalia njuga jambo hili. Eneo lake haswa kule kwale ndiko kiwanda cha Bixa kiliko ambacho inaweza kuhakikisha mmea huu wa Bixa unapatia watu faida. Ni sawa ikiwa mmea huu wa Bixa utaorodheshwa pamoja na mimea mingine muhimu hapa nchini. Si jambo la kutosha kuorodhesha tu. Orodha hizi zikitoka, mimea hii lazima ipatiwe kipaumbele.

Serikali ya taifa na serikali za magatuzi ziangalie kuwa mimea hii inapatiwa umuhimu haswa kwa kuwasaidia wakulima waweze kupata mbegu zinazofaa na kuwafunza ukulima wa kisasa maana yake, kule mashinani zaidi wakulima wengine hulima kiholela kwa sababu hawapatiwi mwelekeo wa njia za kulima za kisasa, ili wapate haki yao kutokana na jasho lao la ukulima.

Maeneo mengi yana mimea tofauti tofauti ambayo yana faida hapa nchini. Kwa mfano, kuna mkorosho, mnazi, ndizi kutoka maeneo yetu ya Taveta na maeneo mengi hapa nchini, vile vile mihogo, viazi vitamu, ndegu iliyotajwa kuwa inapandwa hapa nchini na mimea mingine mingi ikiwemo kahawa na chai.

Si siri kuwa vitu vyote vinavyopandwa hapa nchini ni vya umuhimu na vinatumika ulimwengu mzima isipokuwa wakulima wasipopatiwa ujuzi wa kuhakikisha kuwa wanaweza kulima kwa njia za kisasa na kuhakikisha mavuno yao yanakuwa ya gredi ya juu, itakuwa shida kwa mkulima kupata haki ya jasho lake alilolitoa. Ukweli ni kwamba, hapa nchini mambo ya kilimo ni ya muhimu. Yamewezesha wazazi kujiendeleza na kusomesha watoto na kubadilisha uchumi wa nchi hii. Lakini hivi juzi tuliona kuna vitu ambavyo vinaweza kukaa sana na kuna ile



mimea ambayo mazao yake hayawezi kukaa kwa muda mrefu. Kwa mfano, nataka kuzungumzia ndizi ambazo zinatoka kule kwetu. Utakuta kuwa ndizi hazikai kwa muda mrefu. Ni kati ya ile mimea ambayo tunajua itakuwa na matatizo. Tunajua mahindi yanaweza kukaa kwa muda lakini juu ya hiyo, mahindi pia lazima yapatiwe bei inayostahili. Vilevile, Serikali inafaa kuhakikisha kuwa wafanyakazi wa taaluma ya kilimo wanaweza kuwasaidia wakulima kupata haki yao.

Ukienda nchi za nje, utakuta kuwa kahawa na chai nzuri zaidi zinazotumika kule ni zile za kutoka Kenya. Saa zingine wanachanganya kahawa yetu na zingine, lakini zaidi sana kahawa ya Kenya inasifika kila mahali. Ukienda Marekani, utakuta ndiyo inasifika; kila mahali duniani. Vilevile, wamechukua chai yetu wakachanganya na chai zingine ambazo hazina utamu kama ya Kenya. Chai yetu inajulikana ulimwengu mzima. Swali ni kuwa, je wakulima wetu wanapata haki yao? Hilo ndilo swali kubwa ambalo Serikali yetu itatusaidie ili wakulima wetu wapate haki yao, sio eti wale wanaofanya biashara ya mimea hii na mavuno haya ya kahawa ndio wanaofaidika peke yao.

Bixa, ama mrangi, ni mbegu zinazotumika kutengeneza rangi na hata kwenye chakula na kwa vitu vya urembo vya akina mama. Juu ya hapo, kitu ambacho kinaweza kutumika kwenye chakula ni kitu ambacho Serikali ingekipatia nguvu sana ili kiwanda kile kijengwe upya ili wakulima wa maeneo hayo na hata wakulima wengine wahimizwe kulima na kuvuna mbegu za mrangi.

Ni dhahiri kuwa Kenya tumezoea kufanya ukulima wa kutegemea mvua. Mvua ikichelewa tu kidogo, basi kumeharibikiwa kwote. Serikali kuu imekuwa ikiweka mkazo kuhakikisha kuwa imejenga madimbwi ya maji kila mahali. Lakini naona kuwa ugawaji wa hayo madimbwi hauendi inavyotakikana. Hivyo basi, kuna umuhimu wa Serikali kuhakikisha kuwa madimbwi hayo ya maji yanatengenezwa kila maeneo ili wakulima wote, hata wenye kutoka maeneo kame, waweze kupata maji. Mvua ikinyesha tunapata mafuriko ambayo yanaharibu kila kitu - yanaua watu na mifugo na kumaliza mimea. Maji haya yakitumika vizuri yataweza kutuletea faida wakati wa ukame.

Namalizia kwa kumuunga mkono na kumpongeza kaka yangu Mhe. Tandaza kwa kuleta Mswada huu ambao utarekebisha orodha ya mimea ambayo imetejwa kwenye sheria ya mimea hapa nchini. Naunga mkono.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order, Hon. Duale?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I stand under Standing Order 95. We have been debating this Bill for a number of hours and there is a lot of repetition. Would I be in order to ask that we move to the next important constitutional Bill?

**Hon. Simba Arati** (Dagoretti North, ODM): *(Spoke off record)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, can you tell the Member for Dagoretti South that we are not in Kawangware? We are in the House. I am talking to the Speaker. You cannot heckle me. I am only asking what is provided for in the Standing Orders. Would I be in order to request that the Mover be called to reply, so that we go to the next Bill? We cannot discuss one Bill the whole Thursday because of time factor and the COVID-19 regulations. I have been listening to Members and we are more repetitive.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Duale, you are in order to ask. I shall have to ask Members whether that is their mood.

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

I think it is a balance. Members may expedite their contributions within the time remaining so that we can move to the next Bill. I can also tell that Members from the Coast have a keen interest in this Bill and they have been around for some time. Even the other Members, too, have an interest in it because they are also Kenyans. So, Members will get a chance to contribute.

Let us start with Hon. Nguna.

**Hon. Charles Nguna** (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for the chance you have given to me. I will be very brief because I understand many Members want to contribute to this Bill. Allow me to thank Hon. Tandaza for bringing this Bill to the House.

It has come to my attention that a majority of Kenyans do not know what Bixa crop is. I have seen it in many places at the Coast, especially in Kilifi, but I have never known its economic importance. Two of the President's Big Four Agenda are food security and manufacturing. The Bixa crop implements the two agenda of food production and manufacturing. We are talking of a crop that is drought-resistant. You will agree with me that in the advent of global warming, rains have become very unpredictable. We need to invest more in drought-resistant crops. Bixa is one of them. I challenge the Ministry of Agriculture to list more of such crops to bring economic benefits to our country.

#A lot of crop failures have been attributed to pests and diseases. Bixa is disease free and pest free. You only need to weed it. So, this is one of the key crops that can contribute towards food security and many aspects of manufacturing. It is high time we revived the percentage the agriculture sector contributes to our economy. I have heard of 28 per cent and 30 per cent, but it is high time the State clarified on the percentage contribution of agriculture to the economy.

Once the Bixa seed is extracted, I have just learnt the waste produces fertiliser, one of the key economic benefits. Two, I have learnt that the Bixa crop is used in food colouring, especially at the Coast and many other countries in the world. For example, China conducted a lot of research on this crop last year. If at all we are serious with this crop, we need to invest a lot in its research. In the cosmetic industry, we heavily depend on the Western world to come up with cosmetic products. If this crop is nurtured and proper legislation is enacted, we can grow the cosmetic industry in the country. With the advent of climate change, we need to invest in agricultural research.

There are a lot of mangoes in my constituency, especially in the month of February. There are many mango trees. A lot of things are happening now. There is a lot of waste. We need to invest in storage facilities. We may produce a lot even if Bixa is planted in large scale. What happens if we produce a lot and we do not have storage facilities? We will not achieve the main objective of developing this crop. We have legislated on many things and emphasised the importance of research. Bamboo is one of the common plants we have discussed. I am a big beneficiary of cotton because my grandfather used to grow it. I no longer see it in Ukambani. We need to reinvest in research. There is a lot of laxity in the Ministry responsible for agriculture. They should do away with laxity and come up with all schedules of crops which can benefit our economy.

Marketing is another aspect. We do a lot of production. We produce a lot of coffee, tea and many other crops, which we export. We are facing serious competition from across the globe. We need to do proper marketing. We must ensure that once we legislate and pass Bills like this once, our crops are not phased out of the markets by our competitors from other countries.

With those few remarks, I support.

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

**Hon. Mbogo Ali** (Kisauni, WDM-K): Ahsante sana, Naibu Spika wa Muda kwa kunipa fursa hii ili niweze kuchangia Mswada huu.

Nataka nimshukuru Mheshimiwa Tandaza Sawa, Mjumbe wa Matuga, kwa kuuleta Mswada huu Bungeni uweze kujadiliwa ili mumea wa mrangi au Bixa uweze kutambulika na kuwepo kwenye ratiba ya mimea bora kama mimea mingine muhimu katika Jamhuri ya Kenya.

Mrangi au Bixa ni mumea muhimu sana kwa watu wa Pwani. Mumea huu unafanya vizuri sana katika maeneo ya Lamu na Kwale, na haswa katika Eneo Bunge la Mheshimiwa Tandaza, Tiwi. Pwani nzima, kuna eneo la Kwale ambako tuko na kiwanda kidogo cha kibinafsi kinachotumika kuongeza thamani ya mumea huu. Kiwanda kile kimekosa ufadhili. Pia, kiwanda hicho kimekosa faida kutoka kwa mumea huo ili kiweze kukua.

Hivi juzi, katika maeneo ya Lamu, tuliona wakulima wa mrangi barabarani wakiandamana kwa sababu ya kukosa soko la mazao yao. Ukiangalia, mtu anatoke maeneo ya Lamu katika eneo la Mpeketoni, anabeba mazao yake karibu kilomita mia sita mpaka Tiwi ndio apate kile kiwanda kidogo ili aweze kuuza mazao yake. Hiyo ni haki kweli?

Tukikumbuka kule nyuma, shirika la ndege nchini, Kenya Airways, lilikuwa likiyumbayumba bila kupata faida. Serikali Kuu iliingilia kati na kulipa shirika hilo mgao wa fedha ili lisizame. Kiwanda kile ni cha kibinafsi na kwa hivyo tunaomba Serikali Kuu pia iweze kukiangalia ili kisizame ila kiinuke na kuwa kiwanda cha kileo ili kiweze kufanya kazi kubwa na kutoa ajira nyingi kwa watu wa Pwani, na hususan watu wa Tiwi na Kwale kwa jumla.

Mrangi, kama tulivyosikia kutoka kwa watangulizi, ni mumea unaostahimili jua, magonjwa na unafanya vizuri sana katika sehemu yenye joto kama vile Pwani. Kabla ya teknolojia kuimarika, akina mama kule Pwani walikuwa wakitumia mrangi kama kipodozi mbadala cha *lipstick*. Mumea huu ulitumika kabla mambo ya kileo kufika. Akina mama, warembo na wake wetu tunaowaona, wanatumia vipodozi hivi. Ikiwa mumea huu wa mrangi utapewa kipaumbele, tuko na imani tutazalisha na kutoa vipodozi vyetu sisi wenyewe kama Jamhuri ya Kenya. Pia, vitawatoshelezea warembo wetu hapa na vingine tutaweza kuuza nchi za nje. Kuna umuhimu mkubwa kwa Serikali kusaidia kuboresha mumea huu. Kama tulivyosema, ni lazima kwanza tuanze kwa kupitisha Mswada ulioletwa Bungeni na Mhe. Tandaza. Baada ya hapo, ni lazima sheria hiyo ipewe msukumo na nguvu na Serikali Kuu. Utafiti wa Bixa au mrangi uko chini. Sio huu mumea peke yake bali mimea mingi inayofanya vyema humu nchini imedidimia.

Tulikuwa na vituo vya utafiti kama vile Kenya Agricultural Research Institute (KARI), ambavyo leo hii vimefungwa na hata ardhi imekuwa ikiuziwa watu wa kibinafsi. Tulikuwa na mashirika kama vile Agricultural Development Corporation (ADC) kule Pwani na kwingineko nchini. Mashirika hayo yalikuwa yakifanya utafiti ili kilimo kiweze kuimarika humu nchini. Leo hii hayo mashirika hayapo tena, hatujui yameenda wapi.

Sisi kama Wapwani tunatambulika zaidi kwa mimea kama vile mnazi na mkorosho. Mimea hii inatufanya sisi tutambulike kama Wapwani. Tulipokuwa wadogo, mkorosho ulikuwa unafanya vizuri sana katika eneo la Pwani. Tulikuwa na kiwanda kilichokuwa kikisimamiwa na Serikali Kuu kilichojulikana kama Kenya Cashewnuts Limited. Kiwanda hicho kilikuwa kimetoa motisha kwa wakulima wengi wadogo wadogo katika eneo la Pwani waliokuwa wakipanda mkorosho kwa wingi. Leo hii, ni jambo la kusikitisha na kutamausha kuona mkorosho umesahaulika na umekufa. Hii ni kwa sababu kile kiwanda muhimu tulichokuwa tukitegemea hakifanyi kazi tena.

Jambo la kushangaza ni kwamba baada ya kiwanda kile kuanguka kule Pwani, kilifufuka kule Thika. Leo hii korosho kutoka Pwani hununuliwa na middlemen ambao huenda kuziuzua kwenye kiwanda ambacho kiko mjini Thika kinachojulikana kama Afrimac Nut Company. Hili ni jambo la kusikitisha. Kiwanda cha mkorosho kilikuwa Pwani, na watu wa huko walikulia. Leo hii

mkulima anaingia gharama kubwa. Korosho zetu zimekuwa ghali mno kwa sababu ya usafiri mrefu.

Kuhusu mumea mnazi, tumeambiwa kwamba uko na faida zaidi ya kumi na moja. Mbali na faida kubwa inayojulikana, ambayo ni pombe ya mnazi, kuna mafuta ya nazi yanayojulikana kuwa tiba. Tumeambiwa na watafiti kwamba mafuta ya nazi yanatibu saratani. Kuna mnazi unaotoa makuti. Ukienda kwenye hoteli zetu za kifahari, utaona vile mapaa yao yameekezwa na makuti ambayo yanaonekana kuwa nadhifu na ya kupendeza. Ukiukata mnazi, unatoa mbao nyingi sana ambazo hutumika kwa ujenzi. Kwa hivo, mnazi uko na faida nyingi sana lakini ni mumea mmoja ambao umesahaulika na Serikali yetu. Hatujakuwa na hata kiwanda kidogo cha kushughulikia mumea wa mnazi.

Kama tulivyoskia hapa, kilimo ndio uti wa mgongo wa Jamhuri ya Kenya. Tunajua kwamba kilimo huchangia asilimia 30 ya Bajeti ya Serikali Kuu. Pia tunajua kwamba kilimo kimeajiri zaidi ya asilimia 70 ya Wakenya, ambao hutegemea sekta hiyo kwa maisha yao ya kila siku.

Jambo la kushangaza ni kwamba wakati tunaposoma Bajeti, au wakati mipango ya Serikali inapofanywa, kilimo huorodheshwa kama nambari kumi. Barabara, usalama na sekta nyingine chungu nzima zimepewa kipaumbele ilhali uti wa mgongo wa uchumi wa nchi hii, ambao tunajua unategemewa na asilimia 70 ya Wakenya, imeorodheshwa nambari kumi.

Tunaionba Kamati ya Bunge hili inayohusika na masuala ya kilimo iangalie jambo hili. Sisi ndio tunaopitisha Bajeti ya Serikali. Ni lazima tuamue. Kama tunafahamu umuhimu wa kilimo ni lazima, kama Bunge la Taifa, tuekeze zaidi kwenye sekta ya kilimo ili sekta hii iimarike irudi kama ilivyokuwa zamani.

Tumezungumza mambo ya mabwawa au zile tunaita katika Kizungu ukimiruhusu *dams*. Serikali imewekeza zaidi katika kuhakikisha tumejenga madimbwi yale ili mvua itakapokuwa imekuja, yale maji yasipotee bure. Sisi kama Wapwani tuna bahati kuu. Tuna mito miwili mikuu katika Jamhuri ya Kenya; Mto wa Tana ambao unaanzia milimani na unaishia Bahari ya Hindi. Tuko na Mto wa Athi River ambao unapitia maeneo ya Ukambani na unafika pale Sabaki na unateremka mpaka Bahari ya Hindi. Lakini wakati tumepata mvua ya kutosha, maji haya yote yanaishia katika Bahari ya Hindi. Lakini tukiweza kujenga vidimbwi hivi huko katikati, tunaweza tukachuma maji yale na yakatusaidia wakati wa ukame na tukahakikisha ukulima unakua katika maeneo mengi sana katika Jamhuri ya Kenya.

Katika Pwani tumekuwa na mmea wa pamba. Tulikuwa na kiwanda kule Lamu kinajulikana kama Lamu Cotton Ginnery. Kiwanda kile pia kimekufa na kilikuwa kikipatiana mchango mkubwa sana kwa wakulima wadogo wadogo wa pamba kutoka maeneo ya Mpeketoni. Tumekuwa na kiwanda cha mkonge pale Vipingo Sisal. Kilikuwa kimeajiri zaidi ya watu elfu tano. Leo, kiwanda kile kimekufa na yale mashamba yote makubwa leo yamerudi mikononi mwa watu binafsi. Wanagawanya na kuuzia wananchi.

Kwa hayo, naunga mkono Mswada huu. Asante sana.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kiarie.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Speaker and the opportunity to contribute to this amendment is highly appreciated. I rise to support a good friend of mine, Hon. Kassim Tandaza Sawa on this amendment that he is making to the Crops Act. It is very clear that Hon. Tandaza did not waste his school fees at Alliance High School. In fact, in moving this Bill, we were very impressed by the amount of research that had gone into his effort to amend the Crops Act and for that, I must commend Hon. Kassim Tandaza Sawa.

I have to say that from what is coming out, this crop by the name Bixa - which is locally referred to as *mrangi* - is important to the economy of the Coast. However, not only for the economy of the Coast but it looks like it can be a crop that will be very meaningful to the economy of the entire country.

Hon. Temporary Deputy Speaker, I think the opportunity we have been given in this amendment is one, for us to look holistically at the whole issue of agriculture in this country. It is a point where we can start questioning ourselves on how we have been conducting the business of agriculture. We are always told that you should not look at someone's priorities by how they list them, but by how they prioritise the investment into these priorities. We have not been prioritising investment in agriculture.

It is important that as we are looking at this amendment, we rethink the whole model of agriculture in this country. Let us think about our rainfed agriculture. It always puzzles me that we take a commodity like petroleum all the way from the Coast at the port to the farthest corners of this country. If you wanted petroleum in any corner of this country, you only need to drive to a petrol station and you shall get fuel. It puzzles me why we have not been able to take advantage of Lake Victoria, which is the largest fresh water lake in Africa, in the same way we pipe petroleum. It puzzles me how we cannot pipe water to the far flung corners of this country. That is why I am saying that this is an important time to relook at how we do agriculture.

I support this amendment understanding that this crop called Bixa, as we are being told, is drought-resistant. It is disease and pest-resistant. We also understand that by listing it as a cash crop, we shall be forcing our Government to start investing a bit more on it. By investment, I am talking about through the line investment.

We are told that this crop has no waste. Even as we extract products from the seed, we understand that there is much more that can be done in terms of value addition to this crop.

By relooking at our agriculture, we shall be speaking to the issue of the Big Four Agenda. In my critique of the Big Four Agenda, I understand it is important that we take cognisance of the need for health, urban housing and general housing. I believe that if we took agriculture, we shall be addressing all the other three Big Four Agenda items by just investing in agriculture. If we invested well in agriculture, our people who are predominantly farmers, will get an extra buck and with that, the population will pay a bit more for their health insurance thus supporting the health agenda. The same people will have some disposable income, meaning they will improve their livelihood and invest a bit more in the quality of housing. By just addressing agriculture in the Big Four Agenda, we shall have addressed all the other Big Four Agenda items including industrialisation. If we invest well in agriculture, we shall end up going into cottage industries and with this, we shall also be growing industries.

It is important to me that this crop is disease and pest-resistant and so, even as we are talking about Bixa, it is time we stopped being cowards as a House and started looking at other crops that would be beneficial to this country. Our organic traditional foods are disappearing. We are in a situation where our country's health system is overburdened with cases of cancer. We are learning that it is out of what we eat that we end up contracting diseases. Our bodies are not resistant to some of these diseases. We are honoured this morning to have in the Chamber an esteemed doctor by the name of Hon. (Dr.) Nyikal. I am sure he will be contributing to this later, but he would advise that it is out of the things that we eat, most of which are not organic foods, that we end up with cases of cancer. Even as we look at crops for consumption, we have also to drop our cowardice. Maybe it is time we started looking at other disease and pest-resistant crops. I would like to say that it is time we considered legalisation of *marijuana* in this country.

I am saying this knowing and understanding well that *marijuana*, just as Bixa, is a disease and pest-resistant plant. We understand that from *marijuana* we can derive industrial and medicinal benefits. Every time we bring up the issue of legalising the farming of *marijuana*, we realise that there is so much pushback because people are resistant to the recreational use of it. By legalising a crop such as *marijuana*, we are not calling for its recreational use. In fact, we need to open our minds to explore the benefits that can accrue from farming a crop that is not affected by drought, pests and diseases. We need a crop that can benefit us through its industrial and medicinal use such as *cannabis*.

This is a discussion that we will need to reopen as we have a holistic look at how we tackle agriculture. If this House was to put its mind into this issue of rethinking our agriculture holistically, then we would find benefit in crops such as Bixa and those that are drought, pest and disease-resistant like I have mentioned *marijuana*.

The opportunity to contribute to this has been very well appreciated. I support we amend the Crops Act in favour of what has been proposed by Hon. Tandaza Kassim Sawa.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to talk about this Bill. Let me start by appreciating the Member who has proposed it because it is about a very important crop.

This plant is also known as Achiote in the Nahuatl language of the Nahuatl people in Mexico where it originated. Also, Bixa from the name *Bixa Orellana*. This is the name of a Spanish explorer who explored Mexico and brought this crop to the notice of the botanical world.

This is an important crop. It was introduced in this country in the 1970s particularly in Lamu and Kwale where it has been grown, although its use is now going down. People are now resulting to use it as a buffer plant because it is famed to ward off animals. This is not how we should use such an important plant.

It is not only grown in Kenya, but in other countries like Mexico, Peru, Indonesia, India and mainly in the tropical areas. This shrub is a hardy crop. It is disease and pest free and drought-resistant. Everybody has said this, meaning farmers will grow it at a lower cost even in dry areas. They will not need a lot of fertilisers or pesticides. Therefore, we should promote this crop.

Its importance is in the pigment and as my colleague have said, it is harmless with no carcinogenic effect. It is extremely useful particularly in food and medicine colouring also in cosmetics as we know. This makes it to be in high demand world over. Even the pods are used in the manufacture of fertiliser. We are promoting this crop because its demand worldwide will be a great income earner. We cannot only export the pods or pigment itself, but could also use it in value addition of many products. People are producing things like medicines and soaps which are plant-based. This will be useful and we will use it in value addition. Therefore, it is a very important crop in the agro-industry.

I believe the industrialisation of this country and the continent as a whole must be agro-based. I do not see us going any other way. In other areas of technology, we are far behind, yet in crops and plants, we are ahead and are not using them. If it is agro-based, it will definitely support our fourth agenda of manufacturing. Obviously, we are sitting on what I would call a gold mine.

Definitely, it will be important in job creation. We cannot take care of the young people's unemployment unless we go into manufacturing. So, anything we have like this must go into agro-industry manufacturing and then exportation, so that we have foreign exchange. We have something here that we must promote.

We do not have to look at this crop only, but all the crops we have. The story of pyrethrum is very interesting. I think where you come from, you know about pyrethrum. Kenya was leading in pyrethrum production until we mismanaged it and then the Japanese had to manufacture artificial pyrethroids because we could not produce enough to meet the world demand. The world is going backwards and using natural products. So, again, that is another crop that we have. Everybody is running away from the pyrethroids in the control of insects. We have crops like that. Even if you take sugar, coffee, sisal and all these, we really must go back.

In my view, the key to all this is we must go back and reorganise our extension work in agriculture. There is no way farmers are going to succeed if they do not get support on the ground where they are working. We saw those extension workers in khaki uniform as children. They were the backbone of our agricultural industry. We must go back there. Then we must add marketing. The people in Kwale are growing this crop and selling at about Kshs65 per kilogramme and yet in the world, the price is much higher. So, we must market them, find the markets, export them and value add them so that we can benefit from them maximally. Again, for farmers to work, we must support the cooperative movement. It is very difficult for a single farmer to export, but if we have a cooperative movement and remove corruption from the cooperative movement, it will go a long way. I support the rescheduling of this crop as proposed by the Mover.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. I am afraid quite a number of Members wanted to speak to this and the next was Hon. Wangwe and Hon. Kathambi, but time is not on our side. This business was time limited and the time is over on this one. Therefore, it is time for the Mover to reply. Hon. Sawa, you have the Floor.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Deputy Speaker. Before I reply, now that you have mentioned that my senior, Hon. Wangwe, wanted to speak on this, I would request if I can donate two minutes.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You must be very gracious, Hon. Sawa. Who are we to refuse? How many minutes are you giving Hon. Wangwe? Is it all your minutes?

**Hon. Kassim Tandaza** (Matuga, ANC): No, two minutes.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I would not really take much time on it. I just want to thank Hon. Tandaza Sawa. He is an Engineer, but he did research on crop development. This is a wonderful case and I just want to encourage that upon the registration of this crop into the list of scheduled crops, let us quickly allocate resources to what is supposed to be done. Let us not schedule the crop and we leave it in the open. Let us support him so that he achieves the final goal. Registration is just step one, but at the end of it is to see that we commercialise and make this crop useful to the people of the Coast that he represents.

With that, I support the proposal.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let me be clear. Did you donate some minutes to Hon. Kathambi?

**Hon. Kassim Tandaza** (Matuga, ANC): Okay, one minute because I think the issue of gender was also coming up.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Okay. You have one minute and then we get back to Hon. Sawa.

**Hon. (Ms.) Charity Chepkwony** (Njoro, JP): Thank you very much, Hon. Temporary Deputy Speaker. This is one of my most interesting part of the debate and I wish to thank Hon.

Tandaza for donating to me one minute in relation to the Crops (Amendment) Bill. Why I had a lot of interest to contribute is because I have learnt the crop is very special in this country, once it is scheduled. Also, it is good to realise that there is the concept of the seed waste mixture with chicken droppings which can also create fertiliser for the farmers. In relation to what Mheshimiwa is raising, it is also good to realise that there are challenges with the market.

This is also another challenge which other crops are facing in this country. Since the Member has introduced a very important amendment, it is also important for the researchers in this country to do more research and find out how many more crops we can introduce in specific parts of this country. Although we have preferred crops in this country which are included in the agriculture sector, a sector that is the backbone of this country, it is also good to note that it has not been taken seriously to support different crops in this country.

Therefore, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I am sorry. It is not me who gave you the time. It is Hon. Sawa. Hon. Sawa, you have the remainder of the minutes to reply.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Deputy Speaker. I thank the Members for the debate and further research that you have undertaken on this matter of the Crops (Amendment) Bill in having *Bixa* in the First Schedule of the scheduled crops. I would also want to thank my constituents who have been following this debate live from their homes, from last week. They have also requested me to pass their gratitude to the Members for this particular debate and the contributions which have come from both sides of the House, all supporting the scheduling of this crop.

Since all of us have supported this crop, I might not really have much to add apart from the fact that my constituents informed me that I should inform the House that as we speak, and as we have agreed to have this crop scheduled, they want you to know that they have been having only one buyer of this crop, namely, the Kenya *Bixa*, but because of the Coronavirus, they were not able to process and export. The farmers currently have over 100 tonnes of *Bixa* seeds in their stores not knowing where to take them. Of course, they do not have enough storage space, but they are now hopeful that with the passage of this Bill, and definitely as required by law, they expect that even when the only single buyer does not take their crop, the Government will come in, in terms of marketing, storage and guaranteeing them the minimum price.

When this crop was introduced in the 70s, the price went to as high as Kshs140 per kilo. Hon. (Dr.) Nyikal has put it correctly that currently, before they stopped buying, they were buying it at Kshs65. So, you can imagine a crop which was going for Kshs140 in the 70s, about 50 years later, it has dropped to less than half the price. You can imagine the agony of the farmers and what they are going through. At least, with the passage of this Bill, the farmers of my constituency in Kwale, Kilifi and Lamu will benefit. As Hon. Mbogo put it correctly, last week the constituents of Lamu were demonstrating. Sometimes demonstrations in the Coast are not covered by our mainstream media, but there were demonstrations in Lamu, Mpeketoni, specifically about *Bixa*. They claim that they have it in their farms, but the only buyer has closed because he cannot export and they had hinged all their hopes in selling their crop to take their children to school and take care of their livelihood.

Otherwise, I am very grateful that all my colleagues have supported this Bill and I hope when we take it to the vote, it will be ayes, and the next step, as my senior, Hon. Wangwe, has said, the Government should take it up very seriously to salvage the livelihood of not only the people of Kwale, Kilifi and Lamu, but ultimately, the lives of Kenyans. It is an industrial crop; it is a foreign exchange earner. So, automatically, we will replenish our foreign exchange reserves.



I thank you, Hon. Temporary Deputy Speaker. Once again, I thank you, Hon. Members, not only from me but also from my constituents.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Well said, Hon. Kassim Tandaza. The Members will take a vote on this business at a later time. So, we will pend putting of the Question for now for obvious reasons.

*(Putting of the question deferred)*

Let us proceed to the next Order.

THE LABOUR RELATIONS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we have got a formal request from Hon. Kimani Ichung’wah to defer this business to another time as will be scheduled by the House Business Committee. I cede to that request.

*(Bill deferred)*

Next Order!

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. (Ms.) Florence Mutua, you have the Floor for that business.

**Hon. (Ms.) Florence Mutua** (Busia (CWR), ODM): Thank you, Hon. Temporary Deputy Speaker. I intend to take about 15 minutes on this amendment.

I have The Constitution of Kenya (Amendment) Bill, 2019 and the Independent Electoral and Boundaries Commission (IEBC) Act, 2011. Section 35 of The Elections Act, No. 24 of 2011, provides as follows:

“On submission of party lists...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Have you moved the Second Reading?

**Hon. (Ms.) Florence Mutua** (Busia (CWR), ODM): Yes.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You need to pronounce yourself about the Second Reading.

**Hon. (Ms.) Florence Mutua** (Busia (CWR), ODM): Hon. Temporary Deputy Speaker, this is the Second Reading of the Constitution ...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Do you wish to move?

**Hon. (Ms.) Florence Mutua** (Busia (CWR), ODM): Hon. Temporary Deputy Speaker, I need to move.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You wish to move that whatever business be read a Second Time. You need to pronounce yourself that way for the record. This will be read 100 years from now. So, you need to be on record that you actually moved the Second Reading.

**Hon. (Ms.) Florence Mutua** (Busia (CWR), ODM): Thank you, Hon. Temporary Deputy Speaker, for that correction.

I beg to move that the Constitution of Kenya (Amendment) Bill, 2019, be now read a Second Time, in regards to the amendment of the Independent Electoral and Boundaries Commission Act, 2011.

Section 35 of the Elections Act (Act No.24 of 2011) provides that a political party shall submit its party list to the Commission at least 45 days before the date of the general election. The principle objective of this Bill is to amend Section 35 of the Elections Act (Act No.24 of 2011) to change the timing of submissions for party lists by political parties for persons elected under Article 90 of the Constitution from at least 45 days from the date of the general election to within 21 days after the date of the general election. The amendment is important in order to accord political parties ample time to nominate persons to be elected under Article 90 of the Constitution.

The persons elected under Article 90 as it stands, are the 12 Members nominated by parliamentary political parties to the National Assembly, 16 women Senators, two Members in the Senate, one man and one woman representing the youth, and two Members in the Senate; one man and one woman representing persons with disabilities. The nomination of these Members should, however, be undertaken immediately after the general election and not before the general election to allow political parties to nominate persons of their choice, in addition to taking into account the representation of marginalised groups in accordance with Article 100 of the Constitution.

Hon. Temporary Deputy Speaker, I will take the House through the disadvantages of presenting names for the gender top-up before the elections. First, the number of women, men, youth and persons living with disabilities to make it through the elections is not known beforehand; neither are their regions. Hence, if nominations are done early, one region may end up getting more women, youth and persons living with disabilities nominated.

Secondly, once the names of the nominees are published in the Kenya Gazette, depending on the party strength in the various regions, it is almost a guarantee for a job for a nominee. As a result, the nominees usually cease campaigning for candidates belonging to the political party that nominated them, not knowing that it is the number of elected candidates that will determine the number of those who will be nominated to the various legislative Houses. Without the assistance of the nominees, campaigns become more challenging yet the more the number of elected members of the party, the more the slots for nominees.

Third, when nominations are done before elections and a particular person in a political party fails to receive a nomination believing that it was well-deserved, the aggrieved person then joins an opposing camp, hence causing loss to their original political party. This complicates the campaigns at a very crucial time. The campaign period is usually emotive, hence there is the possibility of nomination of unqualified or undeserving persons to merely appease certain interests at that time.

There are advantages of presenting names for gender top-up after elections. First, nominations after elections will ensure that political party members who will be nominated to the legislature will work harder with the vying candidates, hence the party is in a win-win situation. The process prevents instances of bitterness by those left out of nominations, hence the campaigns and elections proceed smoothly as one party.

Once the dust is settled after elections and the number of women, men, youth and persons living with disabilities is known, the party, with soberness, can sit and agree on a suitable criterion for nomination, including taking into consideration the regions that fared badly in the election, among other considerations. This will ensure that regional and gender balance, more so in the marginalised areas, is met. A good current example is Murang'a and Homa Bay counties whereby, if the political parties had nominated a woman from the two counties, we would have additional

women instead of spreading the nominees to other counties that fared badly and had no woman candidate elected.

After elections, parties may lose strong people who they perceive may be useful in either of the Houses, hence they may give the parties a chance to nominate strong nominees who, for institutional memory, may be required to continue pushing the party agenda in Parliament or at the county assemblies. A good example is that in 2013, we lost Hon. Charity Ngilu, Hon. Kamar, Hon. Wavinya Ndeti and Hon. Martha Karua. In 2017, we lost Hon. Shebesh, Hon. Kajuju, Hon. Chepkonga, Hon. Jakoyo Midiwo, among a few other notable strong Members. If the political parties had the option of nominating top-up Members after the elections, a few of those Members would have been nominated to either House, for continuity of the party agenda, among other reasons. This is also one of the major reasons why I have also requested, through the Speaker, for an amendment to Article 92(a) of the Constitution in order to align it with the proposed amendment to Section 35 of the Elections Act.

Lastly, the right candidates are soberly elected when emotions are down, more so those who rightly stood with party matters and activities to the end. Overall, it is important that the laws of Kenya be regularly reviewed to address challenges and concerns of the day. Regular audits of the laws of Kenya are necessary to ensure that they address live issues of concern to the people. Following the experiences and challenges faced by political parties' nomination of candidates to the legislature in the last two general elections, there is need to consider those amendments to address the challenges highlighted above.

The amendment to Section 35 of the Elections Act, however, also calls for an amendment to Article 92(a) of the Constitution which provides that the Independent Electoral and Boundaries Commission (IEBC) shall ensure that each political party participating in a general election nominates and submits a list of all the persons who would stand elected, if the party were to be entitled to all seats under Clause 1. The manner in which Article 92(a) of the Constitution is drafted appears that nominations are to be undertaken prior to elections being undertaken and this, therefore, also calls for an amendment to Article 92(a) of the Constitution in order to align it with the proposed amendment to Section 35 of the Elections Act. The Speaker had approved my request to amend Article 92(a) of the Constitution, so that it can align with the proposed Elections (Amendment) Bill, 2018, for them to both be in tandem.

I request Hon. Mishi Mboko to speak on this matter further.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Who did you say is seconding?

**Hon. (Ms.) Florence Mutua** (Busia (CWR), ODM): *Mheshimiwa* Mishi Mboko.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mishi, you have the Floor.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Thank you, Hon. Temporary Deputy Speaker. I wish to second the Constitution of Kenya (Amendment) Bill, 2019. It amends Section 35 of the Election Act (No. 24 of 2011). It intends to change the timing for submission of party lists by political parties for persons who are nominated under Article 90 of the Constitution.

The Bill also changes the timing from 45 days from the date of general election to within 21 days after the date of the general election. We are proposing that the nomination should be done immediately after the general election within 21 days. It will ensure that the political parties will have enough time for nominations of persons under Article 90 of the Constitution. There are too many challenges during the election time. The schedule of the political party is also busy because everybody is involved in political party activities to ensure that they get positions through the various elective posts.

The persons who are nominated under Article 90 of the Constitution are 12 in the National Assembly to represent the youth, persons with disabilities and workers, and 16 women in the Senate. Sometimes, if these nominations are done before the general election, there is a possibility that one region gets more positions in terms of affirmative nominations, that is people with disabilities, youth or women. By doing this after the general election, the political party will have time to balance and see which region needs to have those nominations, so that we can have the face of Kenya.

Nominating the members under Article 90 of the Constitution after the general election will enable the political party to balance the marginalised and minority groups according to Article 100 of the Constitution. If you find out that there are areas where we have the minority or marginalised groups and they do not have any kind of representation after the general election, then the political party can make some consideration and ensure that there is fair distribution of the positions in terms of leadership in our country.

If nominations are done after elections, chances are that parties will ensure that people who are nominated are the correct ones who are qualified, strong, loyal and those who participated in the campaign and activities of the party. There are those times when you see people in the party list before the general election. Because they know that they are already nominated, they cease to participate in party activities and campaigns. To ensure that we have the correct people who deserve to be given those opportunities, it is fair enough for the nominations to be done after the general election.

Nominating people before the general election leaves out very resourceful persons. Sometimes you go for elections knowing that you will win. Because of poor strategy and other challenges which you encounter, you fail to make it despite being resourceful.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mishi. It is 1.00 p.m. and that is not to say that your time is over. It is not. You have a remainder of five minutes to finish seconding.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Hon. Temporary Deputy Speaker, I am almost through.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mishi! It is 1.00 p.m. and the House must rise.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Oh! Okay. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): That is to say that when this is scheduled, you will definitely have the remainder of your five minutes first.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Hon. Temporary Deputy Speaker, I understand. Much obliged.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You do not need to rush because it is an important Bill. You will have the remainder of your five minutes when this is scheduled.

Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.