



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. I NO. 25

THE HANSARD

Wednesday, 16th November 2022

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, we have quorum to transact business. Clerk-at-the-Table.

COMMUNICATION FROM THE CHAIR

GUIDANCE ON PROCESSING OF LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

Hon. Speaker: Hon. Members, this is a Communication and guidance on the processing of the legislative proposal to amend the Constitution by Hon. Gichimu Githinji and Hon. Stephen Mule.

Hon. Members, you will recall that on Wednesday, 2nd November 2022, I accorded an opportunity to Hon. Gichimu Githinji and Hon. Stephen Mule to make statements on the legislative proposal to amend the Constitution to entrench the National Government-Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund in the Constitution, pursuant to the provisions of Standing Orders 114 (7A).

Hon. Members will also recall that I allowed Members to make general comments on the legislative proposal. It is worth noting that this matter has attracted immense interest from Members. Indeed, I am happy to inform the House that over 120 Members have contributed to this debate.

The Chair has taken the view that majority of Members had an opportunity to make their general comments on the legislative proposal. In this regard, therefore, the debate on this matter will come to a close at the rise of the House today. This is just to remind the House that upon closure of discussion on this matter, the House will not make any decision. No question will be put to the matter.

Pursuant to the provisions of Standing Orders 114 (7A) (b)(iii), I will facilitate collation of the views from the comments of Members in an appropriate forum. As your Speaker, I have noted that the legislative proposal touches on the functions of county governments in terms of Article 110 of the Constitution, necessitating a bicameral consideration of the matter. In this regard, I urge the Leader of the Majority Party to propose five names and the Leader of the Minority Party to propose four names to be submitted to the House Business Committee (HBC) for consideration.

Further, I would like to urge the leadership of the House, in nominating Members to the forum, to consider incorporating the two sponsors of the legislative proposal. To allow for speedy consideration of the matter, I encourage the leadership of the House to forward the names of Members to the Clerk of the National Assembly by the close of business on Monday, 21st November 2022.

The House is accordingly guided. Thank you.

MESSAGE

APPROVAL BY SENATE OF PERSON NOMINATED FOR APPOINTMENT AS INSPECTOR-GENERAL OF POLICE

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order 41 of the National Assembly, I wish to convey to the House a Message from the Senate regarding the approval of Eng. Japhet Koome Nchebere for appointment to the position of Inspector-General (IG) of the National Police Service (NPS).

Hon. Members, the Message conveys that the Senate on Wednesday, 9th November 2022, considered and adopted the Report of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Relations in its Report on the vetting of Eng. Japhet Koome Nchebere for approval as IG of the NPS, laid on the Table of the House on Wednesday, 9th November 2022.

Hon. Members, you will recall that on Thursday, 10th November 2022, this House considered and approved the appointment of Eng. Japheth Koome Nchebere as the IG of the NPS. Therefore, the aforementioned approval by the two Houses has since been conveyed to His Excellency the President by the Speakers of both Houses of Parliament, which then concluded the bicameral approval process. In this regard, Eng. Japheth Koome Nchebere has since been appointed as the IG of the NPS and the House is accordingly informed.

Thank you.

PETITIONS

Hon. Members, take your seats. Hon. Members, there are Members who had Petitions in the morning, but were not able to present them. The Petitions were then moved to the afternoon Sitting. Are Hon. Patrick and Hon. James Nyikal in the House? Hon. Nyikal, are you ready with your Petition? Give him the microphone.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Speaker, I thought it had passed. So, I am not.

Hon. Speaker: It had been put on the Supplementary Order Paper this afternoon. Are you ready?

Hon. (Dr.) James Nyikal (Seme, ODM): No.

Hon. Speaker: Hon. Samuel Atandi. Are you ready to present the Petition on behalf of Amb. Josephine Owuor, Mrs Caroline Otieno and Mr Omondi Abonyo?

Hon. Samuel Atandi (Alego Usonga, ODM): Yes. I am ready, Hon. Speaker.

Hon. Speaker: Go ahead.

ALLEGED LOSS OF FUNDS IN CYTONN HIGH YIELD SOLUTIONS

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. This is Petition No. 7/2022, regarding the probable loss of investments in the Cytonn High Yield Solutions platform.

I, the undersigned, on behalf of Amb. Josephine Owuor, Mrs Caroline Otieno and Mr Omondi Abonyo, draw the attention of the House to the following:

THAT, a company, Cytonn Investments Limited, dealing in capital investments and real estate placed adverts for one-bedroom apartments valued at Ksh7.8 million at a project named the Ridge, under LR No. 28223/3 along Kiambu Road in Kiambu County.

THAT, investors who opted for the off-plan arrangements started making their payments in 2017, and continued making regular payments as and when required.

THAT, despite the very little activity on site, Cytonn Investment Limited, through their representatives, kept explaining to investors verbally that they were finalising other developments.

THAT, investors made an initial instalment of 10 per cent of the sale value plus the booking fee of Ksh50,000.

THAT, by the year 2018, some investors who were paying in instalments had paid each in excess of Ksh3.9million, during which time it seemed that the company had started experiencing internal financial problems since no construction was ever started.

THAT, those who feared for their investments and started asking for refunds were told they would incur a mandatory 10 per cent loss on their deposits.

THAT, in September 2019, when many investors began seeking a refund, the company announced that it would put the money in its substitute platform, Cytonn High Yield Solutions, for one year to earn interest at 18 per cent and then start refunding.

THAT, in 2020, the company began blaming the COVID-19 pandemic interruptions and promised to refund the investors in 2021, during which time they kept sending statements to show that interest was being earned.

THAT, later, an administrator was appointed and the company continued to experience financial difficulties. To date, nothing has come to fruition with regard to investors' money, nor has the Ridge Project taken off.

THAT, notwithstanding this debacle, the company has ostensibly kept its posts alive on social media platforms on investment analysis to dupe the investors and unsuspecting Kenyans that it is liquid and in an optimum operational capacity.

The company has been trying to sell off some of its properties in vain and might thus dissolve with depositors' money.

THAT, efforts to ensure the company honours the agreement with the investors have not been productive despite further engagements with the Capital Markets Authority (CMA).

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

THEREFORE, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee—

- (i) Engages Cytonn Investment Limited and its partners to clarify how they intend to fulfil the agreement with the investors of their formation, Ridge Development Project.
- (ii) Holds the Chief Executive Officer (CEO) of Cytonn as responsible for mismanagement and secures the timely refund of investors' money.
- (iii) Engages the CMA to establish how they intend to operationalise the Investor Compensation Fund to grant compensation to investors who suffer pecuniary loss resulting from the failure of a licensed broker/dealer to meet his contractual obligations as stipulated in Section 18(1) of the CMA Act.
- (iv) Makes any other suitable recommendation it deems fit in addressing the issues in the Petition.

And your Petitioners will ever pray.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Atandi, listening to your Petition, it does appear like there is fraud and obtaining money by false pretence. Have you advised your constituents to seek assistance through the criminal justice system? What you have read is disclosing a series of criminal offences.

Hon. Samuel Atandi (Alego Usonga, ODM): Yes. Hon. Speaker. Indeed, the Petitioners have attempted to seek justice through the Directorate of Criminal Investigations (DCI), but this has not been successful. That is the reason why they have asked me, as their Member of Parliament, to bring this matter before this House.

Hon. Speaker: Well, it is up to you to advise your constituents.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you.

Hon. Speaker: Hon. Members, there is a second Petition, and after the presentation, I will allow the normal 30 Minutes for comments on both petitions.

AMENDMENT TO THE UNIVERSITIES ACT TO PROVIDE
FOR ENGAGEMENT OF ALUMNI BY UNIVERSITIES

Hon. Members, there is a Petition regarding the amendment to the Universities Act 2012. Standing Order 225(2) (b) requires the Speaker to report to the House any petition other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, Hon. Members, I wish to report to the House that my Office has received a Petition from Mr Patrick Kaberia of Identity Card Number 22319488, calling for an amendment to the Universities Act 2012 in order to provide for the engagement of alumni associations and other stakeholders in resuscitating, rejuvenating and supporting public universities in Kenya. The Petitioner introduces himself as the Executive Director of PAWA Africa, a civil society organisation specialising in social-economic development and governance, bemoans what he terms as the sad state of public universities in the country.

He highlights poor leadership, mismanagement, deteriorating debt level, lack of inclusivity and accountability, failure to comply with gender and regional balance, and inadequate public participation as some of the ills facing those institutions of higher learning.

In particular, he views the exclusion of alumni associations and other stakeholders in decision-making as the root cause of this on-going concern, which has led some universities to face near collapse, auction of university property as well as public ridicule. He is thus convinced that the involvement of alumni associations will go a long way in addressing the aforementioned challenges as well as in securing support, national pride, prosperity and global competitiveness of universities through the results and improvement in quality standards and management.

Consequently, the Petitioner seeks the intervention of this House in amending the Universities Act, 2012 in order to, among other provisions:

Replace the word “may” in Section 42 of the Act with the word “shall” in order to compel universities to establish alumni associations.

Empower university alumni associations to nominate representatives to respective university councils, university senate management board, committees and other organs in addition to managing an endowment fund.

Hon. Members having determined that the matters raised by the Petitioner are well within the authority of this House, I order that, pursuant to Standing Order 227(1), this Petition be committed to the Public Petitions Committee. The Committee is required to consider the Petition and report its findings to the House in accordance with Standing Order No.227(2).

Thank you.

Hon. Members, I will give you 30 minutes to comment on both petitions; the one presented by Hon. Atandi and this one from Mr. Patrick Kaberia. Hon. Wandayi, kindly, has the Floor. As usual, the screen is full. I encourage those who want to comment on the two petitions to go to interventions.

Hon Opiyo Wandayi (Ugunja, ODM): Hon Speaker, I have an issue relating to petitions that I seek your guidance on. There is a gentleman by the name Shem Otieno Riang'a of ID card No.27781888, who has informed me that he sent three petitions to this House. The petitions are dated 17th October 2022, and were duly received by the National Assembly's main records unit on the 25th October 2022. Those three petitions are seeking for the removal from office of the Chairperson of the Independent Electoral and Boundaries Commission (IEBC), Mr. Wafula Chebukati and Commissioners Boya Molu and Abdi Guliye. That Petitioner is wondering why his petitions have not been acted upon. To the best of my recollection, no such petitions have been presented on the Floor of this House. What could have happened if, indeed, those petitions reached Parliament? They may not have reached your Office; but is it possible that those petitions are lying somewhere within the precincts of Parliament? And could you, therefore, direct that they be presented before the House for us to act on them accordingly?

I am saying this in view of the fact that we had certain petitions presented to this House concerning a certain set of commissioners of the same IEBC. For us to be seen as a House which observes and upholds the rule of law and the principle of justice, equity and fairness, we need to quickly get to understand the whereabouts of those petitions and act on them expeditiously.

If you could guide, I will be grateful. Thank you.

Hon. Speaker: Thank you Hon. Wandayi. First, I have not seen them yet. Secondly, are you saying that there are three petitions from one petitioner, or one petition regarding the three commissioners?

Hon. Opiyo Wandayi (Ugunja, ODM): There are three petitions from one petitioner.

Hon. Speaker: Okay; the Clerk will look at their records and then bring it to my attention.

Hon. Yusuf Hassan, I believe you have logged in to speak to the petitions. Two minutes each, Members. Please, give Hon. Yusuf a microphone.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker. I would like to contribute to the Petition that has been brought by Mr. Patrick Kaberia regarding the proposal to amend the Universities Act to include the important role of the alumni. Our universities are in a terminal crisis, particularly the public universities. As he has rightfully said, they are facing a serious problem of funding, and are under-performing. There is need to inject new ideas and funding to keep them going. I, therefore, think that it is important for the universities around the world to benefit from their alumni.

My former university constantly writes to me demanding for support and funding, which I am happy to give because of the contribution they have made to my education, and life. I have no doubt that a university like The University of Nairobi, which is one of the biggest and the most successful in Eastern Africa, can benefit from its alumni; and can get enormous contributions in terms of funding as well as ideas which other universities have benefited from by having alumni students.

His ideas, in my view, are constructive and should be welcomed and, specifically, his Petition be considered seriously by the relevant Committee where it would be forwarded to.

Hon. Speaker: Thank you, Hon. Hassan. Hon. Oundo.

Hon. (Dr.) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. Allow me to comment on the Petition that has been presented by Hon. Atandi on behalf of the investors. For many years, the country and the capital market have struggled with avenues to raise capital for investment. Of late, there has been a plethora of such instruments like the corporate bonds, corporate papers and, more so, investing in high yielding funds.

The Cytonn case is very heart-breaking. It was a noble idea, but either poorly managed or invested at the wrong time when the real estate market was on the downward trend. We believe and hope that a solution is going to be found. To put it clearly, I would not call this as

a matter of obtaining money by false pretence. This was an investment contract, just like you can put money in a bank and it sinks with it. I believe that with the passage of time, the economy would improve and things would be better. I sincerely believe that those who purport to raise those kinds of projects must put in place risk management measures to avoid loss of funds for the people of Kenya.

These are timely petitions and I do hope that the Public Petitions Committee will do justice and resolve those matters.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. (Dr.) Pukose, you have two minutes.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. I want to support the Petition by Hon. Atandi on the loss of money that people had invested in Cytonn Investments. It is very unfortunate. I have been wondering why the investigative agencies could not move with speed to save those peoples' resources. This is because when people put their money in such investments, it is a lifetime investment. Therefore, it is a big loss to those people who were hoping that their money could either give them 18 per cent profit, or enable them to invest in other areas. So, I think this is something that the Committee should look at expeditiously. That is because those people have been waiting for justice since 2019.

On the second Petition on the Universities Act 2012, it is an unfortunate scenario that we are witnessing in our country, where public universities are being run down. I think the Petition is timely so that we can stop the tide for the universities towards sinking. When universities are collapsing all over the country, then there is something very wrong that needs to be remedied.

With those few remarks, I thank you.

Hon. Speaker: Hon. (Dr.) Otiende Amollo.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. First, I want to comment on what Hon. Opiyo Wandayi was speaking to. It is extremely important that in this House, we are seen as a House of equity and equitability. This means that there must be a mechanism by which any person and especially you, Hon. Speaker, are able to trace the petitions that are presented to this House without having to depend on the goodwill of the Office of the Clerk or any other office. I suggest that you put in systems where Members can see the petitions so that they do not have to repeat petitions that have been presented here before.

On the Petition read by Hon. Atandi, from my understanding, it is a private contract issue. However, the main theme and thrust of his Petition is the failure by the relevant public regulatory authorities to regulate the sector. This is something that has happened in this country many times with insurance companies, banks and now with investment companies. Even as he properly advises his constituents, I urge that you still commit it to the appropriate committee to consider the failure of regulatory authorities.

Lastly, I will comment on the Petition to involve *alumni* associations in universities. You and many of us here went to The University of Nairobi. If we started counting the number of people who have gone through that university, they will rank in their millions. Inherent in that Petition is the assumption that alumni associations are run independently, competently and that they consult us. I do not know which Member here is often consulted by their alumni associations. I think that will be putting an undue burden on the universities.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. (Dr.) Lilian Gogo.

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Speaker, for giving me an opportunity this afternoon to add my voice to the petitions on the Floor of the House. One, I want to speak to the Petition that has been raised by Hon. Atandi, who happens to be my mother's Member of Parliament (MP). Kenyans endeavour to work very hard to have

investments in various systems. Unfortunately, we also have schemers who target the money that Kenyans work hard for, earn and want to invest. Some of them choreograph to run away with that money. It is important that this Petition is committed to the right committee so that this matter is looked into seriously. This will ensure that Kenyans' hard-earned earnings are protected, and they get back their investments.

Two, I support the Petition on matters *alumni* participating in the various management systems of universities. This is because nobody would want to see the school that made them who they are collapse. For example, I got my three degrees from Egerton University, and I am soon getting a fourth one from the University of Nairobi. I would want to see those universities last forever so that other people could also benefit from the training that I got from them. It is important that the alumni are involved in the activities of the universities so that we protect them. Our universities are collapsing and as a House and leaders, we need to come out strongly to protect them.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Johana Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Speaker. I also wish to add my voice to these two petitions. The first one is the Petition on the issue of properties by Cytonn Investments. I think there has been a problem in the country where most of those companies, especially those real estate companies, purport to build houses and start selling even before they raise them off the ground. Along the way, the companies collapse and there is no surety that the money which has been spent or the money that those people have paid, is returned. I think a law should be put in place through this august House to ensure that if anybody wants to sell before proper construction, they must give collateral to the buyer that in case that particular company collapses, then there is another property that can be sold.

The second Petition I will comment on is the one on the universities. Just like my colleagues have said, most of the universities are almost collapsing. Yet, they are collecting a lot of money from students who are enrolled for parallel courses. You can imagine there are several students, approximately 5,000 in number, paying Ksh200,000 a year and yet, the universities are struggling and not performing well. I think we should include the proposal of alumni in the management of the universities so that they can ensure that those institutions work so well.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Marwa Kitayama. Is your microphone working? It is on, but it is not working.

Hon. Maisori Kemero (Kuria East, UDA): It is working! I am sorry for that. This microphone is too short, but we are now at the same level.

Thank you, Hon. Speaker. I rise to support the Petition as read out by Hon. Atandi. Cytonn Investments is just a small example of what is going on in this country, especially with regard to the built environment space. There are so many families that are breaking because they put together investments and monies so that they can settle their families in decent homes. However, what goes on is that people get conned by those big investors because they control a lot of money. After collecting a lot of money, they become untouchable. It is out of desperation that the Petitioners approached their MP. I want to thank Hon. Atandi for taking the bold step to come out and speak for so many people out there.

You may have heard of another company called Diamond Properties. It conned so many people; mainly targeting the low-income earners. They use the popular radio stations to drag people into those con games. They, of course, get away with it because they have a way of manipulating the justice system. I think it is timely that this goes to the right committee. Let us prosecute it, even if this matter is being handled in another area. There is an element somewhere

that is making those people get away with it, and that is what this House needs to support so that we can arrest it.

Thank you, Hon. Speaker for giving me this opportunity.

Hon. Speaker: Hon. Gladys Boss, the Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker, for giving me the opportunity to weigh in and add my voice on the petitions that have been presented before this House. First, I would like to comment on the reference to a Petition that was made by Hon. Wandayi, who is the Leader of the Minority Party. He says that there was a Petition that was presented, but it has not been brought before the House.

Hon. Speaker, I will request that he is asked to provide the copy of the petition duly stamped, received with an actual date and time with a corresponding delivery book, if there is one. That way, we can put this matter to rest and know which office it came to so that we do not have aspersions cast on the staff members of Parliament.

Hon. Speaker, I would like to speak to the Petition relating to the involvement of alumni of University of Nairobi and other universities. I support this Petition. However, I would like to put a rider that I implore Parliament to have a more holistic approach to it, because we know what is ailing our universities. It is not the fact that there is no involvement by our alumni, but more because we know that those universities went into over-expansion to various satellite universities which were not sustainable or not well thought-out. For example, when the University of Nairobi decided to expand, they used their capital to set up new satellite colleges. They even gave those colleges assets and got involved in the construction of those buildings. Then those colleges got a Charter, and they lost that capital and the assets. In other places they expanded, I know the law school...

Hon. Speaker: Your time is up Hon. Boss. Can we give the Hon. Deputy Speaker one minute to finish?

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker. Therefore, it was uncontrolled expansion. We also know that the Ministry of Education, at some point, decided that they would give most of the money coming in from the Higher Education Loans Board (HELB) to private universities to the exclusion of public universities. That is what has made our universities to collapse, and it must be addressed; not just the alumni issue.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Emanuel Wangwe. Give him a microphone.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Speaker. I just wish to comment on the two petitions; the one by Hon. Atandi and the other one on education. About that of Hon. Atandi, I wish to urge the Committee upon which you will entrust that Petition to, not only restrict itself on what Hon. Atandi has requested, but also to go beyond and look at the origin of the issues touching on Kenyans losing money, commonly known as the pyramid schemes. The origin of this issue began with the pyramid schemes where Kenyans lost a lot of money. So, if we can treat the disease from that time, it will be easy for the regulatory authorities to, at least, give proper guidance in terms of how to manage future investments.

Hon. Speaker, about the Petition on Education, we should request the Committee that will look into that Petition to be cautious. We have two institutions in every university; that is the University Council and the University Senate. If at all we will allow alumni to mingle with issues to do with the University Senate, it is likely to compromise the output of the product we have in universities. However, if we will allow the alumni to maybe support the University Council in terms of management of resources and sourcing for more resources to run the universities, that might work.

Otherwise, Hon. Speaker I beg to support the two petitions. I look forward to seeing the reports back in the House, and we will see how to contribute.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much Hon. Speaker. I wish to comment on these two petitions. First, on the one presented by Hon. Atandi, on the face of it, this looks like gross fraud that actually the investigative authorities should have dug deeper and brought the culprits before a court of law. On the other hand, it appears that this issue is widespread that many Kenyans have lost their hard-earned savings for a very long time, and this must be brought to an end. I think this is why the work of Parliament is very necessary.

On the issue of Petition on universities, I think our public universities are no longer universities of first choice. They are under-funded, there is a problem of leadership and also young Kenyans are reluctant to go to public universities because they cannot finish their studies at the appropriate time. For that reason, what the Petitioner is asking is: “Can you, Kenyans, who have benefitted from these institutions, come forward and help out?” I think Parliament is best placed, because this is where we allocate resources. We must ask ourselves: “Do we need to allocate more resources or we address leadership of these institutions?”

Thank you, Hon. Speaker.

Hon. Speaker: Thank you Hon. Raso. Hon. Ferdinand Wanyonyi, you will be the second last.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you very much for the chance, Hon. Speaker. I just want to make a comment on the universities Petition that has been sent by Mr Patrick Kaberia. He wants to include the alumni in the council and senate of the public universities. I quite agree with him, because looking at what is happening today, you and everybody else will agree with me that the running of those institutions is not very good. We have the HELB, and also these Members support students through the NG-CDF. We have a problem because of lack of direction. So, we need to get some of the old students from those universities being incorporated in those universities’ bodies. I, for instance, am an alumnus of The University of Nairobi. Therefore, I support that Petition. Let us go ahead and have former students who have been in those universities joining the council to assist in directing the activities in those particular institutions, particularly the University of Nairobi, where I studied. You look at what is happening there and you cannot believe.

Therefore, I support Patrick. Let us do something about it. For us who are here, if you are requested to join the senate, please do it.

I thank you, Hon. Speaker.

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

Hon. Speaker: Thank you. Hon. Wandayi, what is out of order? Can you give the Hon. Leader of the Minority Party a microphone?

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, following my earlier comments, I wish to table the petitions that I had alluded to much earlier in my comments.

Hon. Speaker: Hon. Wandayi, you are out of order. Those petitions are not on the Floor.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, she has challenged me.

Hon. Speaker: She was contributing. She did not ask you to table the petitions.

Hon. Opiyo Wandayi (Ugunja, ODM): She asked me to provide evidence.

Hon. Speaker: She said you had not shown any evidence.

Hon. Opiyo Wandayi (Ugunja, ODM): I have them here now.

Hon. Speaker: If you have evidence, take it to the Clerk. I will give the last opportunity to Hon. Joseph Chererot from Kipkelion. I will give you two minutes.

Hon. Joseph Chererot (Kipkelion East, UDA): Thank you, Hon. Speaker. I rise to support Hon. Atandi concerning Cytonn High Yield Solutions. There are several companies which have started doing business with the public without considering their welfare, and Cytonn is one of them. There have been a lot of complaints and that needs to be discouraged.

The best way to go about it is to give them a blackout, because they use the media and spaces in town to market themselves. This is like giving them a legal ground to do things.

On this note, I think for that to be a lesson to other companies, due diligence also has to be done for such companies to know whether they have the capacity to run such businesses or construct houses. By doing this, I think we will be saving Kenyans so they are not drained financially. As we have heard, this has caused a lot of havoc to families, and many of them have broken down. For this reason, I support the Petition by Hon. Atandi.

Thank you.

Hon. Speaker: Thank you, Hon. Members. Allow me to acknowledge the following schools in the Public Gallery: Thika Road Primary School; St. Stephens Education Centre, Lang'ata; African Youth Leadership Forum Starehe and Ichagaki Mixed Secondary School from Maragua in Murang'a Hon. Members, on your behalf and my own behalf, I welcome the schools in the Gallery to the Houses of Parliament.

Next Order! We are done with Petitions and, of course, they are automatically committed to the Public Petitions Committee.

Leader of the Majority Party.

PAPERS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table:

Report to Parliament on all new loans contracted by Government of Kenya from 1st May 2022 to 31st August 2022 from the National Treasury and Planning.

Quarterly Economic and Budgetary Review for the First Quarter of the Financial Year 2022/2023 from the National Treasury.

Annual Statutory Reports of the Council of Governors of the Financial Year 2021/2022.

Annual Report and Financial Statements of the National Lands Commission for the Financial Year 2021/2022.

Seventh batch of nominees to seven National Government Constituency Development Fund (NG-CDF) Committees from NG-CDF Board for the following constituencies—

1. Alego Usonga;
2. Karachuonyo;
3. Lungalunga;
4. Machakos Town;
5. Matuga;
6. Mwingi Central; and,
7. Seme.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the Financial Year ended 30th June 2021, and the certificates therein –

1. Pyrethrum Processing Company of Kenya;
2. Maasai Technical Training Institute;
3. Kipsoen Technical and Vocational College;
4. Kajiado West Technical and Vocational College;
5. Kajiado East Technical and Vocational College;
6. Chepsirei Technical and Vocational College;
7. Kapcherop Technical and Vocational College;
8. Kenya Airports Authority;
9. Kenya Civil Aviation Authority;
10. National Drought Management Authority;
11. National Youth Service;

12. The Asset Recovery Agency;
13. Water Services Regulatory Board;
14. Universities Fund;
15. National Commission for Science Technology and Innovation;
16. National Council for Nomadic Education in Kenya;
17. National Industrial Training Authority;
18. National Museums of Kenya;
19. Kenya Rural Roads Authority;
20. Rural Maintenance Levy Fund;
21. Veterinary Medicine Directorate Council;
22. Kenya Fisheries Service;
23. Kenya Plant Health Inspectorate Service;
24. National Cereals and Produce Board;
25. Numerical Machining Complex Limited;
26. New Partnership for African Development;
27. African Peer Review Mechanism - NEPAD/APRM Kenya Secretariat;
28. Kenya Bureau of Standards;
29. Export Processing Zone Authority;
30. Michuki Technical Training Institute;
31. Pharmacy and Poisons Board; and,
32. Mukurweini Technical Training Institute.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

STATEMENT

STATUS OF DISBURSEMENT OF NG-CDF FUNDS FOR THE FINANCIAL YEAR 2022/2023

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I rise to respond to last week's request by the Leader of the Minority Party regarding the status of disbursement of NG-CDF for the Financial Year 2022/2023. I have a Statement from the Cabinet Secretary (CS) for the National Treasury, Prof. Njuguna Ndung'u.

That, this financial year, NG-CDF has been allocated a total of Ksh44.3 billion in the national Budget for the Financial Year 2022/2023. The National Treasury has, however, not disbursed any amounts of the voted provision for the Financial Year 2022/2023 due to a number of factors. First, he avers that they have experienced delays due to the transition to the new Government following the general elections held on 9th August 2022.

Secondly, despite the good revenue performance for the Financial Year 2021/2022, the Russian-Ukraine conflict has exerted pressure on fuel and commodity prices, prompting the Government to increase spending to cushion citizens. In addition, the war in Ukraine worsened the international financial market conditions and, as a result, they were unable to raise the expected resources from international markets. This coupled with the delayed disbursement of funds from the International Monetary Fund (IMF) and shortfalls in domestic financing meant that the financing for the Financial Year 2022/2023 budget was lower by Ksh241.2 billion. As a result, the Government carried over huge deficits and pending bills from the previous financial year amounting to Ksh90 billion, payment of which has been prioritised in this financial year.

Thirdly, the Government is facing expenditure constraints and pressure from fuel subsidy, drought mitigation and intervention; and salary budget shortfalls as well as new

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priority programs for the incoming Government such as the establishment of the Hustler Fund, fertiliser subsidy and pensions.

The additional expenditure pressures are estimated at Ksh117 billion. The National Treasury has, however, taken measures aimed at unlocking financing from both external and domestic markets, and there has been notable improvement. Therefore, going forward, the National Treasury will be able to reduce the outstanding unfunded exchequer requests.

The National Treasury has also taken note of the Supreme Court decision on Petition No.1 of 2018 delivered on 8th August 2022, in which a declaration was made that the Constituency Development Fund (CDF) Act of 2013 was unconstitutional. It is not clear what the implication of this court decision is on application of NG-CDF Act of 2015. The National Treasury has, therefore, requested for a legal opinion from the Attorney-General on this matter and, in particular, the implication of the Supreme Court decision on the utilisation of NG-CDF budget for the Financial Year 2022/2023. The National Treasury has, however, not received feedback from the Office of the Attorney-General.

Finally, subject to the legal advice from the Office of the Attorney-General, the National Treasury commits to disburse Ksh2 billion to the NG-CDF every week effective the week starting on 21st November 2022.

Hon. Speaker, this Statement is from the CS for the National Treasury. As Hon. Members may have noted from the Statement, the National Treasury avers that they are preparing after getting an opinion. He has said: 'Subject to the opinion of the Attorney-General, the National Treasury and Planning will embark on a disbursement plan aimed at disbursing at least Ksh2 billion'. Customarily, this is what they have done when there is a shortfall in terms of how much is to be disbursed. So, they are prepared to disburse Ksh2 billion on a weekly basis to help a catch-up.

Hon. Members should note there is a proviso on subject to getting an opinion from the Office of the Attorney-General. I do not want to dwell a lot on this subject because we have held discussions outside this plenary. I am aware that we are yet to engage. Since the matter on the NG-CDF Act of 2015 is still in court, it will be important that, as we engage, to encourage the National Treasury that since the Attorney-General's Office is just across the road, to quickly walk to his Chambers, get that opinion and advise the Committee. I want to encourage Members to leave this matter to be dealt with by the Committee.

Hon. Speaker, I want to ask the Chairperson of the NG-CDF Committee to immediately write a letter to the Attorney-General and the CS for the National Treasury inviting them to a meeting. In one sitting, they can thrash out the issues that are there so that whatever opinion the Attorney-General may have, Members can engage with it in a committee with either the CS National Treasury, or the Attorney-General. If there are any challenges, including matters that are before the courts on the Constituencies Development Fund Act, 2013 or the NG-CDF Act, they can then engage and advise us through the normal channels or in plenary through a report on what actions we ought to take.

It should not be lost on Members – and you had a Communication to that effect – that we had a debate on the proposals by Hon. Mule and Hon. Gichimu Githinji on the NG-CDF and NGAAF. Since there are challenges, we cannot bury our heads in the sand that there are no challenges. Those challenges continue to persist, and they are real. Therefore, it is an engagement that I want to ask the House that we engage in it in another forum, like a committee or the other informal engagements that we are having so that we do not jeopardise other engagements and matters that are in court.

Thank you.

Hon. Speaker: Thank you, Hon. Leader of the Majority Party. I will give the Floor to the Member who raised the matter, Hon. Opiyo Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. First and foremost, I want to caution fellow Members that the foot-thumping is premature. If you listened carefully to the Statement by Hon. Ichung'wah, you will realise that there is nothing that has been committed by the CS National Treasury in terms of the disbursement of the NG-CDF. Let me say this: Once this House approves the Budget Estimates and goes further to pass an Appropriation Bill that is eventually assented to by the President to become an Appropriation Act, it is incumbent upon the National Treasury to release funds for purposes of effecting those budgetary proposals. As we speak and from the Statement by Hon. Kimani Ichung'wah, there is no evidence that the CS National Treasury or anybody else has been served with a court order stopping them from disbursing the NG-CDF pursuant to the Appropriation Act that this House duly passed.

(Applause)

This House does not act in vain. We do not come here to sit and act in vain. We come here to do serious business. There is nobody under the sun who can veto what this House has passed, unless a court of law expressly guides otherwise. By the way, I have that ruling here. The orders given by the Supreme Court on Petition No.1 of 2018 are so express! They do not need any further interpretation, and courts do not give orders to be interpreted again by lay persons. Therefore, the idea that the CS National Treasury is still seeking some advice or opinion from the Attorney-General in this matter that is straightforward is basically taking this House in circles. It is a circus. I want this House to stand firm and stamp its authority by demanding that the National Treasury disburses the NG-CDF in accordance with the Appropriation Act without any further delay, today or tomorrow.

Hon. Members: Today!

Hon. Opiyo Wandayi (Ugunja, ODM): Today.

Hon. Speaker, this is a serious matter. When I spoke here last week, the media misinterpreted what I was saying. I was not saying that we shall go on strike. No! We shall not go on strike. We are too serious to go on strike, but we can stop the business of the House. This is a House of Parliament. This is a House of the representatives of the people of Kenya. We can stop business until the NG-CDF is disbursed.

(Applause)

Let nobody think that they can intimidate us. We can never be intimidated as a House. I call upon you, Hon. Speaker, that you allow a few of my colleagues to make comments on this matter. It is a very serious matter. This is so serious a matter that it cannot wait for anything else. It can be debated until the cows come home.

(Laughter)

Thank you.

Hon. Speaker: I cannot tell who wants to speak to this matter, because many of you have been on the screens since I walked in. I will give two Members from either side then we move to another business.

Hon. John Mbadi.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon Speaker. As I appreciate the response that has been given through the Leader of the Majority Party – although I was reading his body language and he was reading a response from the Ministry that he was not convinced with – there is something that bothers me. I think the Executive, especially the Treasury, is not

interested in releasing the NG-CDF. The reason I say so is because if the order that the court gave – assuming what was served to the Treasury was for the CDF Act, 2013. It is clear that the same people who challenged the CDF Act 2013 went to court to challenge the NG-CDF Act 2015. That is an admission by the petitioners that the NG-CDF Act 2015 has not been ruled on by the court. So, what is this opinion that they are seeking from the Attorney-General? I am not a lawyer, but it sounds so clear to me that the petitioners themselves acknowledge that what they challenged in court has been overtaken by events. Therefore, why are we waiting for this matter of the NG-CDF Act 2015 to be ruled on? We will be caught in a state where we will be asking whether we amend the Act again.

Mine is this simple: I urge the Leader of the Majority Party – because he is the point of interaction between this House and the Executive – to advise the Executive, if they need the advice, that we have said that the law is with them. One, the NG-CDF Act 2015 has not been ruled on. Two, there is an Appropriation Act. Therefore, they are not going to disburse funds illegally. They are going to disburse funds that have been appropriated by the National Assembly of the Republic of Kenya. In short, Leader of the Majority Party, the Treasury has no reason at all to delay up to today. Let them release the funds. They should not talk about Ksh2 billion. Let them accumulate all the Ksh2 billion per week from 1st July up to today, and get the total amount. If it is less than Ksh44 billion, let them release that percentage. We are not asking for more than Ksh44 billion. Let them release Ksh44 billion that they have been accumulating from 1st July when the Government of Kenya started collecting money for 2022/2023 Financial Year. That is my comment.

I know that the Leader of the Majority Party is pained. I saw it in his body language. He was not very happy with that response. In fact, I am asking myself, when he gets these answers from the CSs, does he engage with them or he just delivers them as a conveyor belt? If I were him, I would not have brought that answer to the Floor of the House. What I would have done is engage with the Treasury, advise them accordingly, and then bring a report that will convince this house.

Thank you.

Hon. Speaker: Hon. Member for Manyatta. You have two minutes.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker. I want to add my voice to the debate. All Members agree on this issue that we need those funds disbursed as quickly as possible. Although a Statement from the Cabinet Secretary (CS) has been read, I agree with the Members who have spoken before me that money should have been brought yesterday. I think many can bear me witness that we have Form Four students who are not in class right now. They have exams that they are starting very soon. We have Standard Eight pupils and many people who are waiting for that money. If this money delays for another three weeks, I know many Form Four students will not be able to sit for the exams. It is fair and just fair to have this money disbursed so that these members serve.

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

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

The new MPs are even more confused. To them, they had promised so many things that they would do with the NG-CDF money. I visited one school in my constituency recently. It is leaking and students could even stay in class. We have a lot of work we want to do. I really request the Leader of Majority to go back to the CS in charge of the National Treasury and Planning and get better terms and conditions on the NG-CDF. Let us get the money in our NG-CDF accounts.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): A moment, Hon. Members. Give me a moment to get this business. Okay, Hon. Weytan.

Hon. Hussein Weytan (Mandera East, ODM): Thank you very much, Hon. Temporary Speaker.

This is a very crucial issue. It has caused a lot of pain in the constituencies because students whose fees were earlier paid by the NG-CDF have been staying at home. They have been sent away from school. That makes MPs elected on 9th August 2022 to be far much different from our predecessors. People see us as though we have eaten up the NG-CDF. This is not an issue where we, as a House, are begging. We are not begging this money. We want the ministry to release these funds. They have no excuse for not releasing it at all. The judgment made by the Supreme Court is on the CDF Act of 2013 and not the NG-CDF Act of 2015. There is no excuse here. We are telling them to release this money as quickly as possible. Otherwise, we are going to stop any other business in this House. We are not going to conduct any business. We will stop everything until and unless they release this money.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Emurua Dikirr.

Hon. Johana Kipyegon (Emurua Dikirr): Asante sana, Mhe. Spika wa Muda.

Nataka niseme ya kwamba mjadala unaoendelea katika hili Jumba Kuhusu NG-CDF sio suala tunalobidi kuongelea kwa muda. Ninaelewa na tunaelewa kama Wajumbe kwamba saa hii kuna shida nyingi katika serikali, haswa kwa mambo ya pesa na malipo. Lakini, Mhe. Spika wa Muda, hata kama tutaenda kungojea vitu vingine kama majengo na kujenga shule, tungeomba na kupendelea Kiongozi wa Walio Wengi ahakikishe kwamba tumepata pesa ya kwanza ili tuwalipie karo wanafunzi ambao wamejaa kwetu na wako nyumbani. Wanangojea kulipiwa karo. Saa hii tukikaa hapa, jumbe tunazopokea kutoka kwa wanafunzi ni nyingi. Wanauliza ‘tunaenda shuleni lini? Mnatupatia karo lini?’

Naomba na ninaomba kabisa, kwamba serikali kwanza itoe hata kama ni milioni arobaini kwa kila eneo-bunge ili tuwalipie wanafunzi karo. Hii ni tukijua kwamba serikali inaendelea kukusanya na kutafuta pesa nyingine. Lakini, tafadhali, hiyo pesa ilipwe mara moja ili watoto waende shule.

Na kuhusu kortini, korti iliamua kuhusu Sheria ya CDF ya 2013, na sio Sheria ya NG-CDF ya 2015. Hakuna mambo ya mtu kutafuta *decision* ama *opinion* kwa kitu ambacho *hakikuamliwa upon*. Kwa hivyo, Mhe. Spika wa Muda, ningependa....

(*Kicheko*)

Asante, Mhe. Spika wa Muda.

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

Hon. Bisau Kakai (Kimini, DAP-K): Thank you, Hon. Temporary Speaker. In the last ruling, I remember the Speaker requested the Leader of Majority Party to give a comprehensive Statement. What the Leader of Majority Party has given us is not a comprehensive Statement.

(*Hon. Kimani Ichung'wah consulted Hon. John Kiarie*)

The Temporary Speaker (Hon. Farah Maalim): Order, Leader of Majority Party. You should be listening to the sentiments of MPs. Member for Dagoretti South, please, take your seat.

Proceed.

Hon. Bisau Kakai (Kimini, DAP-K): What was requested from the Leader of the Majority Party was a comprehensive statement. What he has given is not comprehensive.

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The Temporary Speaker (Hon. Farah Maalim): Leader of Majority Party, Kimani Ichung'wah, let him finish.

Hon. Bisau Kakai (Kiminini, DAP-K): Can I finish? Can I be protected, Hon. Temporary Speaker?

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

Hon. Bisau Kakai (Kiminini, DAP-K): I think there is nothing in law that prohibits the Leader of the Majority Party from speaking to the Attorney-General after speaking to the CS of the National Treasury and Planning. In any case, they are on opposite sides across the road. What we are requesting for is a comprehensive Statement. This is a weighty matter. There are children back at home. They have not gone to school. There is a lot of outcry. What we expect is actually a comprehensive statement with detailed feedback indicating very clear timelines on when this money will be disbursed.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Are you still on a point of order? Let us have Hon. Gogo then the MP for Dagoretti South. Then we will take two more and proceed to the next Order.

(Hon. Kimani Ichung'wah consulted Hon. Benjamin Lang'at)

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker. Allow me to speak to the Leader of the Majority Party on this matter. Allow me to get his attention through you. As he is engaged, he is trivialising this matter. He is just busy conversing. Hon. Temporary Speaker, I kindly request that you allow the Hon. Leader of the Majority Party to listen to me. Because as he is engaged, he is busy talking and laughing.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Lang'at. Do not keep the Leader of the Majority Party busy with sideshows.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Yes, he is just being engaged and they are joking about matters of the NG-CDF. I represent a single constituency called Rangwe. Through the Hon. Temporary Speaker, the matter you are joking with, the Leader of the Majority Party, will also determine whether you are going to be the Leader of the Majority Party or not in future. Because when it comes to matters of NG-CDF, the person of the Attorney-General is a politician. The Executive has been elected through an elective process.

(Hon. John Mbadi consulted other Members)

The Temporary Speaker (Hon. Farah Maalim): Hon. Mbadi, let us have some order.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Kindly, protect me, Hon. Temporary Speaker. When it comes to matters of NG-CDF, we do not need to belabour the point.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order? Hon. Dr Gogo, order. The Leader of the Majority Party is on a point of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, Hon. Lilian Gogo and Hon. Bissau are addressing the Leader of the Majority Party as if he is the CS of the National Treasury. I just want to inform them that the Leader of the Majority Party is neither the CS in charge of the National Treasury nor does he stand here in his place. The Leader of the Minority Party asked for a statement from the CS of the National Treasury. I am just a conveyor. Members of the public from Kikuyu Constituency are also waiting for the NG-CDF just like those from Rarieda and Kiminini. They are waiting. Therefore, I just convey information. If Members had listened, which is more fundamental, Hon. Opiyo Wandayi alluded to it. The foot thumping was premature. Equally, the castigation is premature. This matter of the NG-CDF is weightier—the issue of the CDF Act of 2013 and the NG-CDF. That

is why I even appealed to Members to be a little bit balanced on what we say here in view of the matters that are in court.

The Temporary Speaker (Hon. Farah Maalim): Hon. (Dr.) Gogo, proceed and finish your contribution.

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Temporary Speaker. At least the Leader of the Majority Party is responsive. When he is required to give a statement on the Floor of the House, it is only right that it is expedited in a manner that is convincing to Members. When it comes to matters to do with NG-CDF, of course, we know that there are people who run to court because they do not care whether Kenyan children go to school or not. All I care about is that the Leader of the Majority Party should speed up whatever he is doing. We need a comprehensive report and the matter expedited in a way that these monies are disbursed to the various constituencies so that our children, who are stranded at home, can go to school.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, UDA): Thank you very much, Hon. Temporary Speaker. I have a different view. For starters, I understand that the Leader of the Majority Party is the messenger. We have no business shooting the messenger here. The message is weighty and the Members of this House need to understand that what is under siege is a fund that is very dear to our constituents. Beyond this being a House that reads from the book of Lamentations, this House will now have to start being more innovative in terms of how we look at this NG-CDF matter.

The CDF as constituted originally and the NG-CDF Act of 2015 are under serious peril. It is not even the National Treasury that has problems with it. This being the House that makes laws, we will have to think very quickly. First, the broken telephone going through the Leader of the Majority Party is going to get us into more jeopardy. Having fully constituted Committees, we might want to start thinking of how we will invite these people to the House to answer directly to us. What we are getting from the Leader of the Majority Party has gone through a lot of processing. It came from the courts to the National Treasury and now to the Attorney-General. These people should appear in person before this Committee and we should be able to summon them urgently.

Secondly, we might need to think of how to reconfigure the NG-CDF substantially. We might even need to think of how to properly domicile it under the purview of Parliament. Even if it means having to administer the NG-CDF through the Parliamentary Service Commission, then so be it. Parliament cannot keep on being at the mercy of the National Treasury or the Attorney-General. All we are doing now is speaking from the book of Lamentations yet we are the House that makes laws. We can make laws that can change how the NG-CDF is administered.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order Member for Suna East?

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Temporary Speaker. I said this yesterday on the Floor of this House, and I want to repeat it. There is a conspiracy in this country against the NG-CDF. This conspiracy is being perpetuated by both the Executive and the Judiciary. The idea is to fight Parliament and make Members of Parliament look as useless as possible.

The NG-CDF did not begin yesterday or the other day. It has been there since 2003. It has been in existence for the last 20 years. This is not a fund that was started in this Parliament or the last Parliament. I know the Judiciary is behaving in a manner as if to fight Parliament but in actual sense, they are fighting...

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

The Temporary Speaker (Hon. Farah Maalim): Hon. Junet is on a point of order. You cannot have a point of order on a point of order.

(Hon. John Kiarie spoke off record)

Order, Member for Dagoretti South. You do not engage the Chair in a debate.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, the Judiciary is behaving as if they are fighting Parliament but in the actual sense, they are fighting the people of Kenya. The beneficiaries of the NG-CDF are the people of Kenya whose children are not going to school, their schools are not being built and the roads leading to their schools are not being built. This is a serious matter. As you are aware, Parliament does not have a union. Our union is the Parliamentary Service Commission (PSC), which has failed us time and again. We cannot even access any allowances of late because of our failed union called the PSC. If need be, parliamentarians must now down their tools completely until the matter of NG-CDF is sorted.

The conspiracy is being perpetuated by two arms of the Government – the Executive and the Judiciary – against the third arm of Government. Both arms know that ...

The Temporary Speaker (Hon. Farah Maalim): Order. That is too long for a point of order.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, allow me to contribute.

The Temporary Speaker (Hon. Farah Maalim): The Chair is an interested party in this debate. That is why he is not observing the rules strictly.

(Laughter)

However, do not also have it so open-ended, Member for Suna East. Finish in one minute.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, can I raise my point of order at this point and then you give me time to contribute?

The Temporary Speaker (Hon. Farah Maalim): No. You have just two minutes to conclude.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Temporary Speaker for your indulgence. I am requesting that, if need be, Parliament must down its tools. This is ridiculing Parliament in one way. We have two sets of Acts of Parliament that were making the NG-CDF constitutional. One was made illegal by the Supreme Court two months ago and the other one today by the High Court. If that is not fighting Parliament then I do not know what it means to fight Parliament.

Secondly, if the new Kenya Kwanza Government has no money to fund the NG-CDF, let them just say so instead of hiding behind courts. I want the NG-CDF Committee to summon the Attorney-General, the Cabinet Secretary for National Treasury and all people in the Executive who deal with the NG-CDF so that we can face them and tell them that Kenyans are suffering.

Thank you, Hon. Temporary Speaker, for your indulgence. That is why you are a great Speaker.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Fair enough, Member for Suna East. Hon. Kiarie, did you need to conclude beyond what you had already said? I thought you had concluded. Okay, you have one minute to conclude.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker. I have to join the Member for Suna East and say that you deserve to be on that seat. As you rightly observed, you are actually an interested party in the NG-CDF matter. I was waiting to hear under which Standing Order the Member for Suna East had stood on point of order. However, my most salient point is that this House is capable of moving in the right direction as concerns the NG-CDF. We can stop reading from the book of Lamentations and reconfigure the existence of the NG-CDF. Even if it means bringing it under the purview of the PSC, which the Member for Suna East referred to as our union, then so be it. In the meantime, the people who are answerable to us need to appear before this House. The broken telephone of information coming from the National Treasury, through the Attorney-General, to the Leader of the Majority Party is not helpful. I would also want to know whether “downing tools” would also mean skipping going to South Sudan for the sports.

Thank you very much, Hon. Temporary Speaker.

(Laughter)

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

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I also echo what my colleagues have said. The NG-CDF monies have been appropriated legally. This is not money we are begging. This House is the one that appropriates all public funds. It will be unfortunate if we cannot get the little money that was appropriated by this House for purposes of constituency development. I request the relevant Committees to summon the Cabinet Secretary for the National Treasury, the Attorney-General and the Chief Justice, who ruled that the initial CDF Act, 2013 was unconstitutional. All the issues being raised are because of that ruling. So, she can come and say, “No, the ruling is on the CDF Act, 2013 and not the NG-CDF Act, 2015. All of them should be summoned by one committee to clarify the issues around this matter so that the money can be released. We are doing nothing by requesting for statements and sending the Leader of the Majority Party up and down as if he is an errand boy. He is not an errand boy. All those who are concerned should be summoned because we do not need statements but money.

In my constituency today, 80 per cent of the students who rely on NG-CDF bursaries are not going to school. The only means of livelihood in that area, which is livestock, has been lost to the ravaging drought. Therefore, in the next two years nobody from that area will be going to secondary school or university. There will be no learning in that area because of this serious breakdown.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members! Hon. (Dr.) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. This issue is demonstrating a very important fact – that, this House must realise that the Executive is taking it for granted. Why am I saying so? Looking at the communication by the Leader of the Majority Party, the NG-CDF issue, and its magnitude, is well known within Government. It is not possible for the Cabinet Secretary to give a reply without consulting.

The Cabinet Secretary has said “subject to consultation.” In the first place, what stopped him from consulting before giving the answer to the Leader of the Majority Party. This is a delaying tactic. I am sure that by the time the Cabinet Secretary wrote that reply he had consulted. I think this matter has been taken casually by the whole Executive, and now the whole Cabinet is aware of its status.

I have heard about the court ruling and it is clear that by the time the reply was being written, that information was not available. The whole Executive has decided to take this House for granted. That is why they have given a casual reply to the Leader of the Majority Party. What will he consult tomorrow yet he would have consulted before giving the reply?

Hon. Temporary Speaker, they are taking us for granted. My suggestion is that when they are called by the Committee, the meeting should be held here with all of us as friends of the Committee. The whole House will sit with them in that Committee so that they can hear our opinions.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The last one is Dr Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker for allowing me to comment on the Statement by the Leader of the Majority Party, who is the messenger. As you are aware, when the President addressed this House, he requested us to amend our Standing Orders so that Cabinet Secretaries can be coming here to answer parliamentary questions. If we had the Cabinet Secretary for the National Treasury in this House, I think many of the issues being raised would be addressed. This is a challenge. It is high time that this House took seriously, the matter of amending the Standing Orders urgently. This is because we will keep lamenting and complaining. I have listened to the Whip of the Minority Party, who was the Chair of the Building Bridges Initiative (BBI), and who exhausted all the money. That is why we have found ourselves in this problem.

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

Hon. (Dr) Robert Pukose (Endebess, UDA): There is no point of order.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Pukose! When you get an opportunity to contribute on a matter that is...

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, I am well guided. I withdraw. He is my friend. I have said that on a light touch.

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, if we amend our Standing Orders, the issues being raised here can easily be addressed. Students are currently suffering, and schools will reopen in January. The situation will be messy, especially for first-time Members who have never issued bursaries.

With those few remarks, I rest my case.

The Temporary Speaker (Hon. Farah Maalim): Member for Kwanza, what is burning? Proceed you are the very last one.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, I want to say this with a very heavy heart. It is raining in some parts of this country. The rain will spoil unfinished construction works in schools. All I know is that the court case on which the Supreme Court ruled is for the CDF Act of 2013. The National Treasury should release the money as we wait. There is nothing stopping them. We want the Leader of the Majority Party to go to the National Treasury tomorrow and demand release of the money. I do not know what to do. If it is difficult for me to go home because there are too many people from colleges, secondary schools and other institutions demanding bursaries. So, there is nothing stopping the National Treasury from releasing the money. The matter that was before court concerns the CDF Act of 2013. The NG-CDF Act of 2015 has nothing to do with that case. The Leader of the Majority Party should stop other business and go to the National Treasury tomorrow so that the money can be released. Otherwise, we are not happy.

Thank you.

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

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Junet Mohammed (Suna East, ODM): Thank you, Hon. Temporary Speaker. With your indulgence I want to bring to the attention of the House that the Supplementary Budget is coming to the House in two weeks' time. I want to plead with the House that we should not pass it, if the NG-CDF will not be included in it. That is the only language that the Executive will understand. Can you clap for me?

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Member for Kabuchai, Majimbo Kalasinga.

ORDINARY QUESTIONS

Question 003/2022

STATUS OF INVESTIGATIONS INTO LOSS OF MONEY BY NAKOYONJO COFFEE FACTORY IN KABUCHAI

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Temporary Speaker. I rise to ask the Cabinet Secretary for Cooperatives and Micro, Small and Medium Enterprises Development the following Question:

- (i) Could the Cabinet Secretary provide a status report on the circumstances that led to the loss of Kshs25.5 million meant for coffee farmers who supplied coffee to *Nakoyonjo Coffee Factory* in March 2022 allegedly through a robbery at *Ushirika Bank* Branch in Kabuchai Constituency?
- (ii) Could the Cabinet Secretary state whether the incident was reported to relevant authorities, and what is the status of investigations into the disappearance of the money?
- (iii) What actions, if any, has the Ministry taken to expedite the payments and compensation to the affected farmers?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The question is to be replied to before the Departmental Committee on Trade, Industry and Cooperatives. The next question is by Hon. Joyce Kamene, Member for Machakos. Is Hon. Joyce Kamene in the House? Let us go to the next question. Hon. Abdul Haro, Member for Mandera South.

Question 7/2022

UNDUE DELAYS IN ACQUISITION OF REGISTRATION DOCUMENTS BY MANDERA RESIDENTS

Hon. Abdul Haro (Mandera South, UDM): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following question:

- (i) Could the Cabinet Secretary provide the measures that the Government has put in place to ensure that residents of Mandera County are able to acquire important Government documents, including national identification cards and passports without undue delays caused by lengthy bureaucratic procedures?

- (ii) Could the Cabinet Secretary explain the measures that the Government has put in place to address the unwarranted delays in vetting of persons applying for passports in Mandera County?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The question is referred to the Departmental Committee on Administration and Internal Affairs.

The next question is by the Member for Teso North, Hon. Oku Kaunya.

Question 9/2022

DISMISSAL OF MR GABRIEL AKIMWANARY OBASIE FROM
NATIONAL INDUSTRIAL TRAINING AUTHORITY

Hon. Oku Kaunya (Teso North, ODM): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Labour and Social Protection the following question:

- (i) Could the Cabinet Secretary explain the circumstances that led to the dismissal of Mr Gabriel Akimwanary Obasie, holder of Identity Card No.7230285, from the National Industrial Training Authority on 19th February 2018?
- (ii) Could the Cabinet Secretary indicate when the officer will be reinstated back to office and paid his salary arrears and other benefits for the period he was out of employment?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): I noticed that there is a difference between the date you read and the one that is printed. You said “2018” but the Order Paper says “19th February 2022.” Could you correct yourself?

Hon. Oku Kaunya (Teso North, ODM): Hon. Temporary Speaker, I wish to correct that. It was a typographical error. There is a question mark after 2022.

The Temporary Speaker (Hon. Farah Maalim): Is it 2018?

Hon. Oku Kaunya (Teso North, ODM): The correct year is 2018.

The Temporary Speaker (Hon. Farah Maalim): Okay. The question is to be replied to before the Departmental Committee on Labour.

Member for Malava, Hon. Malulu Injendi is next.

Question 11/2022

DELAYED DISBURSEMENT OF FUNDS
OF NG-CDF FOR 2021/2022 FY

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for the National Treasury and Economic Planning the following question:

- (i) Could the Cabinet Secretary provide the list of constituencies that received the share of Ksh4.9 billion by the National Government Constituencies Development Fund through the Second Supplementary Estimates during the 2021/2022 Financial Year, and further list those that did not receive any funding, including Malava Constituency?
- (ii) Could the Cabinet Secretary further explain when the Ksh2.9 billion balance will be disbursed to the remaining constituencies considering that each constituency was to receive approximately Ksh13 million to enable the completion of stalled projects?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. The question is to be replied to before the Departmental Committee on Finance and National Planning.

The next question is by the Member for Imenti North, Hon. Abdul Dawood. Abdul Dawood? The next Question is by the Member for Keiyo South, Hon. Gideon Kimaiyo.

Question 13/2022

STATUS OF COMPENSATING OWNERS OF LAND
DONATED TO FLUORSPAR MINING COMPANY

Hon. Gideon Kimaiyo (Keiyo South, UDA): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs the following question:

- (i) Could the Cabinet Secretary provide details of persons and organisations that surrendered land to M/s Fluorspar Mining Company Limited in 1974 to pave way for mining in Elgeyo-Marakwet County, particularly in Keiyo South Constituency?
- (ii) Could the Cabinet Secretary further provide the status of compensation of the said persons and organisations, and indicate when all of them will be compensated?
- (iii) Could the Cabinet Secretary also indicate whether there are any plans by the Government to revive fluorspar mining in the said area?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The question is to be replied to before the Departmental Committee on Environment, Forestry and Mining.

The next question is by the Member for Funyula, Hon. (Dr) Ojiambo Oundo.

Question 14/2022

INABILITY OF LAND AND PROPERTY OWNERS
TO OBTAIN OFFICIAL SEARCHES

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development the following question:

- (i) Could the Cabinet Secretary explain why the registered land and property owners and their agents as contemplated under the Land Registration (General) Regulations, 2017 are unable to obtain official searches as required under Section 34 of the Land Registration Act No.3 of 2012 that is required for any disposition of property?
- (ii) Could the Cabinet Secretary explain why there has been inordinate delay in preparing and releasing official searches or certified copies of titles acquired and registered under the now repealed Registration of Titles Act (Cap 281), the Government Lands Act (Cap 280) and the Land Titles Act (Cap 282)?
- (iii) Could the Cabinet Secretary further explain why all properties registered in the Republic of Kenya, pursuant to Sections 7 and 8 of the Land Registration Act No.3 of 2012, are not uploaded in the online platform of Ardhi Sasa and when will the process be completed?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. The question is to be replied to before the Departmental Committee on Lands.

Hon. Members, we will have a second and final round for those who did not ask their questions. Member for Machakos County, Hon. Joyce Kamene? Hon. Joyce Kamene?

(Question 5/2022 dropped)

The Temporary Speaker (Hon. Farah Maalim): Member for Imenti North, Abdul Dawood? Abdul Dawood?

(Question 12/2022 dropped)

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, we will move on to the next Order.

BILL

First Reading

THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.49 of 2022)

*(The Bill was read the First Time and
referred to the relevant Committee)*

MOTION

DEVELOPMENT OF POLICY ON TREE PLANTING
AND BEAUTIFICATION ALONG ROADS

THAT, aware that Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69 (1)(d) also mandates the State to encourage public participation in the management, protection and conservation of the environment; further aware that deforestation is one of the main contributors to climate change; noting that Kenya has not been spared by the effects of global warming and climate change as a result of deforestation, amongst other aspects; also aware that the road network in the country currently stands at approximately 177,800 kilometres with a development rate of 600 kilometres per annum; deeply concerned that there has been persistent destruction of trees and vegetation along the road reserves and roadsides during road construction leading to adverse effects on the ecosystem; cognizant that studies have shown that the benefits accumulated from roadside tree planting include better soil formation due to shedding of dead leaves, increased water quality by reducing sediment flow, reduced erosion, road beautification, flood control as the trees slow and absorb water runoff, wind-breaking, providing important pollinator, habitats, improving peoples' health and protecting crops; now, therefore, this House resolves that the Government includes a component of tree planting in all road network designs and also makes it compulsory for road contractors to replace any tree harvested during road construction upon completion of the project.

(Moved by Hon. John Kiarie on 10.11.2022)

(Resumption of debate interrupted on 10.11.2022)

The Temporary Speaker (Hon. Farah Maalim): Who was on the Floor? There was no one on the Floor? I presume that the list I have here is of the Members who would like to contribute to this Motion? Let us have the Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Motion on tree planting along the roadsides and road reserves. This will help in terms of environmental protection. The rate of deforestation in this country is alarming. If trees are planted along the roadsides and road reserves, they will increase the forest cover.

I support this Motion.

The Temporary Speaker (Farah Maalim): Fair enough. Do I take it that the Member for Kilifi County wants to contribute to this Motion?

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Asante, Mhe. Spika wa Muda. Mimi naunga mkono Hoja hii ya kupanda miti. Mimi ni mwanachama wa Kamati ya Mazingira na Mali Asili. Ni jukumu letu kuona ni vipi tutaongeza upandaji wa miti, haswa katika zile sehemu ambako mvua inanyesha saa hizi. Viongozi wetu, tusipande miti kando ya barabara kuu peke yake. Tupande miti katika barabara zote zikiwemo zile ambazo ziko katika wodi. Wajumbe wa mabunge ya kaunti wa wodi wahusishwe. Kamati za mazingira ziko katika serikali kuu na serikali za kaunti. Kwa hivyo, wajumbe wa mabunge ya kaunti wahusishwe pia ili zile barabara ndogo katika wodi zetu pia zipandwe miti. Tukifanya hivyo, tutafikia kile kiwango kikubwa cha upandaji wa miti milioni kumi na zaidi kwa muda mchache.

Pia, nataka kuzungumzia jambo moja, ijapokuwa limepita. Nilikuwa nimekuhusisha na NG-CDF pale mwanzo. Kiongozi wa wengi Bungeni alizungumzia tu upande wa zile pesa kuhusiana na maeneo Bunge peke yake. Nataka kuzungumzia pesa za wawakilishaji wa kike ndani ya kaunti zetu 47. Sisi hatuna kesi mahakamani kuhusiana na National Government Affirmative Action Fund (NGAAF). Zimecheleweshwa. Ni ombi langu tuone ni vipi Katibu wa Baraza la Mawaziri wa Hazina ya Taifa, Prof. Ndung'u, atatoa hizo pesa. Sisi pia tunalipa karo za shule. Tuna miradi na watu wetu. Kina mama, vijana na ndugu zetu wanaoishi na ulemavu wanahitaji usaidizi. Wanategemea viongozi wa kike, yaani *Women Representatives*, kama mimi kutoka Kilifi ili wasaidike. Kwa vile hatuna kesi kama NG-CDF, tunamuomba Katibu wa Baraza la Mawaziri wa Hazina ya Taifa apeeane hizo pesa kwa haraka kabla hatujaenda likizoni, ndio tuone vipi tutakavyosaidia.

Kule Kaunti ya Kilifi, niko na wanafunzi wa udhamini kamili. Wanaenda kufanya mtihani na hatujamaliza kulipa karo zao. Kwa sababu hatuna kesi ya NGAAF, itakuwa bora tupewe pesa, kama itawezekana, hata wiki ijayo ili wale wanafunzi ambao tumewasimamia kutoka kidato cha kwanza mpaka kidato cha nne na ada za shule tuwalipie kikamilifu ili wafanye mtihani. Wale wa pesa ndogo za *bursary* ambazo pia tunalipa, waweze kulipiwa. Yale mashirika ambayo yanatuunga mkono na kufanya kazi na akina mama, vijana na ndugu zetu wanaoishi na ulemavu, wanaweze kusaidika. Tarehe moja Disemba ni siku ya walemavu nchini...

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Member! You had an inordinately long leeway on this issue because of its sensitivity. However, it has no relevance to the Motion.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The Member for Kisauni, Rashid Bedzimba, is next.

Hon. Rashid Bedzimba (Kisauni, ODM): Asante, Mhe. Spika wa Muda. Hata mimi nilibonyeza kidude kitambo ili nizungumzie swala la NG-CDF, lakini sikupata nafasi. Labda uniruhusu dakika moja niseme ni vyema waachilie hizo pesa kwa sababu zinasaidia wengi sana kule mashinani. Umaskini ulioko kule mashinani ni mkubwa sana. Hata watu wakiambiwa wapeleke mia mbili ya chakula shuleni inawashinda. Ni vyema sana Serikali iachilie hizi fedha ambazo zinasaidia watu maskini. Hali ni ngumu na kazi hakuna. Watu wanategemea hiyo pesa. Kwa hivyo, sioni sababu ya Katibu wa Baraza la Mawaziri wa Hazina ya Taifa kusema kwamba ataenda kutafuta ushauri kwa Mkuu wa Sheria. Hii ni kwa sababu NG-CDF haijashtakiwa. Sioni sababu ya kufanya hivyo. Pengine anachukua muda alafu aziwachilie fedha hivo. Sisi tunahimiza kwamba ni jambo muhimu.

Mhe. Spika wa Muda, kupanda miti kando ya barabara ni muhimu sana. Miti inasaidia kunyonya hewa chafu kutoka kwa mazingira na kuachilia hewa safi ambayo tunatumia. Miti husaidia sana kuboresha mazingira. Afya za watu wengi mahali kuna miti ziko imara kuliko mahali hakuna miti. Miti ikipandwa kando ya barabarani ama mitaani itazuia mmomonyoko wa udongo. Ukipanda miti, hata wakati wa mvua hakutakuwa na mafuriko. Katika sehemu ambako hakuna miti, mafuriko yanakuwa makubwa na athari zake zinakuwa kubwa zaidi.

Uzuri wa kupanda miti ni kwamba kunafanya mahali panapendeza. Wakati wa ukame, kunakuwa na maua aina fulani yanayotoka. Wakati wa mvua pia kunatokea maua ya aina fulani ambayo hutupatia vivuli katika sehemu zile. Miti pia ni muhimu sana kwa sababu kuna viumbe wanaolala hapo, kama vile ndege ambao wanakwenda pale usiku. Hapo ndipo nyumba zao. Kwa hivyo, ni muhimu kwa mkandarasi yeyote anayejenga barabara alazimishwe apande miti. Miti husaidia watu wengi na hata viumbe vingine ambavyo vinaishi katika miti hiyo.

Kwa hayo mengi, ninaunga mkono Hoja hii.

The Temporary Speaker (Hon. Farah Maalim): Member for Mosop, Hon. Abraham Kirwa.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Temporary Speaker for the opportunity you have given me to contribute to this Motion. We know the effects of climate change in the world. Kenya has not really been spared. I support this Motion by Hon. John Kiarie on planting trees along the roadsides and road reserves.

For a while, we have continuously destroyed forests. This has caused droughts, with the climate pattern in Kenya continuing to change. This is happening not only in Kenya but also in Africa as a whole. Kenya is now experiencing her worst drought in 40 years. We are losing animals in game sanctuaries. Families do not have enough food because of climate change. The only option and opportunity we have as a nation is to continue to plant as many trees as possible. That is the only way to help us to reduce the temperatures of the earth and continue to attract more rain. That way, we will continue to experience a greener nation. We may not have enough places to plant trees in urban areas but we can plant them along the roadsides and road reserves. This will give us an opportunity to cover most parts of this country. As we encourage tree planting along the road reserves, we also encourage the residents and citizens of this country to take it upon themselves to grow trees in their homesteads, farms and wherever else they can. This will reverse the damage that we, as a nation, experience.

With those remarks, I support the Motion so that we can continue to plant trees along roadsides and road reserves.

The Temporary Speaker (Hon. Farah Maalim): Hon. Julius Sunkuli. Is he in the House?

Hon. Member: He is not here.

The Temporary Speaker (Hon. Farah Maalim): Member for Dagoretti South, do you still intend to contribute to this Motion? I notice you...

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I am waiting to reply because this is my Motion.

The Temporary Speaker (Hon. Farah Maalim): Great, Hon. John Kiarie. Is Hon. Samuel Atandi in the House?

Hon. Member: No.

The Temporary Speaker (Hon. Farah Maalim): Member for Kuria East, proceed.

Hon. Maisori Kemero (Kuria East, UDA): Mhe. Spika wa Muda, ningependa kuchukua nafasi hii kukushukuru na vilevile kukupongeza kwa sababu tangu uwe kwenye kiti sijazungumza mbele yako. Hoja hii ni muhimu sana. Imefika bungeni wakati mwafaka. Hivi majuzi Mheshimiwa Rais alisema kuwa, ili kuongeza upanzi wa miti, atapeana stakabadhi kwa wale watakaofanya kazi hiyo kwa njia itakayoridhisha. Hivyo ni nzuri sana. Nataka kukushukuru Mhe. KJ kwa kuleta Hoja hii, kwa sababu hela zinazopeanwa katika idara hiyo ya kujenga barabara, kutengeneza au kuiboresha kwa namna yeyote ile, ni nyingi sana. Ninajua kwamba kwenye kandarasi huwa kuna kiwango cha fedha ambazo zinatengewa shughuli za kuhifadhi mazingira.

Mara nyingi watu wengi wanapuuzilia mbali mambo haya kwa sababu hakuna anayejali. Tukiweka katika sheria iwe inazingatiwa kwamba mkandarasi akipewa kazi ni lazima, kuanzia siku ya kwanza, apande miti, litakuwa jambo la busara. Mipaka ya barabara inajulikana. Ikiwa barabara hiyo itachukua mwaka mmoja au miaka miwili kujengwa, kufikia wakati huo, miti hiyo itakuwa mikubwa. Masharti mengi yamewekwa hapo awali, kama vile sharti ya kupanda miti kutumia NG-CDF. Hata hivyo, watu huenda siku moja, wanapanda miti alafu wanaondoka na kuwaachia wanyama miti hiyo waiharibu.

Kwa hivyo Mhe. KJ ameileta Hoja hii wakati mzuri sana. Kiangazi ambacho sasa hivi kinaikumba nchi hii kinatuonyesha umuhimu wa kulivalia njuga swala hili na kuangalia tutakachofanya ili jambo hili liweze kuwafaidi watu wote.

Mhe. Spika Wa Muda, niruhusu nitumie dakika moja kuzungumzia swala la NG-CDF. Mimi sina vita vyovyote na wale ambao wanapata pato lao kwa kwenda kortini. Kuna watu wengi sana wamepata elimu yao kupitia fedha za NG-CDF. Wamekuwa mawakili na wengi wana nyadhifa za juu katika nchi hii. Inasikitisha sana kuwa baadhi yao walifaidika kutokana na ufadhili wa NG-CDF na baadaye wakajiona kuwa wametoshaka na kuaanza kutafuta utajiri kwa kwenda kortini kusimamisha kila sehemu ambayo ingemfaidi mtoto maskini aweze kufikia kiwango chao.

Ningependa kuhitimisha kwa kusema kuwa suala la NG-CDF haliondoki. Ingependeza kama tungetafuta njia mbadala ya kuweka fedha hizi katika sehemu ambayo haitaingiliwa tena na watu ambao wanaiona kama ni ya kuwatajirisha wabunge ilhali wabunge hao ndio wanaofanya walale usingizi mzuri. Sisi tusipopata pesa za kuwasaidia maskini, nao pia hawatalala katika nyumba zao kwa sababu watoto hawa wasipoenda shuleni watageuka kuwa majambazi na hali hiyo italetaka shida katika nchi hii. Hivi sasa kuna janga kubwa la ukosefu wa usalama humu nchini. Ikiwa sasa hivi tunalia kuna ukosefu wa usalama, Nairobi haikaliki; tunataka tuongezee kwa kuwatoa watoto wetu shuleni kwa sababu hawawezi kulipa karo na kuwaweka kwenye mitaa?

Tupande miti na tulipie watoto wetu karo. Hazina ya NG-CDF iendelee na tufanye hayo maendeleo mengine yote ili nchi hii iweze kuwa bora.

Ahsante Mhe. Spika wa Mda.

The Temporary Speaker (Hon. Farah Maalim): Member for Moiben, Hon. Phyllis Bartoo, proceed.

Hon. Phyllis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this timely Motion. It is very timely because in as much as we would want to plant trees everywhere, land scarcity is an issue and it might take a while for

people to be convinced that they need to create space in their small pieces of land to plant trees. Doing so along our highways is very important.

In Moiben, we have started an initiative called “Adopt a Forest’ in every school. We are hoping that at least every student and every teacher will plant an indigenous tree and take care of it until it is mature. That way, we will have several forests. We were looking at a scenario where in Moiben alone we will have almost a million trees every year. That will go a long way in improving the environment, taking into account the importance of trees.

This reminds me of the old days when we were young. We were told in school that if you cut one tree, you plant two. The Motion we are debating now is equivalent to going back to those good old days when everywhere was a forest. The opposite is true now because of greed and the fact that we are not taking care of our forests. We are also not looking after our environment. That is why we are fighting climate change and the consequences that come with it. I urge all the Members of this House to rally behind this Motion.

We have a kitty in the NG-CDF for the environment. It is not about where we will get the resources from to do this but the willpower in us to put it in practice. By so doing, our highways will be beautiful. As you drive along our highways in Nairobi currently, you notice that we have been planting flowers, which most of the time were getting destroyed. It was an exercise in futility since flowers get destroyed very easily. Whenever new leadership gets into office, they decide to plant different trees and do away with the existing ones. It is a very good initiative. Sometime back, when the Nairobi Expressway was being constructed, there was a tree in Westlands next to Naivas Supermarket. I think it was the oldest tree in Kenya. It was so scary that the tree was going to be cut down. Fortunately, the designers of the road decided to redirect the road and the tree survived.

We look forward to having many of those kinds of trees along our highways. We cannot belabour the point on the importance of trees, which we all know. I imagine that if we had beautiful trees along all our highways, our environment would be good with immeasurable benefits.

Hon. Temporary Speaker, there is no shortage of tree seedlings in the country. I am sure the nation is ready. A tree planting programme will create jobs for the youth, women and men. People will have an activity to engage in and get an income to take home. This initiative has come at the right time when the Kenya Kwanza Government, through the initiative of our President, is planning to have trees planted and converting the *Kazi Mtaani* initiative into a tree planting exercise. It is not enough for the youth involved in *Kazi Mtaani* to sweep the streets, dig trenches or cut grass. It will be very fruitful if they are involved in an exercise that is real. They will be planting trees which will bring change in the livelihood of human beings, animals and all other species of the earth.

I thank you Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Next is the Member for Nandi, Hon. Cynthia Muge.

Hon. Cynthia Muge (Nandi, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this Motion. I must say at the outset that the importance of trees to our environment cannot be gainsaid. I rise in support of this particular Motion because the most available public land on which we can plant trees are the road reserves. It will not only be important for our environment but also in protecting our road reserves against encroachment. In my culture, it is taboo to fence off a tree you did not plant. You must let it be. Planting trees on road reserves will protect those spaces because most of our road reserves have been encroached on and they do not meet the required standards that they were classified under.

Hon. Temporary Speaker, every time I hear someone talking about trees and environment, I remember the late Hon. Wangari Maathai. She did a lot of work and

championing for purposes of ensuring that the environment was well preserved, and that every tree was treasured just as we treasure valuables in our houses. I remember when we were doing our campaign in my county in Tinderet Constituency, Kapsimotwa Ward, there is a very popular junction called Chebarus, which has a very beautiful tree that has made people to create a sitting area. Whenever we went for campaigns, we saw the tree and felt the need to sit under it to enjoy the breeze. One interesting thing is that the tree has created a job opportunity for someone who is paid by the people who sit there to just sweep the leaves that drop off every other time.

As I support and thank Hon. John Kiarie for being thoughtful enough to bring this particular Motion to the House, we must work hard to ensure that our country has a larger forest cover such that when we look at the aerial map of this country we can see a large forest cover like that of Uganda. I have always admired the aerial views of Uganda. We want to see a similar cover in Kenya. For that to be achieved, we need to love trees with every breath we take until we perish. We should ensure that we use every opportunity we get to plant a tree even if it is not on our lands. We need to sow a seed and get going so that someone who will be there 20 years to come will enjoy the benefits of that tree. I also want to say that having listened to the First Lady of the Republic of Kenya, Her Excellency, Hon. Rachel Ruto, I am very happy because she holds dearly the issue of environmental conservation. With this I am sure that we will have a country that is not only sensitive, but also responsive with regard to planting trees.

There is a very famous saying that goes “The best time to plant a tree was 20, 30 or 40 years ago, and the second-best time to do so is right now.” I want to tell everyone that we may not be here 50 years to come. Of course, I am speaking on my behalf. The best time is not 50 or 60 years ago, it is right now. Each one of us should plant a tree and ensure that we protect that tree so that it can serve our future generations. They also say that a country that destroys its soil destroys itself. I would like to say that we are not a country that does that destroys itself. So, we must ensure that we protect our soils by planting trees anywhere and everywhere, including in our own compounds.

With those remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): We will now hear the Member for Turkana East.

Hon. Nicholas Ng’ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this very important Motion. Trees are very essential to our daily lives. We can list so many benefits of trees like preventing soil erosion in areas where we have floods and wind breaking. In other areas, when we talk of planting trees along our roads, before we had those roads there were trees. Having built the roads, there is need for us to plant more trees to replace those which were cut to create space for the construction of those roads. It is not something that we should take for granted. We should embrace the philosophy that says, “If you cut a tree, you must plant two.” Trees also benefit our communities by providing food in the case of fruits and honey. Trees can house bees and their flowers can provide honey to human beings.

Hon. Temporary Speaker, allow me to also say something about the NG-CDF) because I was to comment on it but I did not get a chance. There are people who loiter on the corridors of the Judiciary on a daily basis regarding the issue of NG-CDF believing that they are fighting Members of Parliament, forgetting that they are actually fighting Kenyans. I urge such people to fight their area MPs, if they are serious about political fights. Let them go to the ground and compete for those seats, but they should not fight the NG-CDF. This fund is for the benefit of the common *mwananchi*, and not for MPs. The only thing we have are the positions we have been elected by our constituents to occupy. They can only compete for those seats instead of doing harm to Kenyans, as they have done. As we speak, school-going children in my constituency are at home. Let us say those who are in Form One now are at home. We are going

to miss students in some classes. Some schools will be closed because those kids will not do exams to enable them get promoted to the next classes. There is need for this money to be released so that these young Kenyans can go to school and continue with their lives.

Thank you for giving me the chance. I support the Motion.

The Temporary Speaker (Hon. Farah Maalim): Member for Kirinyaga Central, Hon. Gitari. Is he in the House?

Hon. Joseph Gitari (Kirinyaga Central, UDA): Thank you, Hon. Temporary Speaker. I want to congratulate my brother, Hon. K.J for bringing this timely Motion.

As you are aware, the Kenya Kwanza Government has a forum to plant five billion trees and this will be part of it. We have young people who are unemployed and instead of using them to clean up in the *Kazi kwa Vijana* Programme, they can be used by these contractors to plant these trees.

We have seen a cow being sold for as low as Ksh500 and a goat for Ksh100 because of drought. If we cover all our roads with trees when they are being constructed, we will have a chance to attract rainfall, and we might get out of such situations of drought. There is a debate on climate change at the moment. It is serious and we will only succeed if we plant trees on our road reserves.

I am one of the people who does road designs and one of the biggest challenge that we face is encroachment along our roads. The Government acquired land for road construction but they did not survey it or were not keen on the markings of the end of road reserves. When trees are planted, they will assist in curbing this menace of road encroachment.

If you drive in Kirinyaga Central, along Kirinyaga University College, you will see the beauty of having trees along the road. One time I had a chance to go to the home of the late second President's home in Kabarak and I could see the beauty of trees along the road. We want to encourage my brother and tell him to follow it with a Bill so that it is actualised.

On the same note, I want to end the debate. I was in a forum where we were informed that the National Government-Constituencies Development Fund (NG-CDF) was locked out by the court yesterday and, therefore, we have to stand up for our issues. Hon. K.J, at the point where we are doing the Bill, we should include all roads: the ones covered by Kenya Urban Roads Authority (KURA), the Kenya Rural Roads Authority (KeRRA) and the Kenya National Highways Authority (KeNHA) even if we are doing murrum roads so that we ensure we plant trees.

I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Caroline Ng'elechei. You have five minutes after which the Mover will be asked to reply.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion.

Let me appreciate Hon. John Kiarie for the Motion. I am the County Member of Parliament for Elgeyo Marakwet. It is the second largest county in Kenya with a forest cover of 37.6 per cent of majorly indigenous trees.

The issue of planting trees along the roads in all parts of Kenya is very important. We are faced with a challenge of climate change. We always educate people and try to convince them to plant trees within their compounds, in schools and other institutions. The Government has unutilised land along the roads which is yet to be developed. Why can trees not be grown in those areas? Whereas some of the road reserves might take long before they are developed, I think it will be prudent and in order if they can be utilised by growing along them for the time being.

When you go to other countries, people have been encouraged to grow not only trees but also, fruit trees along the roadsides. This conserves the environment and at the same time

fruits are grown along the road. I wish to support the Motion. My wish is that each and every part of the road reserve gets trees planted on it.

Trees are wind breakers especially in arid and semi-arid lands. At times you find that we are faced with the challenge of flooding or strong winds blowing along the all-weather roads which are not developed. It will be good if we can have these trees.

As much as we would want people to conserve the environment, we should know that so many people are still dependent on firewood as a means of cooking. It is a good initiative because they cut down those trees for lack of an alternative. They destroy them for firewood. It is good for the Government to encourage our people to plant more trees so that as people cut down and destroy a few of them, we have more trees being planted to replace the cut ones.

We should also do that as an example to the young generation to show that the Government is encouraging people to plant trees, and not just telling individuals and private persons to do so. The Government should lead by example by allowing the bare land that is theirs to be used for tree planting.

Thank you, Hon. Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Ganze, please take exactly three minutes. He should be followed by the Member for Kwanza for three minutes then the Mover will reply.

Proceed, Hon. Members.

Hon. Kenneth Tungule (Ganze, PAA): Thank you, Hon. Temporary Speaker, for giving me this opportunity.

I want to congratulate Hon. KJ for bringing this Motion to Parliament. It is a timely one since Kenya at the moment is suffering from the vagaries of climate change. One way to mitigate climate change is to make sure that we have enough forest cover in the country. We need to increase the forest cover so as to attract more rainfall to reduce the effects of the current drought. This is a timely Motion. I support the fact that we should embark on a drive to make sure that we plant trees on all road reserves that we have in the country.

I want to commend the President for coming up with a plan of planting five billion trees in the next five years. I think it is a good way to start with the available road reserves but, we should not stop there. This exercise should cover all public places that we have available including public land, and all primary and secondary schools.

I would also want to note that we have had road contractors who have cut down trees but have not replanted them. All contractors are supposed to do an environmental impact assessment but most of them do these reports as a formality but do not go ahead to mitigate the effects of cutting down trees to implement the project. More needs to be done to compel contractors to make sure that if they cut trees for them to construct roads, they then have to make sure that they are replanted so that we can maintain the forest cover that we have.

I want to bring an issue that is currently happening in my constituency, Ganze and Kilifi at large. Of late, we have seen Chinese contractors translocating baobab trees. They uproot and export the baobab trees to their countries. Baobab trees are very valuable to us. They have a lot of emotional attachment especially to my tribe. Whatever is happening in Kilifi right now is wrong. I urge the concerned Government department to stop the exercise with immediate effect because if it is not stopped, then in the near future, all the baobab trees in Kilifi will be taken to China.

As leaders, we want to make sure that we increase the forest cover. It is a pity to see that trees are now being translocated to foreign countries.

The Temporary Speaker (Hon. Farah Maalim): Order. Hon. Member of Parliament for Kwanza, you have exactly three minutes. I understand that Hon. KJ has decided to donate a few of his minutes to the gracious lady.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker. I take this opportunity to thank Hon. KJ for coming up with this Motion. There is foresight because we are having economic problems. The dry spells are because of the cutting of trees. Therefore, as we pass this Motion which we want to turn into a Bill, we would want the contractors - whether with Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA) - to be contractually obligated to plant trees as they build roads. As you know, road reserves are almost six metres wide from the centre of the road on either side. So, we are talking about 12 metres which is a lot of land. Given that we have ecological problems and the dry spells because of climate change, we want contractors to plant trees on either side.

As this project takes off, the families along the roads can also be asked to plant trees. I am sure that can be done. If they are going to be paid something small, the families along the roads will plant and look after those trees.

It is very important and I thank the Member because when you go to a dry area, you find that there is a roadside where you can do irrigation without interfering with anybody in the effort to grow trees. The importance of the whole thing is that the trees will grow without any problem because there will be cooperation between the owners of the land along the roads plus KeNHA or KeRRA. Whether it is KeNHA or KeRRA, we should enforce this rule so that we can plant trees and that of course will help us to have climatic changes in this country.

We are having problems. In my area, we used to have rain and now there is none just because of lack of enough trees. This is a very good idea and I thank you my friend. Your thoughts are very beneficial to this country. I support.

The Temporary Speaker (Hon. Farah Maalim): The Member of Kajiado County, Hon. Leah, you have two minutes that were donated to you by Member for Dagoretti South. Proceed.

Hon. Leah Sankaire (Kajiado County, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Motion by Hon. Kiarie. This is very timely and I support it fully. I support this Motion not only to have our trees planted on the main road reserves but across our counties to increase the tree cover and to solve the effects of climate change.

As I advocate for this Motion to have trees planted to cover most of our vegetation, I am also very careful on the choice of trees that we choose to plant on our lands. In the early 1970s, there was a tree species popularly known as the "Mathenge Tree" which was introduced in Kenya from South Africa. The tree was to rehabilitate the arid and semi-arid areas due to its resilience, fast growth rate and its many uses for fodder, honey production, shade, windbreaker amongst others.

On establishment, the tree aggressively invaded areas of indigenous vegetation and manifested negative impact on rural landscapes as well as on human and livestock health. When we choose these trees, let us do good research on whether they are resilient to drought. We should also look at the long run impact of the trees on humans and livestock. This tree has grossly affected my county, Kajiado, especially the areas of Magadi and Kajiado Central by aggressively affecting the vegetation. The tree grows along the roads, sometimes invading into roadways thus affecting the roadways and other parts.

I support this Motion in totality and urge all of us that next time that we have trees brought to us, let us ask the authorities to kindly check on the type of trees so that as much as we get the positive impact from the trees, we also do not get the negative impact as much as we want to grow them in our counties.

The Temporary Speaker (Hon. Farah Maalim): Hon. (Prof.) Nyikal, you have two minutes donated by the Member for Dagoretti South.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, and Hon. Kiarie. Trees are the lungs of the earth. They take the carbon dioxide that we breath out and they give oxygen that we breath in for us and all animals. They take water and transfer it

into the air, thus cooling the earth. They are also rain catchments, they stop erosion. The world's population has now hit eight billion, and as that number increases, we need more trees. I, therefore, support this.

I would want to make two points for Hon. Kiarie to take into consideration. According to the law as it is now, the roads authorities, particularly KeNHA, are allowed to clear trees on road reserves. So, we will have to look at the law. I tried in my constituency to plant outside the road reserve but those are private lands and therefore if we do that, we may need to now engage the owners of the land to take care of the trees and nurture them. If we follow the law and involve private land owners just outside the road reserves, the programme will be workable.

Thank you. I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker. I will be seeking...

The Temporary Speaker (Hon. Farah Maalim): Did you donate to any other Member some few minutes?

Hon. John Kiarie (Dagoretti South, UDA): Yes. I donated some time to Hon. (Dr.) Pukose.

The Temporary Speaker (Hon. Farah Maalim): You have not communicated to me. Proceed.

Hon. John Kiarie (Dagoretti South, UDA): Yes, I am communicating that and kindly if you would engage us, kindly let me donate another minute and a half to Hon. Shakeel Shabbir.

The Temporary Speaker (Hon. Farah Maalim): Fair enough.

Hon. John Kiarie (Dagoretti South, UDA): A minute each to Hon. Ruto and...

The Temporary Speaker (Hon. Farah Maalim): Hon. Ruto, the Member for?

Hon. John Kiarie (Dagoretti South, UDA): With your permission, each one can have a go of one minute each.

The Temporary Speaker (Hon. Farah Maalim): Member for Kesses? Hon. (Dr.) Pukosi, proceed.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. My name is Dr. Pukose.

The Temporary Speaker (Hon. Farah Maalim): Okay.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Or you can call me Robert, the Member for Endebess. This is a very good Motion because we are saying that we need to plant trees along the road reserves after construction has been done. It will be good if the designers capture that. When you look at forest cover in Kenya, we are talking of a forest cover of about six per cent. At Independence, the forest cover in Kenya was ten per cent. Right now we are at six per cent which is around 3,500,000 hectares. That is diminishing. If we continue like that, we are heading in the wrong direction. It will be good to make sure we plant trees along roads. Tree planting along roads should be in a planned manner such that it both beautifies and ensures environmental conservation. We should decide what types of trees to plant along roads. Some trees can be hazardous to traffic. If you have a tree that falls on the road, it can cause accidents. We should also look at power lines so that we do not interfere with them. If a tree grows in a way that interferes with power lines, we can have interruption of power.

With those few remarks, this is a timely Motion. We should make it into law and it would be a very important step. Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member for Kesses, followed by the Member for Kisumu.

Hon. Julius Rutto (Kesses, UDA): Hon. Temporary Speaker, thank you so much for the one minute donated by my good friend Hon. Kiarie.

The discussion about planting of trees along our road reserves is timely. In any case, it should not only be along our road reserves. I really propagate that we begin to think out of the box and look at all public institutions. One public institution or asset is roads reserves. We have hospitals and schools. We need to think of how to address and mitigate challenges of climate change. As we talk, we are addressing drought and its challenges. We need to look at where the rain began to beat us. For the first time now, Kenya is borrowing and asking for relief food even to areas that were not experiencing challenges like these before. If we look at all these, it is around the challenges of climate change that we have now.

I support the Motion by saying we need to ask all relevant ministries, including farmers to do so. I come from a farming area. We have terraces advised by agricultural officers for purposes of minimising soil erosion and managing drainage of water that runs along shambas. We want to design and ask the Kenya Forestry Research Institute (KEFRI) and all forest agencies to advise farmers on the kind of trees to plant on terraces. They should be trees that are friendly to crops and at the same time achieve the desired tree coverage in Kenya as well as manage our environment and look at challenges the future generations are going to face.

Let me donate the few seconds to the immediate person mentioned.

The Temporary Speaker (Hon. Farah Maalim): You have been donated time and you donate again? Order! Order!

Hon. Julius Rutto (Kesses, UDA): I stand guided.

The Temporary Speaker (Hon. Farah Maalim): Hon. Shakeel Shabbir, you also have exactly two minutes. Anybody who wants something donated should consult the Chair. The donor is the Member for Dagoretti South. Proceed.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Speaker. I stand to support this important Motion.

In this time of climate change, we need to formalise some of these things. It is not that roads did not have trees planted along them. In Kisumu, we had some lovely roads and some lovely trees cut down very viciously just because somebody wanted to put a kiosk there. We were left with nothing. The planting of trees is not the issue. Trees are planted but they do not germinate because they are not looked after. When the Bill comes up, we will see how to amend; not only saying 'plant trees'. By law, we will put obligations on contractors or persons on the road to look after those trees.

I would also want this extended to schools, which are common areas, to take advantage of this Motion. In my constituency, I have started something called 'a pilot forest programme'. We have been planting trees everywhere and they do not last even ten minutes, one hour or maybe three weeks. Maybe some cow comes and eats them. We have this pilot programme. We fence off less than a quarter of an acre. That programme is at this moment featured in the CDF documentary. Those are the things we need to do.

Thank you, Hon. Temporary Speaker. Thank you, KJ, for bringing this. Goodbye.

The Temporary Speaker (Hon. Farah Maalim): The Member for Mwingi North, Hon. Nzengu, you also have two minutes donated to you.

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

From the outset, I want to support the Motion by Hon. Kiarie and thank him for donating some time to me. As I support this Motion, this morning I was driving along Mombasa Road and I saw the beautiful project of the Nairobi Express Way. We thank the Government for conceiving that idea. But when you look at the nakedness that has resulted from demolishing trees that used to be along Uhuru Highway and Mombasa Road, you really feel it.

If you go to Europe and other developed countries, almost all streets usually have trees planted on road reserves. If you are going to Kitui, you will see the beauty as you enter Kitui from Kwa Vonza. That project was by KEFRI. I agree with Hon. Kiarie that, even as we plant trees for environmental purposes, we are also going to beautify our cities and roads.

I want to support and ask Hon. Kiarie to graduate this Motion into a Bill and make it an Act of Parliament so that it can be enforced to ensure that all new roads have trees planted on the road reserves. If you look at the new roads built in Nairobi, the bypasses being some of them, none of them has trees planted on road reserves. I ask Hon. Kiarie to escalate this to a Bill that eventually becomes an Act of Parliament.

Hon. Adams Korir (Keiyo South, UDA): Thank you very much, Hon. Temporary Speaker.

I also rise to support this Motion by Hon. KJ. As a way of maintaining our environment, tree planting is very key. This tree planting along roads does not only help in beautification; it also helps in improving environmental conservation. This will go a long way into the rallying call of our President that we need to plant five billion trees. Measures should be put in place to ensure any other development along roads does not interfere with the trees we plant. When you look at Nairobi City today, it is very beautiful because of the past leadership. The Mayor of Nairobi those days decided to plant trees along roads within the city. That is why we have a beautiful city in this region.

I congratulate KJ. When you look at many towns in our country, buildings are good but the surrounding environment does not look pleasant. I support this Motion so that, going forward, we have a beautiful country surrounded by trees. That will make our environment good. Thank you for this opportunity. We will support this thing going forward.

The Temporary Speaker (Hon. Farah Maalim): Hon. Naomi Waqo, Member for Marsabit, has two minutes donated by KJ. Proceed.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I join my colleague Members in supporting this very important and relevant Motion.

Hon. Temporary Speaker, as a country we are going through a very fierce drought as a result deforestation in our counties. I support this Motion and encourage every citizen to plant trees in every school. In every function that we have, as leaders, let us encourage tree-planting along the roads and make sure that we protect our environment. When we do that we not only beautify an area, but we will also take care of our health, take care of the environment and that in turn will help this country to have healthy citizens. We will also show our children some responsibilities because it is our role to take care of our environment by planting trees and taking care of them and as a result we will have more responsible citizens who will be answerable for their surroundings. It is my prayer that this will be effected soon.

I support the Motion and thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member for Kajiado North, Hon. Onesmus Ngogoyo. Proceed, you have two minutes. Hon. John Kiarie, you realise you are only left with four minutes. You have donated the rest.

Hon. John Kiarie (Dagoretti South, UDA): I have six minutes

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

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you, Hon. Temporary Speaker. We appreciate the Member's generosity.

I am Hon. Onesmus Ngogoyo, Member of Parliament for Kajiado North. I rise to support the Motion and thank Hon. KJ for bringing this very important Motion. We plant trees not just because we need more trees but because it is about increasing the forest cover, it is about the oxygen we breathe, holding the soil on the ground and it is about the future. We need to make tree-planting a culture. We can do it by taking very simple steps and not through magic.

I, therefore, wish to support the Motion and thank Hon. KJ. Once the contractors who have been contracted by the national Government and the county governments begin planting trees in regions that we come from like Kajiado North, we will increase the number of trees. We should also have people to nurture the trees so that eventually we increase our forest cover. His Excellency the President made a rallying call that he wants to plant five billion trees. This is one simple way of increasing the forest cover which eventually, in our future, will protect the generations to come.

Hon. Wangari Maathai said that if we do not take care of mother nature, mother nature will retreat and not take care of us. Therefore, I support the Motion and thank the Member for giving me his time so that I contribute to this very important Motion.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Member for Dagoretti South, you realise you only had 10 minutes to reply. You have almost exhausted all of it but Hon. Temporary Speaker has added you six minutes because of the seriousness of the matter before us and because of national interest.

Hon. David Gikaria (Nakuru Town East, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order Member for Nakuru Town East?

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Speaker, I wish to request you to exercise Standing Order 1. I am the Chairman of the Departmental Committee on Environment, Forestry and Mining. I will feel very bad if this Motion is concluded without my contribution. I wish to indulge you to give me just a minute.

The Temporary Speaker (Hon. Farah Maalim): Standing Order 1 stipulates that anything not provided for, the Speaker can use his discretion. This is already provided for. But given that you a Chairperson of a serious Committee that concerns this very serious issue before us, I will give you exactly three minutes to say what you have to.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. How I wish to be here next time to vote for you to be the substantive Speaker.

I thank my dear brother KJ for the Motion that he has brought. It is a very timely Motion. The whole world now is talking about climate change and part of that is global warming and the effect of trees. I concur with a few of my colleagues whom I heard say that this should not only be a Motion but it should be escalated to a Bill. In the Building Code and in other Building Acts, we discussed at some point that it is also important for us to include as a mandatory requirement, just like when you are getting approval for building houses and other places, that we must plant a certain number of trees even if we do not have space to put up a house. We can be allocated one by the forest department in our forests for us to do that.

As a country, it is important for us to think that in as much as we are trying to address issues of climate change and global warming, planting trees is key. As a committee, we will escalate this matter so that even at the school level, we encourage students to start taking it as a subject.

Lastly, it is important to prevent forest fires. We plant trees which take years to grow but a person smoking a cigarette or out of malice may set fire to a forest. Again, we need to look into ways of protecting our forests to reduce the incidences of forest fires that consume a huge population of our trees.

I want to thank our dear brother, *pongezi sana* for the good job he is doing. He is from an urban area where we do not expect to have many trees, but he has taken it as his responsibility to bring this Motion. He is a good example for the young people who are in this Parliament under the age of 35. This is his fourth Motion in less two months. I hope the other

young Members will learn from what KJ is doing and address and represent the younger people in the House.

Asante sana, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. KJ, you can now reply.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, this is the first time I am speaking to something substantive this afternoon. I take the earliest opportunity to congratulate you for ascending to the presidium and I know you are no stranger to that seat having presided over in a previous Parliament as Deputy Speaker. It has been quite a pleasure. What a joy it has been this afternoon having you preside over the business of this House. Thank you also for your magnanimity.

As I reply, I would like to refer to the statements I made when I was moving this Motion. I took this House down memory lane. I talked about one man, Mr. John Dawson Ainsworth, a colonialist who was a District Commissioner in his twenties. He was tasked with a job of establishing a city. He had been a District Commissioner in Masaku where the colonialists had imagined the capital city would be but he was moved here when they identified the piece of land which they thought was fit to build a city. Mr Ainsworth planted trees. Unfortunately, they were not very environmentally friendly ones, but he was planting trees to treat a malady of flooding in this city. In his own wisdom, he had found out that the Australian blue gum was very good in sucking water out of land that was as swampy as Nairobi. As the Swahili say, “*baniani mbaya, kiatu chake dawa*”. This man, though a very apartheid driven colonialist, did great service to this city by planting many trees. You know Hon. Temporary Speaker that these trees have existed for more than a century. It is us Kenyans, in our own wisdom or lack of it, who have cut down the trees that were planted by John Dawson Ainsworth. But I will not celebrate him as much as I will celebrate a man by the name Mr John Gakuo.

Mr John Gakuo was a committed selfless civil servant. Unfortunately, someone has said, it was Lee Kwang-Yee who wrote in his book that the tragedy of Africa is that we kill our best. Mr John Gakuo died in prison crying to be taken to hospital just to get some medical attention. He was one of our finest civil servants and one of our best Clerk in this city.

Hon. Temporary Speaker, it was Big Yellow Taxi featuring Vanessa Carlton that sung that they took all the trees and put them in a museum and they charged a dollar and a half for people to see them and they were mourning and saying, “Don't it all seem to go that we do not know what we have, till it's gone?.” We are mourning the drying of our city, the drying of our country, the effects of climate change because of the trees that we are cutting down. So, I am bringing this Motion at a time when the President is committing to planting five billion trees in five years in this country. However, if you go to places like Kiambu and Kisii, you will see that the farms are the size of a handkerchief. People cannot afford land for cultivation, land for tree planting, and even for burying their dead. So, we are talking about planting trees at a time when there is a big competition for the land resource, therefore, we have to be innovative.

The innovation has been built upon by the contributions that each and every Member who has spoken to this Motion. We might not be having enough land in our farms, but if we are building 600 kilometres of road per annum on average, these 600 kilometres per annum can be good corridors for planting trees and greening our country.

It is in the contributions that came up here that we learnt that science has proven that the higher the degree of temperatures goes up; the poorer the countries become, the poorer the people become. Shockingly, science has proven that temperatures going high in a country contributes to the stupidity of people in that country. Quite a shocking revelation by science. There has been a big component of preserving the trees after planting them. It was a build up to the Motion by Members here as they were contributing. They said that beyond just planting the trees, we have to think of a component of how to preserve them after we have planted them.

It is a shame that the contractors we give the work to build roads in this country, most of them foreign, do the things that they would never do in their countries. The foreign contractors are actually culpable for the felling of trees along roads as they develop them. These foreigners would never do such an unimaginable thing in their countries. It is time we stood up as Kenyans and said that any contractor that we give a road contract should be tasked with replacing all the trees that he or she cuts or fells during the construction of the road.

Secondly, as it has been said here, this Motion should be escalated to a Bill. I shall take the task so that we can set a threshold of how many trees should be planted per kilometre. I would want to finally ask that the Executive takes note of the resolution of this House, because I am urging this House to resolve that we plant trees along roadsides and road reserves. Let this resolution of this House mean something. I had a word with the Cabinet Secretary in charge of Environment, a former Member of this House, Hon. Soipan, and she committed that she shall walk with this House on the implementation of the resolution that shall come out of this Motion.

Thank you very much for the opportunity and for the magnanimity of contributing some time to my fellow Members who wanted to contribute to this Motion. I appreciate it and I beg to move.

A Member: Can I second the Mover?

Hon. John Kiarie (Dagoretti South, UDA): I beg to reply.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, Ordinarily, the Chair would have put the Question, but because we do not have a quorum, the Question cannot be put. It can only be deferred to an appropriate date when we have sufficient quorum. Then the only business left on this Motion is putting of the Question.

(Putting of the Question deferred)

Next Order.

MOTION

PUBLICATION OF REGULATIONS ON PRIVATE LAND USE AND MANAGEMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Ferdinand Wanyonyi, you can move your Motion.

Hon. Ferdinand Wanyonyi (Kwanza, FORD – K): Hon. Temporary Speaker, I beg to move the following Motion:

That, aware that Article 68 (c)(i) of the Constitution of Kenya provides for minimum and maximum land holding acreages in respect to private land; deeply concerned that with high population growth and the demand for land have resulted in excessive fragmentation of land into uneconomic units; noting that at the same time, a number of people own large tracts of land which are not utilised optimally; noting further that cognizant of the fact that the Constitution in Article 60(1) sets out the principles of land policy which among other things requires that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable; this House therefore, resolves that the Government enforces compliance of Article 68 (c) (i) of the Constitution, Section 159 of the Land Act, 2012 and the National Land Policy (Sessional Paper No. 3 of 2009 - on maximum and minimum land holdings in Kenya) through publishing of the rules and regulations for private land use and management in regard to the minimum and maximum land holdings in Kenya.

It is very critical that we look at this. First of all, we are having population growth. The population growth in this country is going up every day. Therefore, we should increase food production to avoid famine and hunger that we are now experiencing in this country.

Secondly, there is fragmentation of land dividing it into economic units of small little pieces of land thereby reducing the cultivatable land. For example, if you have three children or sons, you divide your small piece of land and give a portion of it to the first born, another one to the second born and so on. In that way, you are actually interfering with productive land. That should stop. I see it happening all over the country, particularly in my area which is supposed to be a settlement area. People are now dividing land depending on how big their families are. Those who have two or three wives divide that productive land and because of that, land is becoming smaller and smaller. In the next 20 years, we will be asked what happened to our generation. That is a very important observation, otherwise, we will be shooting ourselves in the foot.

We do not have to mention names, but as you know some families are wealthy and buy a lot of land. Others have acquired land because of clannism or they have bought a lot of land. I would like to point out that that is our weakness in Trans Nzoia, parts of Laikipia and also in Taita Taveta. Some families buy a lot of land yet its usage is not as expected. They buy or acquire vast tracts of land but they do not utilise it to the expected levels.

I am just thinking aloud. You may have 500 acres of land and you only use 100 acres. The remaining land lies fallow for animals to graze on yet, it is supposed to have been used for cultivation. I have seen that happening on the land that belongs to the Agricultural Development Corporation in Trans Nzoia. My colleagues from there can confirm that the land is just lying idle. A person leaves land idle and is not in a position to do anything with it. Therefore, the Government should levy taxes on that land. I will leave that to the Ministry of Lands, Housing and Urban Development because it is an issue.

We have institutions such as schools and colleges which instead of expanding horizontally, should now expand vertically because their land is not being used. I went to an institution that has 13 acres of land and is only using one acre; the rest is just lying fallow. That land should be used for production. We need to build vertically instead of horizontally so that we can use land to even plant vegetables, beans or potatoes. At least that will help this country.

We have many problems. This Motion was supposed to have come in the 12th Parliament, but time ran out. I had a chance to go to South Africa where families live in clusters. If you have four or five children and you have two acres of land, you build a house on one acre for you and your children and the rest of the land is left for cultivation. That is what we should do because we have a lot of competition. We are currently experiencing famine. We should ask ourselves why we have famine in Kenya of all places yet there is land. It is because we have not used land very well.

I have come up with this Motion so that it may eventually become a Bill. The Motion seeks to involve the Government to ensure that land is used productively. I just want to repeat that there are those with large tracts of land which are just lying fallow yet, Kenyans out there have no food because of lack of land. It, therefore, falls on us as leaders to do something about it. We should use that land for productive purposes other than leaving it to lie fallow. I urge the Ministry of Lands, Housing and Urban Development to come up with a Bill that we will pass in the House, so that those who have land for the sake of it because they inherited it or they bought a lot of it, should be taxed for having land lying fallow.

Due to time constraints, I take this opportunity to ask the House to support this Motion because it is very important. We should see what is happening now and what will happen in 20 years.

With those few remarks, I ask my colleague, Hon. Robert Pukose, to second. Thank you.

The Temporary Speaker (Hon. Farah Maalim): You should beg to move the Motion first and then ask for it to be seconded.

Hon. Ferdinand Wanyonyi (Kwanza, FORD – K): Hon. Temporary Speaker, I beg to move and ask Hon. Pukose to second. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Dr. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I also thank my neighbour, Hon. Ferdinand Wanyonyi, also known as *Magufuli*, for this important Motion.

From the outset, this Motion was informed by several factors. First, when you travel to places such as Rironi and along the railway line, you will find that many people are struggling to plough along the railway line yet, when you go deeper inside, you find that there is a lot of idle land where no activity is being done.

In terms of food production, Egypt, which is virtually a desert, is the fourth largest producer of wheat. Israel produces fruits that it exports. Arable land in Kenya is much bigger in acreage compared with the area along the River Nile in Egypt that is being ploughed to produce wheat to export to the rest of the world. People are starving in Kenya. Currently, there are people facing serious starvation and are asking the Government to intervene.

Hon. Temporary Speaker, you come from the North Eastern part of the country which is currently facing serious drought. I come from the North Rift. We are currently harvesting maize. We have a lot of maize stalks in our farms that some people normally grind as animal feed. Some people plough them back into the land or burn them yet, animals in other parts of the country are dying. We really need to rethink as a country to see what it is that we are not doing right. One part of the country should not have plenty while another part is facing starvation. Through public participation, we should decide which areas and how much land should be residential because someone can even buy a 10 by 10 feet piece of land to build a house because people need decent housing. I hope that this housing project by the Government can be expanded so that many Kenyans have access to decent housing, and release more land for cultivation.

More importantly, we should look at land lying idle within the country that is not being utilised yet it is within arable areas that the owners can either be made to pay taxes, or release the free land to those who can use it even at a fee so that there can be food sufficient as a country, take care of our own needs and address the issue of food safety because both food safety and security run in tandem.

This Motion by Hon. Ferdinand Wanyonyi will require a formulation of both regulations and laws that can go through public participation and let Kenyans have candid discussions on how they want to move as a country so that we are able to organise ourselves in terms of housing and agriculture so that we have enough food for our people and export.

With those few remarks, I support.

(Question proposed)

Hon. Speaker: The debate is now open, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker, for this chance, and congratulations for the order that you have brought to the House.

Land ownership in Kenya and the world over is a story that develops itself and that old story may also inform our contributions on this particular Motion. The original land ownership was defined by the first occupancy theory. This was based on the fact that those who occupied it first, owned it. The Kenyan situation is the same because several tribes that occupy different areas were able to settle there, and that became their land.

The Kenyan situation changed with colonisation of the coming of foreigners to this country. The first team to arrive was made up of Arabs, Persians and that history goes on and, therefore, they alienated part of the Coastal land for their use. When the Portuguese arrived, they alienated a lot of land. The worst injustices were done by British colonisers who set in with what was called the land ordinances beginning with the ones of 1894 to 1902. The most popularised was in 1915 which alienated the Maasai land and so on and so forth.

I am coming closer to the issue of land subdivision. Africans, who would originally occupy any area and fight among each other for land occupation, were now restricted to certain areas. That set in the issue of land subdivision, which has continued to date. For those communities living in Western Kenya where I come from, for example, Vihiga, all the way to Kisii, have high populations and small lands. The same case applies to where the Mover and the Seconder of the Motion come from, that is in Kitale and Luo land areas. That then raises the question of implementing the constitutional requirement that an optimum minimum be required for the land that can be owned and even a maximum one. Therefore, this Motion is relevant. In my view, this Motion allows us a chance to actually look into the current land policy issue as outlined in Article 40 of the Constitution of Kenya, 2010, which guarantees ownership of private land by any person. It is only limited by Article 65 which restricts maybe certain foreigners from owning land and if they were to own it, they would do so on a lease of 99 years.

Given the current circumstances where this country is reeling from hunger and starvation, agriculture becomes the core business. I like the Kenya Kwanza policy which now fronts agriculture as the core issue which must be undertaken to solve the problem of food in this country. In this case, this Motion becomes relevant. Although it becomes relevant, it is important to address the issues of those small land owners who will then have to surrender their land in order for us to provide space for agrarian land. I am happy that there are certain mitigations that can be undertaken.

Why do people subdivide land into small pieces? Most of them do that in order to give a share to family members and this is customary. Others do it to give out land as gifts while others sell it for profits. Private developers may subdivide land for the sake of value to sell it to other people. But I want to capture the first reason that is to share it among the family as a matter of customary inheritance: From the forefather to the father, and then from the father to the son. This will have to be addressed. If there is such a fund, the Government can spare some money to buy land from those families who will be paving way for land to get arable for it to be farmed. We should then resettle them through the good program that the current Government is carrying out on housing scheme. This will actually guarantee every Kenyan a proper and decent housing. We hope this happens like it did in South Africa as the Mover highlighted. This would then provide a forum and easy means to make these many families who are clustered in the same place to access the social services they require like water, electricity and gas.

The big question is the arable land that is lying idle and it is larger than the small lands that we could be targeting. The truth is that majority of the people with small land are tilling it even three or four times a year like in Western where I come from. We till land four times. There is the first digging as we call it in local English, the second one and even the third one and therefore, it is fully utilised. The real challenge are the owners of the big chunks and whereas the Mover was fearful to name them, they are named everywhere. It is unfortunate that political leaders are the ones who own much land with exception of number five, a lady by the name (**Maisles Lai???**). We really need to bring land to taxation.

Today, I spoke to the presidential working team and one thing that they are also dealing with is ensuring that schools and education is sustainable. Hon. Temporary Speaker, education will be sustainable only if we have enough food for the children who are going to school.

Therefore, we must levy some form of taxation on the lands that are lying idle. In the United States of America (USA), education is paid for by property tax, specifically land tax. Those who own land and are not using it are taxed. Other forms of property are taxed too. We can use such money to fully fund education in Kenya.

This Motion, for me, opens a way where we can easily discuss a Bill that levies tax on idle land to fund education. The Competency Based Curriculum (CBC) is killing parents in the countryside because of the cost of education. Remember in the Constitution, education is supposedly free and compulsory, but the Government is struggling to fund it because of the limited resources. If we impose a tax specifically on property, more so land, then we will be in a position to raise money to fund education. Otherwise, the owners of idle land must be forced to till or lease it so that it is used for food production. We know food is currently a challenge in this country. Therefore, I find this Motion very good and timely, but it must be expanded beyond the imagination that the small holders are the ones who really need to be dealt with. The truth is that the real challenge lies with the maximum amount of land that one individual should be owning in this country. How is he or she using it? Is it lying idle for prospective purposes or is it productive?

Hon. Temporary Speaker, I support this Motion and thank Hon. Wanyonyi for thinking this way. He, however, must ensure that the cultural practices of the Luhya and many other communities in this country, where you have to receive some land from your father, are not completely killed.

The Temporary Speaker (Hon. Farah Maalim): Let us have the Member for Kilgoris.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Temporary Speaker, I want to thank you for this opportunity. The Motion is brought by a good friend of mine from Kitale and seconded by a Member from Kitale. That is very surprising because although he is my friend, I do not hold the same view in respect to this Motion.

Article 60(1)(b) of the Kenya Constitution puts emphasis on security of land rights. Hon. Temporary Speaker, you will remember that some years back, the late Hon. Elijah Mwangale, who came from more or less the same area as the Mover, brought up this issue at a forum and used this title which I find difficult to understand of, "Idle Land." Land use is more the issue... The Member who spoke last said that the elephant in the room is not fragmentation of land, but rather, it is the large land owners. I would submit that the problem with land in Kenya is that we are subdividing it.

If you go to farms in Kitale, the small holder, hand-to-mouth farmers, are less than the people who have large tracts of land. In the Peoples Republic of China, where I stayed and worked for five years, the big tracts of land in Hebei and other areas are the ones that feed the country. We should not fall into this temptation of thinking that because some people are landless, the cure for this is to subdivide land. In fact, subdivision of land will reduce its productivity. One thing we should disabuse ourselves of is that there will never be a time in Kenya when everybody will own land. The sooner we stop believing that people should own land, the better. We are multiplying and the land is not. When we fall into the temptation of subdividing our land, it will not be viable in the long run.

I come from a pastoralist area. On behalf of the many pastoralists, I want to say that there is no such concept as idle land. For example, I have 100 cows and somebody taking a trip to Maasai Mara looks at my land and does not see them because they are grazing at a certain corner. He will then say that my land is idle without knowing my cows will be grazing there tomorrow. It is a question of how we use land. In fact, land belonging to the Maasai, Somali and Samburu in Tana River and other pastoralists areas should not be classified as idle.

I know Members from particular areas in Kenya have pressure and cannot see the future. I have seen the way the Kisii people have reacted to land pressure. When you compare the economy of the Maasai people who have a lot of land and the Kisii people who have less,

you realise that the Kisii economy is stronger. They have moved on and found other ways of running their economy. They are not seated down salivating at the Maasai land. I think the communities facing land pressure should be more innovative and show their people other ways of making money. They can never get land which belongs to others. In the Republic of Kenya, every community has its land. When it comes to sharing of property, you cannot say that there is a group of people with land and another one without, and so, let us redistribute. That will be a recipe for chaos.

In this country, there are people who use land for agriculture. Let us encourage them to use technology to improve their land in a more economical way. Those keeping cattle should use their land to the best of their knowledge. The attempt to use land as if it belongs to the Government has been tried in many countries.

During the cultural revolution in China, all land belonged to the State and they were not allowed to make money out of it. When Deng Xiao Ping became the President of China, he encouraged people to become rich. You can only get rich if no policy or law will ever interfere with your land. When you get old and die, your children will inherit what you have.

Any policy that dictates that if you are not using your land properly you should be taxed, is wrong. They should take into consideration if one has the capability to engage the land in an economic activity. We must tell our people to take loans and use their land the best way possible. If they are unable to do so, it is their land and nobody should punish them. Why was Kenya doing very well during the Cold War? The countries that became socialist - I do not want to name them because they are friendly nations - tried to get people live in clusters. The rest of the land was to be productive. Who worked on those lands? We must tell ourselves that this country is built on some capitalist foundations. That, we must say. We value our wealth; how I own it, how I use it, and how I dispose of it. I shy to encourage anybody to say that the Government or some policy will have a say on your land if you are not using it. The only person who should have a say is yourself because the title deed you hold over land is called absolute proprietorship. We must never destroy the freelance nature of our land. Once you destroy the freelance nature of our land and bring in all manner of Government policies to interfere with ownership, then you will be destroying the enterprising nature of Kenyans. I urge my honourable friend to separate the two issues.

Fragmentation of land is causing less and less production of food. I think we should stop that one. We should encourage more and more non-fragmentation of land. We should stop coveting the large pieces of land that are around.

Hon. Speaker, I beg to oppose.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Julius Sunkuli. The Member for Marsabit County, Dr Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I support this Motion.

We know that our country is growing and the population is increasing day by day. We are experiencing this excessive fragmentation of land where some families even have nowhere to bury their loved ones. We also know very well that some of the incidents that have happened of late, of people killing family members or committing suicide, is as result of the frustrations they face because they have nowhere to place their heads. They cannot share the land that is there because it is too small and they have no money even to buy land elsewhere.

There are those who own large tracts of land which is not utilised. We are in a country where many rich people own huge tracts of land that they are not using. The land is underutilised. Even when it comes to selling land, the prices are quite high such that the ordinary citizen cannot afford it. In fact, if they can be encouraged to donate to the poor that live around there, maybe, that will help. Today, we see that it is the poor struggling to buy from the rich. The poor struggle to save every coin they have so that they can get some space where

they can put up a house. In fact, to a larger extent, when it comes to burying their loved ones, some families struggle a lot.

Again, unutilised land has caused food insecurity in our country. We know very well that some of the people who own land just do so because of some sentimental thinking - they do not want to develop the land. They do not want to plant crops. They do not want to do anything. Just having the land there satisfies them. They are not doing any development on the land. They are not doing anything! Most of them live in cities. Kenya is suffering because we do not have enough food to feed our people. Where possible, we need enough land so that those who can do farming are enabled to do it. We also know that poverty levels are quite high in some areas. For example, where I come from, we have huge tracts of land which is not arable and you cannot also live there because of the harsh climatic conditions. So, we are forced to gather around the mountain in Saku area, which is an area that we keep fighting over. If the Government can help in settling people and developing the place by having all the basic needs like water, infrastructure, schools, and electricity there, then people can settle easily and see how they can survive.

Therefore, Hon. Temporary Speaker, I support this Motion. I suggest that even as we think of how it will be implemented, those people who own huge tracks lands should take care of the people around them and see how the land can be best utilised for the betterment of the country.

Thank you and may God bless us.

The Temporary Speaker (Hon. Peter Kaluma): The Member for Seme, Hon. (Dr.) James Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I support this Motion, but with caution that I will talk about later.

This Motion arises from three important factors. One, in this country, there are large tracts of land that you wonder who owns them and how they are used. Some are ranches that owners say they are well utilised while some are left idle and one would wonder what they are used for. That is a factor that we are all aware of. You go to some places and see huge tracts of land that you are told belongs to an individual or a family.

Two, in some parts of this country, pieces of land are so small yet subdivision is going on in infinitesimal portions that cannot even be productive. There are jokes in some places that if your roof is without water collection, the water from your roof falls into another person's land. That is how small the pieces of land are.

The third factor arises from the Constitution. Article 68(c)(i) provides for a minimum and maximum acreage of land in respect to private land. If you look at these two factors, you then realise a huge issue that needs very serious consideration. People with small pieces of land will say, "The Constitution entitles me to own land." But the same Constitution in Article 40 gives the right to property which includes possession, control, use, exclusion of property so that even land is exclusively owned by the person, enjoyment, and disposition of land. Again, we find ourselves in a situation where on one hand, the Constitution gives the right to own a small piece and on the other hand, the right to own whether it is a small or large piece of land. The same Constitution says we should put limitations to land ownership. This just indicates the huge problem we have concerning land in this country. There is even conflict between conservationists and locals. We know there are communities that have been in and out of court for a long period of time because they are being denied the use of land which the State considers to be forest land where people should not live.

Again, on the same issue of land, we have structures, systems, laws, and Government offices that deal with land. We have reached a situation where purchase of land is so unsafe and the titles are no longer sacrosanct as they should be. You have a title and you are told it was not properly acquired yet there is the provision for individuals to go to the Ministry of

Lands to do a search. Hon. Temporary Speaker, you are a lawyer. What else can an individual do if they go to the custodian of all the processes of land as enshrined in the law and yet the same custodians are the ones violating them? This has been a very huge problem. In fact, even before the Constitution 2010, we had the Ndung'u Commission which gave a lot of recommendations that looked reasonable regarding what to do when a land owner develops it in the belief it is theirs only for them to be told that the processes were not followed. That renders the title not legal.

Therefore, I support this Motion which calls for regulations to be anchored under Article 68(1) of the Constitution. I think we need to look at the whole Land Act and other Acts before we even talk of regulations. Something needs to be done. I support this Motion because it will provoke some action of not only looking at the regulations, but all the Acts relating to land. In my view, the midway is use of land. The tract you have, however large it is, how are you using it? That should be the question. On distribution of land, we should not have a situation where people are suffering yet large tracts of land are not being properly utilised. We are all terrestrial animals. Where else can we live if land does not belong to us? Some people might say the air is theirs. So, what shall we breathe?

I think the Mover should not just follow up the regulations and their implementation, but also all Acts involved in land utilisation. Land, if used well, will be productive to the country. If it produces food, it will feed the people and if it produces minerals for export, it will improve the economy. Taxation is good because even those people who do not own land still benefit from it.

Hon. Temporary Speaker, with those remarks, I support the Motion. I want to add that we must look at it very broadly. Let us look at the historical and illegal issues pending in court. Let us revisit reports by commissions that were put in place, but their recommendations not implemented.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. Member for Kanduyi, Hon. John Makali.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker for granting me this opportunity to contribute to the Motion before the House. From the outset, I must congratulate my colleague and friend, Hon. Ferdinand Wanyonyi, for bringing it.

Hon. Temporary Speaker, going down memory lane when we were having discussions on enacting our Constitution in 2010, one of the most contentious chapters was the one on land. There were very hot discussions on what provisions should be put in this chapter. Article 68(1) of the Constitution clearly gives this House the powers to enact legislation that will prescribe what is the minimum and maximum land holding. This Motion seeks to give effect to a constitutional imperative that is granted by Article 68(1) of the Constitution of Kenya. The Fifth Schedule of the Constitution gives the timelines for the enactment of legislation. In that regard, this legislation ought to have been enacted within a period of 18 months. To date, no legislation has been enacted that prescribes the minimum and maximum land holding. This Motion is perfectly before the House so that we can deliberate and come up with a resolution as to the way forward.

Secondly, Section 159 of the Land Act, 2012 states that the cabinet secretary is required to establish a commission to carry out a scientific study to inform the particulars of the legislation, which study should be shared with the public and their input taken before such kind of legislation is passed. So, there is no fear. Those who are worried that if we put this legislation in place large tracts of land will be lost have absolutely nothing to fear. This will all be subject to public participation as required by Section 159 of the Land Act, 2012.

It cannot be gainsaid that we have persons in this country who own large tracts of land. It cannot also be gainsaid that there are persons in this country who stay on very small portions of land. Where I come from, they describe those people who live on small portions of land as

people who stay in a point. It cannot also be denied that we have had several cases of historical injustices due to land clashes. We have had issues of squatters - people who have nowhere to stay. Once we expedite this policy and enact it, we will address all the concerns that people have had over land issues in this country.

We will not be the first to set up maximum and minimum legislations. Several jurisdictions in the United States of America and Australia have provisions on minimum and maximum landholdings. Once we set up those regulations and policies, we will clearly demarcate places where we can engage in serious arable farming and places for settlement. We will also gain funds from taxing persons who hold land which they do not use. There are persons in this country who own large tracts of land, but they never pay any tax on it. Once we have this policy in place, we should address all those concerns.

I support this Motion. We will be discharging our duty which is a constitutional imperative given to us by Kenyans in Article 68(1) of the Constitution, which we have not realised up to now.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Makali, just before you sit, Article 40 speaks to the right to property. I am asking you this as a lawyer. One has the right to acquire, possess, abuse, misuse and dispose of property. There is also Article 68, to which you have referred the House, which talks about limitation of acreages. Where provisions of the Constitution disagree, which one prevails? I ask you this because you are a prominent lawyer in the country.

Hon. John Makali (Kanduyi, FORD-K): Yes, Hon. Temporary Speaker. My short answer to that is that the Constitution must be read in a purposive manner. My starting point would be Article 60(1) which states that land must be used in an equitable, efficient, productive and sustainable manner. I am mentioning those key words because they are very important to me. Then, we move to Article 61 of the Constitution that says that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. We have hyped the values of equitable, efficient, productive and sustainable use of land.

The Temporary Speaker (Hon. Peter Kaluma): You have indicated that you stood as a learned person.

Hon. John Makali (Kanduyi, FORD-K): Yes. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Member for Kericho County, Hon. Beatrice Kemei. You look very anxious to contribute.

(Laughter)

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute. First, I must say that I support the Motion on publishing of the Rules and Regulations for private land use and management in regard to the minimum and maximum land holdings in Kenya. I thank Hon. Ferdinand for bringing it.

Secondly, where I come from, land is a very important asset. You can be known as wealthy or not by the size of land you own. Before a girl is married off, her father always asks whether those people have land. If they have it, then it means they are wealthy. The girl can have a place for herself and her children to live. She will also have food on the table. So, land is very important to us. However, land fragmentation is an issue. If you look at the size of land at the moment, it is small. Our grandparents had, say, five acres. Our fathers have, say, three sons. They fragment the land to one acre each for the children. That creates very small pieces of land that may not be used for important things.

I support this Motion. I support land use which involves the management and modification of natural environment to put it into very important use. I support use of land in agriculture. If many people live in particular areas like the North Rift, in those sides of Trans

Nzoia County, where there are vast pieces of land, they can live in a particular area that is designated for settlement. The rest of the land can be used for agriculture. You realise that people move away from some places depending on the fertility of the land and whether it is arable or not. I support the fact that people should live in a particular settlement area and then other areas can be left for farming. When vast land is used for farming, we will have food security.

Hon. Temporary Speaker, where I come from, people go deep into the Mau Forest because land is very scarce. This is an issue that disturbs many people. Others live as squatters. They are evicted from the forest. Others live in camps because of land issues. It is very important to come out clearly on how land can be used by bringing rules and publishing them. There are people with vast pieces of land which are not properly utilised. When people live on that land as squatters, they should not be chased away since it is not being used. Nobody will leave this world with their land. Some people do not have a place to put up a house yet there is land lying idle for years. According to the Constitution, in as much as everybody has a right to own property, we should be considerate. If somebody has not used their land for years and has not been paying land rates, then it belongs to the Government. All the land in Kenya belongs to the people collectively as a nation, community and individuals. If an individual is not using their land, then why not let other people own that land and use it appropriately?

We have land meant for recreation, but people use it for other purposes and exploiting it. The people do not have places to live. We also have land used for mining. After exploitation, it needs to be rehabilitated for other purposes. It is important to modify land usage so as to ensure that even those without land are given land. We seriously need to look into the land issues. There are people who do not have title deeds thus they own land illegally. They should be given title deeds. Others have been killed because of land issues. So, as we discuss this Motion, the Ministry of Lands, Housing and Urban Development should take this matter seriously.

Arid lands have been overexploited resulting to soil erosion. There is also the issue of planting along the road reserves which is public land. This has been brought about by existence of vast land which is unused. When we have regulations, our people will be informed on how to acquire land. This will also help the landless to be settled and those who have been exploiting their land to put it to good use. The idle land will be utilised and this will increase food security. I urge Members to support this important Motion.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Hon. Mpuru Aburi, Member for Tigania East. I hear you are a squatter.

Hon. Mpuru Aburi (Tigania East, NOPEU): *It is okay.* Asante Mhe. Spika wa Mda kwa kunipatia nafasi hii. Kwanza, jambo la mashamba katika nchi yetu ya Kenya ni mbaya zaidi. Kwa mfano, ukiangalia upande wa Meru, kuna pahali panaitwa Timau ambapo watu wana zaidi ya 4,000 acres. Na wale wamepakana nao wako na *only 20 points*. Yule jamaa ambaye ako na ekari zaidi ya 4,000 utapata anafanya kilimo cha kuuza mazao nje ya nchi. Wengine wanapeleka mazao yao Afrika Kusini na wengine Netherlands. Wakaazi wa pale ndio wanaendelea kuumia.

Hoja hii ninaiunga mkono kwa sababu inaangalia maslahi ya watu ambao hawana uwezo wa kuwa na shamba kubwa. Mara mingi, watu wanahangaika na kutaabika kwa sababu ya mashamba. Kwa hivyo, ninasema kwamba hii ni Hoja ambayo inashughulikia mwananchi wa kawaida aliye chini na hajiwezi. Hoja hii ikipitishwa, Kenya nzima itakuwa na usawa kwa sababu kuna wengine ambao wako na shamba lakini hawailimi. Wengine wana wanyama katika mashamba hayo na ndiposa ninasema kama wao hawataki kuwa na haya mashamba, watozwe ushuru mkubwa zaidi. Ushuru huo lazima uwe juu zaidi ili iwe vigumu kulipa. Hivyo, watawauzia Wakenya Wengine. Kuna mashamba yasiyo ya kununuliwa ambayo yalipatwa kwa njia isiyo ya halali na wale waliomo Serikalini. Wao hawajali wale wanaohangaika.

Ningependa kumuunga mkono Mbunge aliyeleta Hoja hii ili Serekali ya wakati huu iendeshe gari lao likiwa na *side mirror* kwa sababu inasemekana kwamba usiendeshe gari bila voo hivi. Hii itawasaidia kuangalie mambo yalivyotendeka zamani.

Spika wa Muda (Mhe. Peter Kaluma): Mhe. Aburu, *side mirror* kwa lugha ya Kiswahili twaitaje? Kulingana na kanuni za Bunge, yafaa uongee lugha moja. Inastahili uchague Kingereza ama Kiswahili.

Mhe. Mpuru Aburi (Tigania East, NOPEU): Sijatumia lugha mbili ila nimetumia lugha moja. Ninasema ya kuwa Serikali inayo tawala sasa iweke voo vya pembeni katika gari lao ili iangalie inapotoka na inapoelekea. Kuna wale walipata mashamba kwa njia isiyofaa na wenzao wakitaabika. Ukiangalia upande wa Tana River, Mombasa, Molo na Kwale, kuna watu walio na mashamba makubwa ilhali jirani zao wanataabika. Ndiposa ninasema kwamba ningependa kumuunga mkono aliyeleta Hoja hii ili watu wapendane, wasikizane na tuwe na umoja. Katika nchi yetu ya Kenya, walio na pesa ndio wataishi vyema na wasio nazo watataabika. Walio na mashamba makubwa wayagawe ama wawauzie wale wana uwezo wa kuyanunua.

Mhe. Spika wa Muda, ninashukuru na ninaunga Mkono Hoja hii.

Spika wa Muda (Mhe. Peter Kaluma): Acha tupate Mbunge wa Imenti Kati, Mhe. Wakili Moses Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker. First and foremost, I take this opportunity to support this Motion by my friend, Hon. Ferdinand Wanyonyi. This Motion is timely because as stated in Article 60 of the Constitution, there are a number of things which ought to have been done at the time when the 2010 Constitution was promulgated. Some legislations should have been done by this Parliament to regulate land tenure and land use in Kenya.

Hon Temporary Speaker, currently, Kenya is facing food scarcity and this is not attributed to the lack of land needed for cultivation. The problem we now have is land use, where land which is fertile enough for production of food is lying idle. It is not in use because the same land is owned by people we call telephone farmers. Most of them live in Nairobi and are not using that land for the benefit of Kenyans. If you go to developed countries like Germany, Belgium and those others in Europe and parts of America, you will find that there are large tracts of arable land which is being used for production of food. The citizens of those countries live in well programmed settlements that have all the amenities necessary for human existence. You will find shopping malls and residential areas which are supplied with electricity, sewerage system, adequate water and all the amenities that are necessary for good human habitation. The rest of the land is commercially used to produce enough food for their consumption. They get extra food to sell or even export. That earns them foreign currency.

We should provide for registration as is required in Article 60 of the Constitution. I tend to think that there will be a Bill following this Motion. We are going to come up with regulations and other orders therein that stipulate how to use land and even prescribe the size of land one is supposed to own. If one has one big tract of land that is not utilised, what can he pay the Government? The land cannot just be lying idle without being used commercially to benefit Kenyans. Such land should earn the Government revenue. Members here have those pieces of land which are just lying idle because they have the power to purchase them. If you go to Meru, you will find large tracts of land that are not in use especially all the way from Laikipia to the other side of Meru, namely, Embu. What is the Government earning out of those big tracts of land? If you traverse the whole area up to Isiolo and Garissa, you will see large tracks of land owned by individuals. What is the Government earning out of it?

As proposed by this Motion, if things are put in place, it is my belief that those pieces of land will be of benefit to Kenyans. The tax paid for having those big tracks of land is going to benefit even the small man who does not have a source of income in Kenya. That is what is

supposed to be called land consolidation. We should move from the parochial idea of subdividing land into small pieces that cannot benefit anybody even though it is said that if you subdivide those pieces of land, they give you incentives to get earnings through other methods of land use. There is no adequate land to be utilised for production. Indeed, that is not the case. We should be thinking out of the box.

We should be thinking about how we can survive by consolidating the small pieces of land and making them arable through mechanised farming. There is no way we can have small fragments of land and use mechanised farming. We should have a moderate law that sets the minimum and maximum piece of land that an individual should hold, so that, at least, the extras can either be given back to the Government or to those who can utilise them for commercial gain by all Kenyans.

I, therefore, support this Motion by my colleague, Hon. Ferdinard, because it is well thought out. It is high time we implemented Articles 60 and 68 of the Constitution so that they can have the full force of law. If the Building Bridges initiative (BBI) had succeeded, these sections could have been dealt away with because, maybe, we would have discarded the Constitution.

First, we should embark on implementing the Constitution which is one of the best documents. It has solutions to the many problems that Kenyans have.

I support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): The Member for Samburu County, Hon. Pauline Lenguris. Hon. Members, we have barely 10 minutes to the end of debate today. If you could use even fewer minutes, we will accommodate more.

Hon. Pauline Lenguris (Samburu CWR, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to the Motion that is on the Floor. We all understand that land is a very sensitive issue in Kenya that is supposed to be handled with a lot of care and caution. We have seen in this country so many cases and disputes that are related to land use and fragmentation in Kenya.

I heard my colleagues saying that there is idle land in Kenya. I believe there is no idle land. Land is either owned by an individual or by communities. Where I come from, land is owned communally. So, in my place, there is no land that is idle or that does not belong to anyone. Most of the land in the place I represent is not put in use not because people do not want to, but because of the harsh climatic conditions. People will find a lot of bare land that is not being used, but sometimes we use the land for grazing our animals.

At my place, livestock is the main source of livelihood. We have also converted most of our land into conservancies which belong to communities. It is also one way of attracting tourists. Tourists come all the way to see wild animals. It is also a source of income to this country and the counties we represent. I stand here to oppose the Motion because I do not believe there is any idle land in the country. If the Government wants to put land that is not in use into practice, they can consult the owners and then support them by facilitating them to put the land into use and enable them with the technology that can assist them. For example, the Government could assist people in getting water for irrigation by drilling boreholes and making dams. That may put that land into agricultural use. Right now, because of the harsh climate, we are not able to use most of our land and it is unacceptable to give it to other people.

The Constitution of Kenya has also given Kenyans the right to own property and land. The Government can lease the land if there is any land that is not put to use in most of the areas. For example, there are historical injustices of land in Laikipia, which is owned by very few individuals. For many years, we have brought petitions to authorities demanding back the land, but there is no response from the authorities.

I stand here as a pastoralist to oppose the Motion on the Floor. We cannot accept that kind of law in Kenya. We want to be assisted by the current Government, so that we can put most of our land into good use. I oppose the Motion, Hon. Temporary Speaker. I submit.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Elachi, are you on an intervention button or you want to contribute? Can you use less than three minutes?

Hon. Beatrice Elachi (Dagoretti North, ODM): Yes, I will use less than three minutes.

Thank you, Hon. Temporary Speaker. I support this Motion which is here courtesy of Article 68 of the Constitution of Kenya. If you want to deal with it or **remove it, so that we can go back to other things, then we have to go to the referendum.** When this was put, it was to guide Kenyans who have minimum acreage to ensure that they do not subdivide their land.

In Nairobi today, land has been subdivided into plots. Today, children of those who own such land are suffering. They are languishing in poverty. Even as I speak and look at the regulations, for those who are absentee landlords, they must decide whether they want to continue using the land or give the land to communities. We have people who are just absentees like at the Coast region and other areas. The land **is** there yet people are languishing in poverty. They cannot even farm it and yet someone living in Qatar and other places abroad owns the land.

As I support this Motion, let us agree as Kenyans that there was a purpose to have this Chapter in the Constitution. It was not to take the land where we are grazing or anything, but it was meant to deal with absentee landlords. Therefore, we must deal with this matter expeditiously.

As I finalise, we need to look at this chapter on land properly and look at the regulations that we have been given. More importantly, we need to enact a law to ensure that those who have communal land ensure that nobody touches it. As for the absentee landlords, we must deal with them. Give land back to the people of Coast region. Also, protect Nairobi, so that we do not share...

The Temporary Speaker (Hon. Peter Kaluma): Let us have the Member for Kirinyaga Central, Hon. Joseph Gitari.

(Technical hitch)

Is there a problem with the system there? It is barely audible.

Hon. Joseph Gitari (Kirinyaga Central, UDA): Thank you, Hon. Temporary Speaker.

I never wanted to disturb my brother, Hon. Wanyonyi, but I contacted him on the motive of the Motion and where he is coming from. I want to oppose this Motion with the strongest words possible. Where we come from, we value pieces of land however big or small. It is not a problem. I want to go on record to say that what I have gathered from my brother, Hon. Wanyonyi, is that he does not know the number of surveyors in this country. We have more than 6,000 surveyors who rely on those pieces of land. This is not applicable in Central Kenya because after consulting him, he told me that the bare minimum would be five acres.

It is a bit wanting when people try to say that if you bought a piece of land of about 5,000 acres, people can come there and get part of it. Other people are in the business of fragmenting those pieces of land. We are trying to insult many Acts by introducing this Motion, namely, the Physical Planning Act, the Surveying Act and the Land Act, 2012. I do not know the motive of this Motion, but what we are saying is that it will be... Hon. Temporary Speaker, I want to oppose this Motion with the strongest terms.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Leah Sopiato, Member for Kajiado County. Let a pastoralist speak after a landlord.

(Laughter)

Hon. Leah Sankaire (Kajiado County, UDA): Thank you, Hon. Temporary Speaker. I thank you for giving me this opportunity to make my contribution to this debate which I totally oppose because it has a lot of issues. When I look at it, I think we should not have it here.

I am particularly drawn to a line that says that a number of people own large tracks of land which is not utilised optimally. I come from a pastoral community where we rear livestock. Land is the backbone for our livelihoods. From the livestock, we get school fees for our children. We also get money to build our houses and basically, that is our way of life.

We need six acres of land to feed one cow per year. If I have 100 cows, I will need 600 acres of land to feed them in one year. It is wrong to imply that because my land is not farmed, it is idle land. For me, rearing of cows is a business that is economically viable for our community. That is our way of life and that is how we do it. So, by judging that my land is idle, I just want to know the mechanism or the yardstick that has been used to see land in my place and imagine that it is idle. Simply because my way of life is not your way of life, should not mean that our land is idle. Some of us are not farmers, and if we are farmers, we are livestock farmers. If I do not plough my land and you pass by and see a large piece of land that has not been farmed, that does not mean that it is idle land. My cows are my source of livelihood and this is Kenya where everyone is free to own land and sell it at their own free will to a willing seller and a willing buyer. If I am not willing to sell mine, the Government should not compel me and tell me how much acreage I should own.

Some of us have communal land and this is our ancestral land. We inherited it from our parents. If someone did not inherit from their parents and they see mine that I inherited, they should not imply that it is idle land and that I should share it with them. It is viably giving me income. It is there for the posterity of our families. I urge this House to completely disown this Motion and throw it away in totality. This Motion is not going anywhere.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Member. The Temporary Speaker is on his feet. I am grateful, Hon. Members, for the interest demonstrated in this particular Motion. The Motion should be debated for three hours. I am informed that we have only debated it for one hour and twenty-five minutes. So, we have a balance of one hour and thirty-five minutes. Hon. Sopiato will be the first to speak when we next sit. The remaining time for the debate when Parliament next sits will be utilised by Hon. Members who will show interest in the debate.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7.05 p.m., this House stands adjourned until tomorrow Thursday, 17th November 2022 at 10.00 a.m.

The House rose at 7.05 p.m.

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