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Wednesday, 23rd November 2022

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, you could ring the Bell for another 10 minutes.

(The Quorum bell was rung)

Do we have Quorum now? Okay, we can proceed.

PAPERS

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2021 and the certificates therein: Budalangi, Ugenya, Nyakach, Kwanza, Matayos, Sigowet/Soin, Muhoroni, Wajir West, Wajir East, Wajir North, Wajir South, Kipkelion East, Tarbaj, Changamwe, Mwatate, Kabondo Kasipul, Voi, Kuria West, Borabu, Fafi, Dadaab, Mandera North, Mandera West, Mandera East, Lagdera, Eldas, Ijara and Lamu West.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for year ended 30th June 2021 and the certificates therein:
 - a) Alupe University College
 - b) Kenya Institute of Curriculum
 - c) TVET Curriculum Development Assessment and Certification Council
 - d) School Equipment Production Unit
 - e) Webuye West Technical and Vocational College
 - f) Navakholo Technical and Vocational College
 - g) Kipsinende Technical and Vocational College
 - h) Higher Education Loans Board (HELB)
 - i) Friends College, Kaimosi (Kaimosi College of Research and Technology)
 - j) Lake Victoria South Waste Water Development Agency
 - k) Ahmed Shahame Muidani Technical Training College
 - l) Chemelil Sugar Company Limited
 - m) Riragia Technical and Vocational College

- n) Soy Technical Training Institute
- o) Kakrao Technical and Vocational College
- p) Shanzu Teachers Training College, Mombasa

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order?

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Deputy Speaker: Question by Hon. Member for Teso North Hon. Oku Kaunya. It seems the Member is not here. We will defer it to the next Session.

(Question 009/2022 deferred)

There is also a Question from the Member for Imenti North Hon. Abdul Rahim Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Deputy Speaker. First, I want to make a correction. My constituency is not Imenti North, and North Imenti. So, I would wish the Table Office to rectify it because Imenti North is a subcounty and not a constituency.

Hon. Deputy Speaker: I stand corrected.

Question 012/2022

PAYMENT FOR KBC RETIREES

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Deputy Speaker. I wish to ask the Cabinet Secretary for Information, Communication and the Digital Economy the following Question:

- (i) Could the Cabinet Secretary explain why Kenya Broadcasting Corporation (KBC) employees who retire have to wait for over two or more years for their pension dues to be paid?
- (ii) Could the Cabinet Secretary further explain why the former KBC employees who received the lump sum amount never receive their monthly pensions on time?
- (iii) Could the Cabinet Secretary expedite payment of monthly pension dues to Mr. Paul Muriira of ID No. 7670170 and Personnel No. 002394, a former KBC employee who is yet to receive his dues from August 2022 to date?
- (iv) What measures is the Ministry putting in place to ensure that former KBC employees receive their dues, including arrears and interest without further delay?

Thank you, Hon. Deputy Speaker. The Order Paper says, '...to be replied before the Departmental Committee on Social Protection'. So, is it going to the Cabinet Secretary for Information, Communication and the Digital Economy or the one in charge of social protection? I am not sure about that now.

Hon. Deputy Speaker: It will go to the Department on Information Communication and the Digital Economy. There might have been an error in the Order Paper. So, your Question stands committed to the Departmental Committee on ICT. Thank you.

Next, we have a Question by the Hon. Member for Gilgil, Martha Wangari.

Question 031/2022

NON-COMPLETION OF THE GILGIL-OLKAKAU ROAD

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Deputy Speaker. I wish to ask the Cabinet Secretary for Roads and Transport the following Question:

- (i) Could the Cabinet Secretary explain why the 15 km road from Gilgil Town to Kanyiri Centre was left incomplete during the upgrading of the Gilgil-Olkalou road to bitumen standards?
- (ii) Could the Cabinet Secretary provide timelines for when the said section will be completed as the section is in a non-motorable state?

Just a correction Hon. Deputy Speaker. It is 'Gilgil-Tumaini, to bitumen standards'. That was an error during drafting.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That Question stands committed to the Departmental Committee on Transport and Infrastructure.

I now call upon the Member for Mandera County Hon. Umul Kheir Kassim.

Question 032/2022

STATUS OF THE MANDERA WATER SUPPLY AND SEWERAGE PROJECTS

Hon. Umul Kheir Kassim (Mandera County, UDM): Thank you, Hon. Deputy Speaker. I wish to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

- (i) Could the Cabinet Secretary provide the status of the implementation of Mandera Water Supply Project and Mandera Sewerage Project both funded by the African Development Bank in conjunction with the National Government under the Kenya Towns Sustainable Water Supply Sanitation Program, and which were awarded in 2018, but have since stalled?
- (ii) Could the Cabinet Secretary provide the details of the total contract sum for each of the two projects and also state the cost implication occasioned by delays in their completion?
- (iii) Could the Cabinet Secretary indicate when the contractor will resume works on the two stalled projects and also provide expected timelines for their completion?
- (iv) Could the Cabinet Secretary explain the measures in place to avert future loss of human life and livestock at project sites as a result of negligence by contractors, and consider compensating the family of Muhidin Awes Yerrow Mahamed, a minor who lost his life after falling into an unsecured deep hole left behind by the contractor at the Sewerage Project?

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Member. That Question is committed to the Departmental Committee on Blue Economy and Irrigation.

The Member for Kinango, Hon. Gonzi Rai, you have a statement.

REQUESTS FOR STATEMENTS

RAID AT MWEMBENI VILLAGE IN KINANGO

Hon. Gonzi Rai (Kinango, PAA): Hon. Deputy Speaker, I rise to request for a statement regarding the raid that was done at Mwembeni Village in Kinango Constituency.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairman of the Departmental Committee on Administration and Internal Affairs regarding the raid that was done at Mwembeni Village in Kinango Constituency. On the night of Monday 10th October, 2022 the villagers of Mwembeni in Kinango Constituency were attacked by a gang of 50 members armed with guns, machetes and other crude weapons. The raiders were in military attire. They assaulted the residents, demolished houses and even burnt them down causing a lot of destruction to property. The security agencies responded to contain the situation, and the Samburu OCPD dispatched a team of officers from Taru Police Station. The team made arrests, and three suspects were detained at Taru police station. Three vehicles with registration numbers KCZ 469A, KDB 938P and KAY 005F in connection to the incident were also impounded and taken to the same police station.

It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following:

1. Could the Chairperson provide the status report of the investigations into the attacks and the impounded vehicles, and the action taken against the arrested persons since then?
2. Noting the kind of weapons and equipment used by the raiders, could the Chairperson provide a report on the intention of the said raid and whether there is any, if any, connection to organised crime or interest-driven motive?
3. Could the Chairperson state the measures the Government is putting in place to curb increased cases of insecurity at Mwembeni Village and the entire Kinango Constituency?

Thank you.

Hon. Deputy Speaker: Thank Hon. Member. That was brief. You actually had more time but that is okay.

Hon. Protus Akuja, Member for Loima Constituency. Hon. Members, I will allow all the four statements to be made then you will have an opportunity to comment and debate on the Questions and Statements.

EXPLOITATION OF HUNGER SAFETY NET BENEFICIARIES BY BANK AGENTS

Protus Akujah (Loima, UDA): Thank you, Hon. Deputy Speaker. I rise to request for a statement regarding the exploitation of hunger safety net beneficiaries by their banks and bank agents.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Social Protection regarding exploitation of beneficiaries under the Hunger Safety Net Programme (HSNP) and other cash

transfers programmes in Arid and Semi-Arid Land (ASAL) areas. Under the safety net programme, commonly known as HSNP, is one of the cash transfer programmes implemented by the National Drought Management Authority (NDMA) under their national safety net programmes collectively called *Inua Jamii*. It is aimed at ensuring well-targeted use of cash transfer programmes to support some of the most vulnerable and poor households in the country. However, these funds do not achieve their intended objectives because unscrupulous agents subcontracted by banks to pay beneficiaries have monopolised the machines for cash withdrawals and force the beneficiaries to buy and borrow goods from their shops at exorbitant prices to exploit them.

The National Drought Management Authority offices are located in Lodwar town in Turkana County and the beneficiaries incur high traveling costs from far-flung areas or regions to report cases and access basic services like applying and replacing Automated Teller Machine (ATM) cards. The beneficiaries who include the disabled and elderly lack the capacity to participate in income generating activities and are forced to borrow heavily and engage in other maladaptive coping strategies such as selling of livestock and assets to access NDMA services at the headquarters. Unfortunately, most of the cases go unresolved. This has caused a state of widespread destitution yet the funds are meant to avert this occurrence.

It is against this background that I seek a statement from the Chairman of the Departmental Committee on Social Protection on the following:

1. What measures has the Ministry put in place to ensure a transparent process of recruiting new beneficiaries that guarantees inclusiveness of the majority of the eligible vulnerable groups?
2. What measures has the Ministry put in place to protect the beneficiaries from exploitation by the banks and their agents?
3. What plans has the Ministry put in place to ensure accessible services by the targeted beneficiaries located in far-flung areas like Kibish without them accruing extra cost?

Thank you.

Hon. Deputy Speaker: The Member for Kamukunji, Hon. Yussuf Hassan, you have a statement.

FINANCIAL DISTRESS IN PUBLIC UNIVERSITIES

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Deputy Speaker. I would like to request for a statement addressing the financial distress facing our public universities under Standing Order 44(2)(c).

Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairman of the Departmental Committee on Education and Research on a matter of general concern, namely addressing the financial distress facing public universities in Kenya. Our higher education sector is currently grappling with serious financial challenges. In the recent past, public universities have been struggling to survive as they are unable to honour their statutory obligations including remittances to the Kenya Revenue Authority (KRA), the National Hospital Insurance Fund (NHIF) and the National Social Security Fund (NSSF), and payment of debts and wages due to banks, contractors and suppliers. As at June 2022, the combined debt borne by these institutions was Ksh56.1 billion and this figure keeps accumulating at an alarming rate.

Public universities heavily rely on Government funding of state-sponsored students for operation. However, in the recent past, there has been a continued decline in Government funding. This decline has been worsened by the low intake of self-sponsored students under the parallel programme as more students embrace technical courses often not available in our

public universities. The current Government funding criteria for state sponsored students is the Differentiated Unit Cost (DUC) where the Government is expected to shoulder 80 per cent of the tuition fees cost per student and the rest is covered by the student.

It is notable that the current flat rate fee structure fee paid by students has been in place since the 1980s. Therefore, public universities depend on the Exchequer for survival. Owing to the acute financial crisis, the University of Nairobi was recently forced to raise tuition and accommodation fees in a bid to stay afloat. Egerton University has experienced a shutdown of its main campus after industrial action by its lecturers and staff over unpaid salaries. Other universities have been forced to close various campuses in restructuring efforts. There have been pronouncements from the Executive pointing towards a blanket withdrawal of funding to public universities, with calls of them to look to other sources of revenue. The overall impact of such an action will jeopardise the existence of these institutions and paralyse higher education system, denying many students, particularly those from poor backgrounds, a much needed opportunity.

It is on this account that I seek a statement from the Chairperson of the Departmental Committee on Education and Research on:

1. What steps is the government taking to financially evaluate and audit all public universities to ascertain the extent of their debt burden?
2. What restructure measures is the government pursuing to prevent further accumulation of arrears by public universities and to redeem them to solvency by ensuring that there is adequate funding?
3. How does the government intend to involve all stakeholders concerned in implementing a turnaround measure for public universities to ensure their sustainability?
4. What plans does the government have to improve tertiary education system and make public universities more effective and more competitive?

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Member for Kamukunji. I now call upon Hon. Joseph Makilap, Member for Baringo North.

PAYMENT TO LAKE TURKANA WIND
POWER FOR UNSUPPLIED POWER

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Energy regarding payment by Kenya Power and Lighting Company (KPLC) to Lake Turkana Wind Power (LTWP) for unsupplied power.

On 29th January 2010, KPLC entered into a contract with LTWP through a power purchase agreement to finance, design, procure, construct, install, test, commission, operate and maintain the power plant and sell the net electrical output exclusively to KPLC in order to supply power from Loiyangalani in Turkana County to Suswa sub-station, Kenya's main power interchange, for interconnection to the national grid. However, over ten years later, the said power is yet to be supplied despite payment of over Ksh17 billion and provision of other infrastructure having been made.

It is against this background that I seek your indulgence and request you to invoke the provisions of Standing Order 218(2) to order an inquiry by the Departmental Committee on Energy as provided for in Standing Order 216(5)(e) regarding the above mentioned irregular payment of public funds. In the inquiry, the Committee shall look into, among other things, the following:

1. The alleged breach of contract by LTWP in the power purchase agreement with KPLC and the attendant consequences.
2. The justification by KPLC for paying LTWP over Ksh17 billion for transmission of power from Loiyangalani to Suswa Sub-Station that was never supplied, leading to near collapse of KPLC and an increase of power tariffs in Kenya.
3. The total amount of money paid by KPLC to offset a loan owed to East African Development Bank from the date of execution of the power purchase agreement to date.
4. The effect of payment made to LTWP on the rising cost of power in Kenya.
5. The details of the directors of the LTWP at the time of signing the agreement under reference with KPLC.
6. Possibility of conflict of interest, whereby the Director-General for the East African Development Bank, the bank that provided the loan to finance the project, one Ms Yeda Apopo Vivienne, is also the chairperson of KPLC Board of Directors.
7. The steps that the government is taking to ensure that such malpractices and pilferages from cartels on public funds through State corporations are put to a stop.
8. Any other matter that the Committee may deem necessary concerning the project.

I thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Members, I shall give opportunity to chairpersons of the relevant committees to comment on the statements. Now I call upon the Member for Maragwa, Mary Wamaau.

IMPLEMENTATION OF CROPS (COFFEE)
(GENERAL) (AMENDMENT) REGULATIONS

Hon. Mary Njoroge (Maragwa, UDA): Thank you, Hon. Deputy Speaker, for giving me this chance to request for a statement. Pursuant to Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Committee on Delegated Legislation regarding alleged gazettment and implementation of the Crops (Coffee) (General) (Amendment) Regulations, 2022. The Regulations were submitted to Parliament during the last *sine die* recess, seeking to amend the Crops (Coffee) (General) Regulations, 2019. The said Regulations were to mandate the Agriculture and Food Authority, popularly known as AFA, to register all coffee warehouse men, warehouses, coffee miller marketers, grower marketers, grower millers, auction organisers, coffee buyers, coffee bags suppliers, roasters, importers and for certification companies to maintain an up-to-date register and share the register with respective county governments.

The Crops (Coffee) (General) Regulations, 2019 led to the formulation of the Capital Markets (Coffee Exchange) Regulations, 2020 that sought to incorporate coffee exchange and licensing of brokers in addition to the establishment of a direct settlement system for advanced and transparent process of payment of coffee sales proceed. Despite the Capital Markets Authority (CMA) extending the effect of the old Regulations to the end of 2022 due to unresolved matters in the coffee sector, this marking the third time that the Authority extended the rules, the former Cabinet Secretary for Agriculture and Livestock Development published and implemented the Regulations without carrying out public participation and getting the necessary approval of this House. This has led to restoring the mandate of registering and regulating coffee marketers to the AFA and CMA as a regulator of spot commodities.

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Having been gazetted, Capital Markets Authority (CMA) has been barred from supervising the Nairobi Coffee Exchange (NCE) where it ought to have been around to supervise the auction as proposed under the Coffee Regulations agenda in the coffee sector across the country.

Hon. Deputy Speaker, it is against this background that I seek a Statement from the Chairperson of the Committee on Delegated Legislation on the following:

1. Could the Chairperson clarify whether the Crops (Coffee) (General) (Amendment) Regulations, 2022 were processed through Parliament as required by law, and if any, what is the status, approved or rejected?
2. Could the Chairperson explain how the statutory instruments submitted during the *sine die* recess could take effect considering the timing the Executive submits the instruments thus taking advantage of Section 15 (2) in regard to parliamentary scrutiny or statutory instrument, in particular on the 28 Sittings after the date of referral of the Statutory Instrument to the Committee?
3. Could the Chairperson explain what action the Committee is taking to ensure that the parent Act is amended specifically where regulations were annulled on the basis of substantive regulations matter carried in the regulations?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Member for Maragwa. I now call upon the Member for Seme Constituency, Hon. (Dr.) James Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity to comment on these Statements. I will first comment on the Statement by Hon. Protus Akujah on the Hunger Safety Net Programme (HSNP) beneficiaries and the exploitation by bank agents.

The HSNP is part and parcel of the whole National Safety Nets Programme (NSNP) in the country which includes cash transfer for orphans and vulnerable children, elderly persons and persons with disabilities (PWDs). These programmes are all suffering from the same problem. Previously, these programmes were implemented by different agents. For example, the cash transfers for orphans and vulnerable children, elderly persons and PWDs were through post office. This worked relatively well. The initial programme on HSNP was actually through agents like shopkeepers who would give cash or goods *in lieu* of cash. Again, this was working very well. Then they changed to programmes to be ran through banks.

In my view, this has not done well because sometimes the elderly and the caretakers for orphans and vulnerable children do not receive the money. You cannot be sure where the loss occurs. Sometimes the beneficiaries go to the bank agents or other times the banks themselves to make payments at specific points. The point is that people do not end up receiving the money. We do not know where the money gets lost. Is it with the agents, through the banks or is it that the Ministries do not send money? Many times, when people go to seek this money, they come through us. A statement may come here and the next two months from now, another Statement of similar nature is sought. What we may need is that when the responses to these Statements are inadequate, is to call the responsible Cabinet Secretaries to appear before the Committees. Interested Members, who will be many, can now attend those meetings and find out in details from the Cabinet Secretaries why these things are happening. This is extremely important.

Hon. Deputy Speaker, we are now distributing maize around. However, we are doing it the wrong way. When you go to a clan and distribute maize, then everyone will come yet not all of them are deserving. These programmes are supposed to pick vulnerable people. In any clan, the Chiefs, the Assistant Chiefs and the Clan Elders should identify the most affected families. These are records that should be available to us through the social protection

programme so that when time comes, before we even go out, we know the people we are targeting. If there is more food, then you can distribute to the rest.

This is an extremely important Statement that has been sought. I ask the clerks to bring these sentiments through the *Hansard* to the Committees so that the issues that I have raised can be addressed in the response. However, the best thing to do in future is to call the Cabinet Secretary here. This is an important area of social protection in this country. These people are the most affected when things are like this.

The second one is on the Statement by Hon. Yusuf Hassan addressing financial distress in our public universities. If we are not careful the public universities will collapse. We are getting to a state that I have seen happening in all public institutions and public service. The public universities have been the gold standard. Now they are collapsing and we will get to a point where students do not want to go to these public universities just like we are seeing with health services which are looked down upon. People see public health facilities as third-rate not even second-rate and are only meant for poor people. We should not let it get to that.

This is mainly because of the funding of public universities. In his Statement, Hon. Hassan stated that there are differential unit costs. Public universities should be funded in accordance to the number of students and not only this but also the cost of courses that they are undertaking. Definitely, the requirements for engineering are quite different from Bachelors of Arts in Education. Engineering has a much higher cost. That is why we agreed on 80 per cent by the Government and 20 per cent by the universities which has not been met. The numbers and the unit costs have not been looked into. So, universities are not getting adequate funds.

Hon. Deputy Speaker, we have another problem as a country where we agreed that the Kenya Universities and Colleges Central Placement Service (KUCCPS) can place government sponsored students into private universities. This came about when there was rampant cheating in exams and there were large numbers of students who qualified for universities. When this was sorted out the numbers shrunk. Now the mushroom universities and campuses have no students. We are now looking for a smart way of funding private universities through Government funding. This is something that we need look at. We may need to summon the Cabinet Secretary and raise these issues. There is a problem if university lectures are going for months without pay. In Egerton University the lectures are on half-pay.

Thank you, Hon. Deputy Speaker for giving me the opportunity. These are very important Statements.

Hon. Deputy Speaker: The Member for Pokot South, Hon. David Pkosing.

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Deputy Speaker for giving me this opportunity to make comments on the Statements raised by our colleagues. These are very important Statements. I hope the Chairpersons or anybody from the Committee is here. If not, the Clerk's office should take some notes on the contribution we are making so that the Committee uses them.

I want to comment on the Statement about social protection by my colleague and neighbour, Hon. Akujah. The Committee should address itself to several issues. Firstly, it is immoral for anybody to eat money or misuse money of a dying person. I hope the Committee will look at that element of punishment, particularly of the person eating that money. Social protection funds are for helping people who are already vulnerable and dying and they want to live. It is unfair if the person we entrusted with the responsibility of saving that vulnerable person eats the money. That should be a capital punishment, in my view. The Committee should propose amendments to the law so that if somebody is found misusing or eating money meant for a dying person, that person is slapped with a very heavy punishment.

Secondly, on the same social protection issue, is the predictability of receiving the money. People are from Loima in Pokot, or from some far-flung counties in this country, how do they know that this money is available and even plan with it? They do not know. These

people have not gone to school. They do not know what is going on neither when the money will come or what they are waiting for. They are old. Some are sick and others are very hungry. I thank my colleague Hon. Akujah for raising this matter through the Statement. I hope the Committee will look into those two issues, one being punishing of people misusing the money and the other being predictable on accessing the money just the way our salaries are predictable, so that the beneficiaries can plan on its use. Otherwise, those people cannot plan.

Thirdly, on the Statement from the member for Kamukunji, Hon. Yusuf, my very good friend, it is true. I want to implore you as the leader of this House and our boss, if we are not careful, universities are going to die. It is just a matter of time. I would rather than you seeking a Statement from the Committee, the Statement request becomes a property of the House, so that we can see how we can help as leaders.

You were with us in the 12th Parliament and the same Statement and Questions have been raised about funding universities to guarantee their survival. It looks like Parliament is almost lamenting. Parliament is almost saying that it is helpless in terms of addressing the issue of public universities. It is very critical. Hon. Yusuf today sought a Statement. Tomorrow, another Member will also seek a Statement. Another day, it will be myself seeking a Statement. Public universities are dying. What are we going to do? Why are we lamenting? Is Parliament unable to address this issue? I suggest that the Committee looks at it. We probably need to primarily discuss this matter in a *kamukunji*. Why do we not hold a *kamukunji*? The Committee needs to bring the Cabinet Secretary responsible for higher education alongside the Cabinet Secretary for Finance. Let them come to Parliament, so that we can address these issues together. We should not wait until we amend the Standing Orders to allow cabinet secretaries to come to this House to answer Questions.

Hon. Deputy Speaker, you have the power, as the Speaker, to organise for an informal meeting or *kamukunji* of Members of Parliament and the concerned cabinet secretaries. You can be the Chairperson of the *kamukunji* and the cabinet secretaries can be on the other side. We must help in this area. We have been lamenting for so long. Very soon, all public universities will close down and Kenya will become a laughing stock. I am not sure that seeking Statements...

(Inaudible)

Hon. Deputy Speaker: You can have two more minutes to finish your sentence.

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Deputy Speaker. I am suggesting that you take up this matter. Public universities are dying and we are going to lament. That is my suggestion. We did it one time. If you remember, there was a problem with the budget during the 12th Parliament. What happened? The Chairperson of the Budget and Appropriations Committee organised a *kamukunji*. He brought the Cabinet Secretary for Finance to this House and we ironed out the issues. We can even have a *kamukunji* about the National Government Constituencies Development Fund (NG-CDF). We can bring the Cabinet

Secretary to a *kamukunji*. We will soon be going home for recess. Where are the NG-CDF funds? Bring the Cabinet Secretary here, we have a *kamukunji* and sort out the issues.

As I close, you need to consider convening a *kamukunji*. We should, perhaps, provide for *kamukunji* in the Standing Orders so that if there is a matter of national importance, we can informally discuss first in a *kamukunji* rather than in a formal committee meeting.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Member. I hope the Clerks-at-the-Table are noting so that those notes can be provided to the relevant committee. I now call upon the Member for North Imenti, Hon. Rahim Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Deputy Speaker. I want to make a few comments on the Statements that have been requested, but before I do so, I would like to state the fact that I had earlier on raised a Question that was directed to the Cabinet Secretary for Information Communication and the Digital Economy regarding the case of the Managing Director (MD) for the Kenya Broadcasting Cooperation (KBC), Mr. Naim Bilal, who was arbitrarily stopped from working and taken to court because he was perceived to be leaning on the other side of the coalition of the political parties. He was not allowed to proceed with his work yet the court had already ordered that he should go back to work at the KBC as the Managing Director. The Government and the Cabinet Secretary should look into this matter so that he goes back to work.

The other issue is on exploitation of hunger safety net. Old people have to queue in banking halls the whole day only for them to be told that their names cannot be found in the records of beneficiaries. I have tried on several occasions with the former Principal Secretary, Mr. Marwa, to get a list from his office, of the people who are on the safety net, but I have not been successful. We need to get to the bottom of this matter as a House, so that every Member is made aware of who amongst his constituents are on the safety net list. Old people must not keep on queueing in banking halls the whole day waiting for money they are not sure of getting after travelling from far distances to get there.

Regarding the issue of the Kenya Power Lighting Project raised by the Member from Baringo North, it is criminal that we paid for power even when we were not consuming it. Along the way, somebody paid M/s Lake Turkana Wind Project because one of the lines could not be constructed on time. Such actions are criminal in nature and people should be brought to justice. As a country, we cannot afford to continue losing money in the tune of billions of shillings.

Lastly, regarding the Statement request on public universities, we cannot have public universities given money that is not enough to run their affairs. We need to get to the bottom of this matter to ensure that universities operate smoothly.

Hon. Deputy Speaker, I will appreciate if my Question to the Ministry of Information Communication and Digital Economy is handled together with Mr. Naim Bilal's Question so that when the Cabinet Secretary comes, he tells us why Mr. Bilal is not the MD any longer even though there is a court order to reinstate him.

Hon. Deputy Speaker: Thank you, Hon. Member. I now call upon the Member for Keiyo North, Hon. Adams Kipsanai, to comment.

Hon. Adams Korir (Keiyo North, UDA): Thank you very much, Hon. Deputy Speaker. I join my colleagues in supporting the Statement that public universities should be funded. Our institutions of higher learning currently face many challenges to a level where students are at limbo as to whether they are going to proceed with their education or not.

Hon. Deputy Speaker, staff members of public universities are also facing challenges getting their remunerations. I urge the Government to prioritise funding our institutions of higher learning to ensure they getting what they deserve. The Government is prioritising many areas including roads and security, forgetting that education is one of the major drivers of the

economy. As we prioritise health, we must also ensure that education is given the same emphasis. Doing so will allow our institutions to grow and guarantee education for children from needy backgrounds and protect them from the private institutions, which are there to mint money.

I support this.

Hon. Deputy Speaker: Member for Emuhaya, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Deputy Speaker for giving me this chance. I want to congratulate and appreciate all the Members who presented their Statements. I would wish to comment specifically on the one presented by the Member for Kamukunji, who spoke on university education. Unless we take care of university education, it is likely to collapse. I do not think we have a lot of time before it collapses. Maybe, within the next two years, there could be a real challenge. University education was adored in the past. It was referred to as ‘the sacred cow’ of education. At the time of Independence, there was only one university. Above all, we had very many technocrats who were in public service. As the colonisers left Kenya, there emerged the need to replace them with well-trained people, and such people could only be produced through individuals pursuing higher education. Therefore, university education was fully funded by the Government of Kenya.

We have economists of education like Michael Todaro, who ranks highly. He talks of the need for the Government to fund education. He attests that the Government tends to benefit more from basic education than from higher education. Therefore, most of the time the Government would prefer to fund basic education more because the benefits to the Government are higher than when the Government funds higher education. Therefore, after we attained independence, the Government of Kenya decided to fund university education because it really wanted to get people to work in the public service. Be it as it may, I want to tell this House that things have since changed. We now have so many university graduates and we do not have jobs to be filled. It is true that at one time, we had what we called the “university boom.” This was when Module II degree programmes were introduced. Module II is what we call parallel degree programmes. The average pass mark for enrolment in parallel degree programmes was so low that it allowed many people to enrol for university education. In fact, universities introduced a methodology of bridging courses for those who did not pass high school national examinations well. The many graduates we churned out of universities, courtesy of Module II programmes, could not get employment because there were no vacancies. That is how we ended up with a boom of university graduates who do not have jobs.

Finally, the Module II programme was brought to an end and that is when the rain started beating us. The funds that universities were getting from the Module II programmes stopped flowing in. University funding from the Government was not even as per the requirements of the differential unit cost. The Government was paying less. Now that we do not have Module II students, there is a challenge. I want to tell this House that decision-making is very important. One of the questions that we must ask ourselves would be whether we can sustain all the universities the way they are? That is a political question requiring both political and administrative answers. There are not many students who can fill all the universities that we have in this country. That is a real question that I want the Committee to investigate. I am happy that one of the best committee chairs, the Chair of that particular Committee, Hon. Melly, is in the House. Chairman, are we able to sustain the universities when they are political? They became bedrocks of economic earnings in our own places. It was education versus business. This is a question we have to deal with.

One other thing, which is a low-hanging fruit, and which should be undertaken immediately, is why we have sent public students to private universities. That is a dangerous thing that happened. I think it was a form of corruption. We are using public funds to build private institutions. So, when the Committee will be looking at this Statement, in my view, this

is a low-hanging fruit. Let us remove all the public students who are in private institutions immediately because we are enriching private entrepreneurship. What are the dangers of privatisation of education? According to Article 53(b)(i), education is a public good for public consumption. Therefore, its funding should be coming from the Government. The Government should not take its money to private institutions. That is where we are. I will leave it at that, but I ask the Committee to holistically look into the matter of funding universities so that we can save our public universities before they collapse.

[Hon. Deputy Speaker left the Chair]

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

The Temporary Speaker (Hon. Martha Wangari): Member for Kilgoris, Hon. Julius Sunkuli.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Temporary Speaker, I also want to join my colleagues on this matter of universities. Some of us went to university when university education was fully funded by the Government. In fact, we used to receive an amount of money called “boom” and we really enjoyed it. I remember buying my first radio system using boom money. The library was fully funded and everything was going on well. I am talking about the University of Nairobi. Subsequently, the Government started other universities. Kenyatta University was a university college then, but subsequently elevated to be the second university in Kenya. Then came another entrant, Moi University. The universities then proliferated. There came the Jomo Kenyatta University of Agriculture and Technology (JKUAT) and many others. After some time, you could ask yourself a number of questions.

First of all, universities need professors to lecture students. Those who belong to my generation know that we were taught by professors at the universities. Today, I ask myself where the professors going to lecture university students are coming from. We have so many universities that I do not know whether it is sustainable. A policy needs to be put in place so that we can revert to quality. There are no two ways about it. The Government must fund public universities. Otherwise, they will have to go through some unorthodox systems of enrolling students the way they did in the Module II programs and get people who can pay rather than people who have passed examinations. I would ask the Ministry of Education to find every means possible to address this issue. One of the ways of stopping this very expensive education that we have is to stop the proliferation of branches. Sometime I find Mount Kenya University (MKU) in Kisii and Kisii University in Mombasa. I mean, these are the things which are making our education very expensive. We should revert to a situation where a real university with proper professors is in place and the Government pays for the students. I think this will be closer to the truth. The only way of doing this is to stand up, as Members of Parliament, and say we have to save our universities.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. Martha Wangari): That closes Order No.7. We will move to the next Order.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDERS

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I rise to move:

That, this House resolves to exempt the business appearing as Order No.10 in today's Order Paper from the provisions of Standing Order 40(3), being a

Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party or business sponsored by a committee.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Marianne Kitany. Who is seconding the Motion?

Hon. Marianne Kitany (Aldai, UDA): I ask Hon. Adams to second the Motion.

Hon. Adams Korir (Keiyo North, UDA): Thank you, Hon. Temporary Speaker. I second the Motion.

(Question proposed)

Hon. Members: Put the Question.

The Temporary Speaker (Hon. Martha Wangari): That being the mood of the House, I put the Question.

(Question put and agreed to)

MOTION

PUBLICATION OF REGULATIONS ON PRIVATE LAND USE AND MANAGEMENT

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 cognisant 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.

(Moved by Hon. Ferdinand Wanyonyi on 16.11.2022)

*(Resumption of debated interrupted on
16.11.2022 – Afternoon Sitting)*

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, this Motion has a balance of one hour and 25 minutes. Hon. Leah Sopiato, if she is in the House, has a balance of seven minutes. If she is not, we will give this chance to the Member for Mosop, Hon. Abraham Kirwa. Since Hon. Kirwa is not in, the chance will go to the Member for Mumias East, Hon. Peter Salasya.

Hon. Peter Salasya (Mumias East, DAP-K): Thank you, Madam Speaker Sir. I just have a comment.

(Laughter)

I am sorry, I mean Hon. Temporary Speaker. I just want to make a comment on the Statement by the Member for Kamukunji about public universities. This is very unfair since I studied at Egerton University. It has had many...

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Salasya! The issue on that Statement is closed. We are now in the Motion by Hon. Ferdinand Wanyonyi. So, you are totally out of order.

Hon. Peter Salasya (Mumias East, DAP-K): Okay, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): The next chance will go to the Member for Lungalunga, Hon. Chiforomodo.

Hon. Chiforomodo Mangale (Lungalunga, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion by Hon. Wanyonyi.

Management of private land must be looked into. Today, landgrabbers use this window to make people suffer and the poor lose their land.

I stand here to attest that we have areas in Lungalunga, precisely Fungi Island, land in Kiwegu, Tswaka area and Wasini in Dzombo Ward, where the locals have been threatened by private land owners who went there only the other day yet they have been occupying that land for so long. These are just but a few examples. The law on private land needs to be looked into because people sitting in offices in Nairobi see open land on a map, create private companies and go to the ground to claim it as theirs. When they reach there, they liaise with the chiefs and other national Government administration officers to terrorise the locals. This is unacceptable.

We stand firm as a House and support Hon. Wanyonyi. He should proceed to ensure that this Motion is implemented so that our people can be safe, and, at least, every Kenyan can own a piece of land. We cannot have a situation where just a few rich, gluttonous people with money own big chunks of land at the expense of the poor in this republic. We are not saying that business people or investors should not be given a chance to invest in land. No! Let this be done the right way, and not at the expense of the poor person. Otherwise, I support the Motion by our senior Member, Hon. Ferdinand Wanyonyi.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Nandi, Hon. Cynthia Muge.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker. I also rise in support of the Motion brought to the House by Hon. Ferdinand Wanyonyi on matters regarding publishing of rules and regulations for private land use and management in regard to minimum and maximum land holding in Kenya.

By profession, I am a physical planner. I happen to have studied and done a lot on land use and fragmentation issues. As it has been clearly put by the Member, it is evident in this country that land fragmentation has become a serious issue. This is especially in areas that used to be agricultural, where people who used to undertake farming activities are no longer doing so.

I support the Motion because land fragmentation is uneconomical. The reason why most lands are fragmented is because of poor enforcement of laws. I have always said this not once or twice, but several times, that the problem we have in this country is not the rules, regulations and laws, but their enforcement. As it has been put clearly by Hon. Ferdinand Wanyonyi, it is up to the Government to ensure that the existing laws are enforced. There are laws that are supposed to ensure that land fragmentation is stopped, especially in areas that have been gazetted for specific land uses such as agriculture.

There are also people who have large tracts of land in areas where land is earmarked for commercial use. People are holding onto land in areas where one should have small pieces of land, and they are not making any economic use of it.

I support this Motion to enforce Article 68(c)(i) of the Constitution of Kenya, Section 159 of the Land Act, 2012 and the National Land Policy, as has been clearly set out. Those pieces of legislation have regulations that are supposed to be implemented and enforced by the Government to ensure that Kenyans benefit from their land.

With those remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Let us hear from Nominated Member Hon. John Mbadi.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Temporary Speaker. Thank you for giving me an opportunity to contribute to this Motion by Hon. Ferdinand Wanyonyi.

This country has a problem with land. That became evident after the 2007 general election. That is why one of the most critical issues that were discussed at that time was land use. In the Constitution, we came up with a full chapter on land and environment. It was the understanding then that once we promulgated the Constitution of Kenya 2010, an Act of Parliament on better land use would be enacted, followed by regulations which would help in specifying the minimum or maximum acreage of land that one individual can have so as to deal with the bigger problem.

There are two issues I would like to point out. I am happy that Hon. Ferdinand Wanyonyi is spot-on on this matter. First, is the issue of land fragmentation. In order for us to have food in the country, our land must be productive. We have a lot of productive agricultural land in the country which has been fragmented into smaller pieces, which are not even economical for farmers. Therefore, farmers basically grow for subsistence. The country engages in subsistence farming because agricultural land has been fragmented.

If you go to my neighbouring counties of Kisii and Nyamira, where my friend comes from, there are very fertile lands that have been fragmented. Many tall buildings have been constructed in places where we could have used the land properly. Members of the Gusii community also want to live. They want housing. So, how do you balance between protecting agricultural land and providing housing for the Kisii and Meru peoples, or for the people in Kakamega? Those are densely populated areas. We should have come up with a proper land use policy where people are settled in tall buildings, so that we bring people together and close to each other while protecting fertile agricultural land for food production. That is one area.

The rate at which land is being subdivided in Kitale, Trans Nzoia and in all those areas in the Rift Valley, which we have all along called the food basket of this country, is alarming. Give it just a few years and you will find that those areas will not be able to feed this country. The lands will be uneconomical.

Secondly and fundamentally, there are also areas where huge tracts of land, which are owned by some of us here, lie fallow. I have no evidence, but I am sure there are Members of Parliament who even own hundreds of acres of land and they do nothing with them. They just drive there over the weekend enjoying how rich they are. When compiling their wealth declaration forms, they state how they have billions of shillings which do not exist in real sense. There is no reason why you should own huge tracts of land. You do not even do anything on an acre yet you have 1,000 acres.

What would one individual do with 5,000 acres of land? Why not sell it to other people who can put it into productive use? We are not saying that it should be repossessed. That route has been taken by some countries and the results were not positive. Zimbabwe tried it and they were not successful. So, do not go and forcefully take land from people. We should, instead, encourage owners of large tracts of land to sell, and Kenyans should be encouraged to buy it from them. The Government can buy land from those individuals. You can ask them to surrender that land, give them money for it and give the land to those who want to farm as their main economic activity. That is doable and achievable, but there is no goodwill.

It is my prayer that the new Cabinet Secretary for Lands, Housing and Urban Development will think outside the box and help. We do not want to hear people threatening and scaring communities that there is a Motion that has been passed in Parliament where you can only own a maximum of 10 acres of land. No one is saying that. We do not need a uniform maximum acreage of land. There are places like in Maasai land, where someone can even have 50 or 100 acres of land because its economic use requires that vast piece of land. There are other areas, however, where you can reduce the maximum land ownership to a reasonable acreage.

I could go on and on. I hope the Government takes this Motion seriously and implements it. Once we pass it, the Select Committee on Implementation should move with speed to ensure that it is actualised.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Let us have the Member for Sirisia, Hon. John Waluke.

(Applause)

Hon. John Koyi (Sirisia, JP): Thank you, Hon. Temporary Speaker, for giving me a chance to also speak. I have been away for a very long time, but I am now back. I thank the Members who stood with me during that bad time.

Land is very important to this country. We live because of food and water. Many people in this country are starving because of where they live, like our brothers and sisters in Turkana and North Eastern. There are no rains there. I concur with Hon. Mbadi's contribution. There are people in this country who own thousands of acres of land. There is one person in this country who owns 56,000 acres of land. That land is not properly utilised. It is fertile land. Once upon a time, the papers had a story about a Kenyan who buried his mother on a 1,000-acre piece of land.

I support this Motion. People own thousands of acres of land that they did not buy. They just grabbed it. They did not buy that land. We need to pass a law to state that if you own thousands of acres and you are not using them, the Government should either buy that land and give it to needy people to use it to produce food for the country or you surrender it to the Government. They own it, but did not get it in a proper way and so, it should be taken. We need to find a method of how we can give such land to the needy people. People can be brought from Turkana to own land in Kitale because this country is for everybody. They will farm and get food to take to their people in Turkana.

I thank Hon. Ferdinand Wanyonyi for coming up with this Motion. Once a Motion like this one is passed, action must be taken so that we can save this country from land grabbers. When I am on a plane, I see forests. When trees are cut in other forested areas, over a thousand people rush there to build temporary houses and grab the forest land. We need to amend the forest laws so that we can protect the forest cover. If we continue to encroach on forest areas, and not take care of our water towers, and most of them have already been taken over by land grabbers, we will all die in 20 years to come. Therefore, once this Motion is passed, it should be implemented with immediate effect.

With those remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, allow me to recognise students seated in the Public Gallery, from AIC Kipsangui Boys High School, Soy Constituency, Uasin Gishu County, and Kabungut Boys High School, Bomet Central Constituency, Bomet County.

On behalf of the House, and on my own behalf, I welcome them to observe the proceedings of the House.

The next chance goes to the Member for North Imenti, Hon. Rahim.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I will not say whether I am for this Motion or not because of one reason I have already given to Hon. Ferdinand Wanyonyi.

Minimum and maximum acreage of land should not be a case at all. There are places like the ones Hon. Mbadi has talked about, namely, Meru, Kisii and Nyamira... What if somebody has only one acre of land and the Committee on Implementation says that that is the minimum? We should have different categories of minimum and maximum acreages depending on whether an area is urban or semi-urban because that is how it should be.

I agree with the maximum rule where we should put land to production because Article 60 of the Constitution says that you have to have land security. However, when Hon. Waluke talked, I think he did so from both sides of his mouth, he said that there is a family which owns 56,000 acres of land which they got for free. He then went ahead and said that we should pay them for the same land so that we can give it to people to undertake farming. If public land was, indeed, given to individuals for free then, it should be given back to the public for free. Land is an emotive issue in this country. We should not have people who have large tracks of land. We should come up with a policy that if you are not using the land productively, then you should be charged for it. If you are not going to use it, let other people use it. Let it be leased to other people if it is freehold because under Article 60 of the Constitution, every person is guaranteed security of land rights even through there is not a blanket protection by the law. We should see how we can lease idle land at minimal cost or otherwise, the land owner should pay land rates yearly. Freehold land does not attract land rates. We need to know that some individuals have obscene acreages of land. Hon. Waluke mentioned about 56,000 acres. Another Member mentioned 100,000 acres. Certain individuals own almost whole counties. In some instances, 60 per cent of a county is owned by an individual. If that is the case, then they need to pay rates for such land per acre. Hon. Ferdinand Wanyonyi from Kwana Constituency needs to come up with reparation that can be done, otherwise, we are going to have people owning land without putting it into productive use.

We cannot set a minimum acreage of land in urban areas. If I were to talk of my constituency, it is both urban and semi-urban. If I was to go to one of my municipality wards and say that the minimum acreage of land is half an acre, what happens to a person who has five children? How is he going to divide that half acre amongst his children? Will he wait for them to kill each other for them to inherit that land? The minimum should not apply to urban centres and urban areas because that land is not used commercially for agriculture.

As much as I support this Motion, I do so on the maximum aspect and not on the minimum aspect. I hope we can get down on this matter as early as possible because similar Motions came up in the previous two Parliaments, but they were not prioritised. We were there, but nothing happened. I hope this time round, we will do something.

The Temporary Speaker (Hon. Martha Wangari): Member for Mandera South, Hon. Abdul Haro.

Hon. Abdul Haro (Mandera South, UDM): Thank you, Hon. Temporary Speaker. I rise to support the Motion by Hon. Wanyonyi, which seeks to limit the size of land that one can own. I concur with most of my colleagues, especially on the questions of excessive fragmentation of land and individuals owning huge chunks of land when many Kenyans are languishing in small pieces of land.

Coming from a pastoral region, we used to think that pastoralists have unoccupied huge chunks of land, but of late, we have seen a lot of fragmentations coming up. As you know, pastoralism is hinged on mobility. If you have fragmented pieces of private land owned by specific individuals, it means there is no pasture for the many livestock that we have. The problem becomes serious during the drought period like the one we are currently going through.

According to some studies, only 20 per cent of our population owns about 65 per cent of arable land in this country. This is gross inequality and it is something that needs to be looked at.

Hon. Temporary Speaker, food production is a question we are grappling with right now. We had a heated debate here on genetically modified maize and Genetically Modified Organisms (GMOs) yesterday. All of that was because of this cardinal question about food insecurity which also translates to nutrition insecurity for our people. We need land for food production. If individuals hold huge chunks of land, some holding up to 500,000 acres of land, then it means we will be left with very small fragmented pieces of land which are not even enough for families to have kitchen gardens in this country. So, I strongly support this Motion. I thank Hon. Wanyonyi for bringing it up at this juncture. It is timely and most welcome. It goes far in terms of making us realise and brings our attention back to Article 68(c) of the Constitution which provides for the minimum and maximum capping of the acreages of land an individual can hold.

Thank you, Hon. Temporary Speaker for giving me the time to contribute.

The Temporary Speaker (Hon. Martha Wangari): The next opportunity will go to the Member for Mogotio, Hon. Kiborek.

Hon. Kiborek Rueben (Mogotio, UDA): Thank you, Hon. Temporary Speaker. I also stand to support the Motion by Hon. Ferdinand Wanyonyi. Land is a very emotive issue. Be that as it may, we also need to talk about it. It is a discussion we should have and continue having because land is a factor of production. The continuous subdivision of rural agricultural land is a big challenge which has been commercialised by business people who look for margins. For instance, someone buys 100 acres of agricultural land. Because he may not get a buyer, he subdivides it into small plots of 50 feet by 100 feet and then he invites many buyers to come and buy it. It ends up losing its original purpose which was for agricultural use. It becomes a semi-commercial land without an urban set up because it is a rural place. So, we end up losing agricultural land in places which were historically known for being the bread basket of this country such as Njoro, Ngata, Uasin Gishu, Trans-Nzoia and other places. These places feed this country. However, the land ends up being subdivided into small plots which cannot even grow maize, wheat or any other cash crop which can feed this country or be exported.

We should enforce the law on the minimum subdivision of land in rural areas, so that we do not waste agricultural land. I agree that we should have laws governing the maximum acreages of land an individual should own, as long as he utilises it. A person can be allowed to use the land for the intended purposes. The problem is when someone has a big chunk of land which is not being utilised. It ends up not being of any help to the country and the individual who owns it.

We should tax idle land. If someone is not using the land, he should be taxed so that it becomes expensive to keep it. As Hon. Dawood has said about urban areas, subdivision of land should be allowed because it enhances their growth. However, it should be done according to the physical plan of that urban area.

I support the Motion by Hon. Ferdinand Waititu. Thank you.

Hon. Members: Hon. Waititu?

Hon. Kiborek Rueben (Mogotio, UDA): Hon. Ferdinand Wanyonyi. Sorry, Hon. Temporary Speaker.

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Temporary Speaker (Hon. (Dr)

Rachael Nyamai) took the Chair]

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Definitely Hon. Waititu is not in this House but you have corrected yourself.

Hon. Members, we move to Hon. Julius Melly, Member for Tinderet.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. First of all, I want to commend Hon. Wanyonyi for bringing up this Motion. This House dealt with such Motions in the last two Parliaments. I also want to bring to the attention of the House that at the end of this Motion, it will be proper that we develop laws and regulations that will actually put into action the resolutions of the House.

I want to bring to the attention of the House that there was a time the Ministry of Lands, Housing and Urban Development had a soil sample bank. We also took what we call land bank. There were also many issues concerning land. One of the biggest problems facing this country is actually failure to implement the land laws. We have enough laws in this country that can enforce proper use of our land. Some of the best agricultural lands in the country are in Nandi, Uasin Gishu, Trans-Nzoia and Nakuru. At one time, this country was exporting wheat from Narok and many other parts of this country. However, these areas have been subdivided into plots. The land in some of these counties that used to be the breadbaskets has been subdivided into one-acre plots, quarter an acre or even half an acre which is uneconomical. It is my considered opinion that the Departmental Committee on Lands, Ministry of Lands, Housing and Urban Development, in consultation with the Ministry of Agriculture and Livestock Development, should sit down and actually give a very detailed plan on how we can consolidate and make use of very productive farms.

As some Members have put it, there are certain individuals who own large tracts of land but they do not have economic use. I remember one time, certain members from Eastern Europe wanted to join the European Union (EU). Before they joined, they were supposed to meet certain conditions set by the EU. One of them was to consolidate their farms, reduce the number of farmers and make sure that everyone who calls himself a farmer is productive. Because people reside in the rural areas in this country, they call themselves farmers because they have their abodes or houses there. However, in the real sense, most of them buy *unga*, milk and vegetables and yet they have large tracts of land.

It is therefore good that we sit down and have clear regulations for those who want to live in the villages and have productive use of land. Those who can live in urban centres and towns can buy the food from very progressive farmers very cheaply. Uasin Gishu County is known to be a very productive area for maize, wheat and milk. Because of poor land use and land tenure system, you can get somebody in the middle of a very productive land selling a quarter of an acre or half an acre, and yet the municipality has delineated boundaries. This is what the county governments need to do. If we do not take action, Trans-Nzoia, Uasin Gishu, Nakuru and Nandi counties will just be large slums. They will be completely overrun by individuals or land speculators. Very good counties such as Laikipia, Kajiado and Narok where we can do very good range farming will be lost to land speculators and unmanageable subdivision of land.

We need to come out as a House and guide the nation on how to use our farms well. Otherwise, this is going to cause a crisis in future where the Government will have to import everything. We used not to import food from our neighbours but currently, Kenya is now a net market for the region in terms of maize, beans, onions, tomatoes and potatoes due improper use of land. Successive governments have tried to solve this issue but because land is an

emotive issue in this country, everyone else is trying to avoid it. The best thing to do is to come up with a proper land use policy, land use laws and implement them so that we can save this country from hunger, starvation and loss of foreign exchange in importing food. We are now importing eggs from Uganda, we are trying to import maize from Tanzania, bottled milk from Russia and even wheat from war-torn countries such as Ukraine. It is time for us to take action.

Thank you.

The Temporary Speaker (Hon. Racheal Nyamai): Very well-spoken, Member for Tinderet. The next Member is supposed to be Hon. John Mbadi. I am told that he has withdrawn from the Chamber. I will give this opportunity to Hon. Caleb Amisi.

Hon. Caleb Amisi (Saboti, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this. I wish to congratulate my neighbour, Hon. Ferdinand Wanyonyi. Being my neighbour, we face the same challenges of land fragmentation. Trans Nzoia County has been known in this country as the bread basket of the Republic of Kenya. We have the basket but there is no bread inside. As emotive as this issue of land is, we should not shy away from putting a stoppage to further fragmentation of land carelessly for the purposes of putting up high-rise commercial building. In Trans Nzoia, for example, the land that was vast, historically owned by white settlers, and was known for very serious large-scale maize farming is now full of gated communities. People are turning fertile arable land into gated communities when we have other areas across the country that are dry. Basically, they cannot be used for farming activities. Those are the areas that we should use for gated communities. We ought to have a programme in this country where we put a stoppage to further fragmentation of land across the country so that there are areas that we can put aside for development or residential and this should be a Government policy.

For those who have flown across Europe, you will see patches of residential land from above and you will see large tracts of land across that are not supposed to be residential. There is a farm law against putting up residential houses in certain areas. It is purely for farming and only those individuals who have the capacity to do farming are allowed into those areas. This is exactly what needs to be happening. If you look at Kiambu County that used to have large coffee farms, there is no any acreage of coffee any more. You will instead see high rise and gated communities where people are excited in putting money. These are areas that are high-intensive capital ventures that we are basically putting our money into gated communities and making land that was supposed to be used for farming unavailable.

Food insecurity in this country is as a result of not looking for more arable farming areas. We need to capacity build our farmers whether it they are coffee, tea, maize or sugarcane farmers. Areas that are perennially meant for farming of certain crops must be protected by the Government. We must have a clear legal framework to protect land that is arable. Trans Nzoia and other areas of Rift Valley that are supposed to feed this Nation are mostly under land owners who have left them fallow. They have not done anything on the land and people are comfortable owning large tracts of land without use. Their only comfort is that they own acres and acres of land which gives them pride. Pride without having a clear framework of making our land useful for the population is going to be disastrous to this nation in the long run.

I appreciate my neighbour for taking the steps to protect further fragmentation of our large-scale farming land that is supposed to be used to feed this nation. We could not be talking about food insecurity if we could put more effort in preserving our large-scale farming. That is supposed to be where our country is. Food is a basic need and land is a factor of production. These are areas that we should not joke around with. This should be part of the work of the Cabinet Secretary. He should come up with land regulations so that lands across counties are

protected. Land that is supposed to be used for farming is used for purely for farming. They can have a policy at the county level. Land is a devolved function. We must have a working programme between the county governments and the national Government. There are members of the County Executive Committees in charge of lands in the counties but they are not working. You wonder what they do in county governments. We know the Cabinet Secretary for Lands has his work cut out. What is the work of a Member of CEC in charge of Lands in the County Government? These are areas that we need members of CECs across the counties to work on such that we know that a certain county is meant for farming a particular crop and how well we can guard it. That even if they are owned by individuals, let them be guided by Government policy that they can only do a certain thing on specific land. You cannot just misuse land because you own it.

Some of the ownership of these lands historically is a challenge. To some people, land was grabbed and others taken through unjust means. Whichever way they were acquired, can we have a programme of making sure that as a large-scale land owner you use it to help the entire country? It is not a matter of just having land and being proud for being a large-scale land farmer yet you are not farming. There is no pride across the whole country about just having idle land and no building, selling or fragmenting. In fact, land fragmentation has become a business where people buy land in order to sell to prospective buyers. People are now taking buying and selling of land as a commercial business venture, where they just buy land and after sometime they expect to sell it at a higher price. You find that land is now skyrocketing. An acre of land in a place like Kitale that is supposed to be used for farming, is going for Ksh20 Million and you wonder why. It is because people are using it as business for commercial purposes. Until when are we going to fragment our land? This is a timely Motion and I know after this Motion, Hon. Wanyonyi will take a step to actualise it through a Bill so that we have a proper legal framework on how to guard our natural resources and our factor of production. Land being one of them, we must guard our farmers; we must guard our land owners; we must guard what we hold dear as a nation and we must protect and contribute to food security through preservation of our large-scale land farming.

Thank you, the Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Let us go to the Member for Emurua Dikirr, Hon. Johana Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance also to put my voice on this debate especially on land. All of us know that in Kenya we have made land a very big issue. Whenever we are addressing an issue that touches on land, it is usually a very emotive matter. The proposal by Hon. Wanyonyi should be looked at diligently, properly and actually implemented if it supposed to address the questions we normally see about land. But most importantly we need to remember that during the 2010 Constitution campaigns, this Article was seriously buttressed and it was one of the most contentious at that particular time. It made more than four million people to vote against the 2010 Constitution. Reason being, there was a belief that this Constitution was going to force people to own a certain piece of land. Land beyond five acres was going to be declared as an illegality. The committee concerned on implementation on this part of the Constitution should look into it and do proper public participation so that when it is going to be implemented, it is not going to raise the same emotive issues that it did during the countdown to the 2010 Constitution.

I know the spirit of the Constitution. The meaning of that Article was not meant to prejudice any owner of land, but it was actually meant to give land the value that it was meant to have. In our country land has several functions but the most important one is farming. Most

people in this country are farmers, including us. Farming is just part of our lives. Even if you are a teacher, lawyer, industrialist, you still farm. Thus, one of the major functions of land is farming. If we subdivide this land into small units, the purpose of farming will not have any meaning. You cannot farm on half or a quarter of an acre and expect to get the economic value of that farming. The intention of this particular Article was to ensure if we truly want to be farmers, then we need to allow tracts of land or we remove certain tracts of land for farming.

The other purpose of land is speculation. The immediate Member who was debating on this matter claimed that our land has been used for speculation wrongly. It is part of business. Land is also used as an economic value. People use it for speculation. If they want to make money, it is part of investment. The fact that speculations or the cost of land is rising is not a bad thing. It is one way of an economic value to the land.

Land is also used for investment. There are so many people who would not know where to put their money or the money they have, other than to buy or save that money in land. Obviously, land appreciates. It does not depreciate like machines. People normally put their money on land. Especially inheritance for their children because 20 years after you have bought maybe one acre of land, it will cost more than three or four times during the time your children maybe inheriting it. It is not for a bad reason. The most important thing that needs to be discussed in this particular proposal is that if truly we want to make our country and land productive, we need to find a way that we allow the tracts of land which are meant for farming to remain so. This one can happen through rural to urban migration. The introduction of affordable housing in this country will go a long way in helping actually those people who are living in villages to live in towns and allow the farms in the villages to be used now for the purpose that they were intended for. If our land is arable, why would we build houses in those lands? Why would we make each and every part of your family live in every corner? If the land is arable allow that land to be farmed and be used productively. If people want to live or want to have houses, allow people to just build a house in a place where we cannot farm so that we allow the arable part of their farms to be used for farming.

The intention of this particular Article is not to destroy any ownership of land; it is intended to allow the parts that arable in this country to be very productive so that we shall not be crying each and every year for lack of maize, rice or foodstuffs. The country is very productive. It is only that we are so lazy that we do not want to use the productive part of land to ensure that the country is food sufficient. The intention of this particular proposal is good. It is only that we need to have a proper public participation or sensitisation amongst ourselves so that we can understand the main intention.

Another issue which is very contentious is the imagination that the land that is idle is going to be taken away by the Government. The Constitution is clear on the ownership of land regardless of whichever method you got that parcel of land. As long as you are properly registered, it is your land. If the Government wants to acquire it or have it for any use, it cannot be by force. You just buy or compensate the owner of the land. The notion where people are claiming that most of the tracts of land will be taken away by the Government is not true. There is a lot of idle land and there is what we call absentee landlords. This one must be addressed properly because right now there are many people who are landless and have nowhere to farm. There are many areas where the Government needs to farm. We just saw in the previous Government where it leased land, Galana Kulalu and put out billions of monies for irrigation but never made that profit that was meant to be and did provide food for the country. Instead, the Government should look into those idle lands, negotiate with the owners, farm there, irrigate that land, and produce food for this particular country.

Hon. Temporary Speaker, there is nowhere in this country where any idle land shall be taken away from anybody because I do not think there is such land in this country. All land in

this country belongs to, at least, a person, the Government - whether national or county governments - and the forests.

I wish to support the Motion by saying we only need to look at it diligently and find a way of ensuring the farms or the land that we own become useful to the country. Remember, just the other day, the Deputy President told us that Russia or Ukraine is going to be giving this country certain foodstuffs. The reason why Ukraine or Russia, even at this particular moment when there is real war in those countries, still have sufficient food to give to other countries is because three quarters of their land is arable and they use it for farming. People live in towns in those countries and the rest of the country is purely for farming wheat, barley and many other stuffs. That is why they afford to supply us food even during war. We do not have war here; we have never had war within ourselves; but our people are hungry. They are sleeping hungry. Why? Because we do not utilise the land we have.

I support.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Hon. Johana Ng'eno. Hon. Julius Ruto, Member for Kesses Constituency.

Hon. Julius Ruto (Kesses, UDA): Thank you so much, Hon. Temporary Speaker. I also rise to support the Motion on the land policy direction the Motion is seeking to address.

First of all, as Members who have contributed earlier have alluded, land is an emotive issue. It is because of the nature of our economic arrangement. In Kenya, we have a mixed economy: both capital and social. The capitalists have made us believe that your wealth is measured by the extent or vastness of the land you have. The capitalists have made us believe that you have bases, you have glory and you have a name when you acquire a large chunk of land. That is where the problem began. This discussion has come at the right time when Kenya is facing many challenges, food insecurity being one of them. We have the challenge of housing and now the Government is going towards affordable housing.

Even as we look at this issue of the minimum and maximum land one needs to hold, we also need to ask many questions around it. The biggest question we need to ask is even on those existing lands and the troubles families are going through because of succession, inheritance and cultural challenges. It my opinion that the Government takes lead on this. We need a multi-agency approach on these issues. We need the right advice to our families which are fighting in courts. We have lands without title deeds because of cases that run way back. I have one in my Kesses Constituency called Kesses KLG. After the *mzungu* left, some shareholders deceived others that their land is there. They have gone to court after court. It is now almost 60 years and that matter has not been addressed. My approach is that as we look at this, we need a serious land policy to articulate land matters. If they are litigation issues, we also need to see how courts can come in and give us alternative ways to address land disputes so that we speed up cases of land troubles then we get back to our original glory when Kenya was self-sustaining in food production.

On land fragmentation, it is a reality and you see it everywhere you move. I was travelling the other day to Nanyuki. Between Nyeri and Nanyuki, there is serious advertisement and marketing of land that ought to be there for production. It is being fragmented for settlement. We need to ask ourselves how much it profits to own five acres or two acres of land just to put your house there yet you stay in Nairobi. You only go there on holiday and you have denied an opportunity for rearing animals in that area or for cultivation for economic activity and for food security.

I rise to make my submission that we need to ask the national Government and county governments to come together. We need serious policies to address even the issue of physical planning. Right now, this land fragmentation comes with other challenges. Essential and auxiliary services like sewer lines, access to water and access to power that are required is becoming a challenge. It is not just roads. Even making connection roads is becoming a

challenge because of this fragmentation. What I am trying to say is that this House needs to provide direction. The national and county governments need to have serious sittings on this matter. I know county governments have this function because it is devolved but they do not have sufficient capacity to address it. We have issues of physical planning that are coming into place. We need to put all these together.

Finally, it is to support this Motion by Ferdinand Wanyonyi. We need to come up with legislative support. We have to decide the point at which to allow fragmentation of land for settlement. We need to reserve the little space we still have because we have to eat to live. This small generation coming up needs food to exist for years to come. What happens if we do not project this? The Government is struggling in feeding the current generation and we are not foreseeing future challenges that are going to come. Kenya will not be sustained by imports. Kenya has to have a discussion on a way of supporting its population by producing food locally. One of the issues to address in land is the landmass we have in place.

Finally, the other day the President talked about taxing of wealth. We are now faced with many challenges in raising our revenues. One area on wealth matters is land. We also need to have a discussion and a policy on idle land—the landowner who sits in Nairobi and 500,000 acres are back there in the village. We need to awaken this person and tell him that if this land cannot be utilised for production so that the Government generates revenue, then let this land attract some annual taxes. One will choose to either lease it out to a potential investor, till it or pay the Government and the Government raises revenues to meet its obligations. This discussion needs to be looked at seriously. We need to protect areas. Let us zone areas so that we do not open up the available spaces to settlement and fragmentation of the land. It even makes it easier for the Government to provide the said services—water, sewerage and health services. Sometimes you go to a place and get some settlements in a radius of around 5 kilometres. When you want to put up a hospital, it becomes a challenge for this population to access health services. Let us concentrate settlements in one area and leave other areas for production.

I rise to support this Motion but say that we need to have a lot of public participation. What kills such good approaches is when the agencies do not give an opportunity to the public to give their opinions. Let us allow the public to make their contributions. Let us bring it down. Let us discuss it. In the long run, they will support the Government when they understand. But if we approach it from top down, I tell you it will be a problem. Nobody is willing to let go. We also need to sensitise the public on succession because that is where the problem is. We do not want femicides and homicides taking place day in and out getting—children killing parents and parents killing their children because of land. When you look at it in the long run, it is a problem.

Support to families is also one of the triggering factors. We are poor and the only asset we have is land. You want to take your children to school. You want to pay for health care. Cancer is seriously ravaging the country and the only available money is land. You sell it not because you wanted to sell but to address the challenge facing you. As we are looking at this, the Government also needs to think outside the box and say what we are going to do to protect this. Let us provide alternative ways of supporting the needs of households.

Thank you so much for this opportunity. I congratulate my neighbour, Hon. Ferdinand Wanyonyi. *Mheshimiwa*, you came up with the right Motion. We need to put it in place. Hon. Mbadi said we look at it to execution.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you so much, Hon. Member for Kesses.

Hon. Members, in the Public Gallery, we have Mbiine High School from Kilome Constituency, Makeni County. On my own behalf and that of the National Assembly, I would like to welcome them to the National Assembly.

The next will be Hon. Clive Gisairo, Member for Kitutu Masaba.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Speaker. I would like to thank Hon. Ferdinand Wanyonyi for bringing such a Motion to this House.

As most speakers have said, land is a very emotive topic. Hon. Mbadi addressed me here and said he knows how my people have problems with land fragmentation. The main issue here when it comes to land, would be to look at it from a different angle. This country needs to invest in education. The more our people are educated, the more the need for owning small pieces of land will diminish.

I have many friends from other continents. I have never once heard any of them telling me that they own pieces of land. That is a behaviour in Africa. I remember my father used to tell me and my five brothers, “my sons, I do not have land to give you, the only piece of land I can give you is education.” True to that my siblings and I, have never looked at what size of land our father had. This country needs to invest in education. The moment we invest in education, these young men and women will go out there to fend for themselves and not look back to go and fragment the little that there is. With continued fragmentation, we continue to make the food shortage situation even worse. So, while we all claim to own a piece of land, we all struggle to feed our families. Let this Government invest a lot in education, hence reducing the pressure on land. It is not a must for someone to own land. That is the message we should have to our people. Not owning land does not make you a failure in life. There are many ways of owning assets and land is not the only asset.

Hon. Temporary Speaker, for our land to be productive, it has to be of substantive sizes. I come from Gusii region where we have rain, soils are fertile but we can no longer feed ourselves. This is because when I was growing up, every home could produce enough to feed itself and something extra to take to the market. That is not the case today. In Gusii right now very few homes can produce enough to feed themselves. Let us change the mentality of our people. That is the only way we can move this country forward. On the Motion, I do not see the issue of regulating the maximum being a problem, it is the issue on the minimum that will be a problem, unless we have a mentality shift.

I was really proud to be a Kenyan in the last election. For once we had a very competitive election and we came out of it without the normal post-election violence. If this trend continues, it will make Kenyans free to go and own land outside their ancestral homes. This will also help in reducing the pressure on land. So, we as politicians, political leaders and the Government, need to ensure that the trend that we saw in the last election continues. That is the only way the Abagusii and any other communities will be free to go to Kitale or North Rift and own land without the fear that after every five years, this may be taken away from them. So, the political environment also determines how land is subdivided because if I have fear that if I own land out there, I face a risk of being ejected and what is mine being taken because I do not belong there, then there is the pressure of me going back home to insist that I must get my share of what my father left, so that in case the unfortunate happens, I have a fall back plan. As leaders, we should also live as Kenyans. Let us show our people that one can live anywhere and own property anywhere because some of the people from areas where farming is done, can bring those skills to areas where those skills are not available. This will improve food production.

Lastly, is the housing issue. While we are talking about housing in Nairobi and the big cities, the Government needs to take these housing programmes to all parts of this country. The moment we have affordable housing, people will stop insisting on getting small pieces of land to build a home for their families. With affordable housing, people will be encouraged to live together and leave most of the land for production. I support this Motion and I hope we as the leadership will play our role back in the community to make people understand that land is not the beginning nor the end of life or success.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you. Hon. Mary Emaase, Member for Teso South Constituency.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I would like to support this Motion by Hon. Wanyonyi that is seeking Government intervention to enforce compliance to existing land legislation with respect to policy and regulations. I start my contribution with an illustration. I invite Members to visualise a scenario where we have a farmer who has two acres of land and has four sons. Each one of those sons inherits half an acre. A half of that half is consumed by the homestead. So, how much is left for cultivation or any other activity? It is a quarter of an acre. What does this portray? That the amount of land left for any other activity including farming is diminishing every day therefore, the issue of land fragmentation is real. It is a concern and this Motion raises an awareness to that fact.

On the other hand, we have individuals who own huge pieces of land, which are lying idle contrary to the provisions of Article 61 of the Constitution that advocates for productive and sustainable use of land. I support this Motion. We should push for a review to the existing legislation whereby certain provisions are introduced that provide for those who have huge pieces of land which are idle, to lease to those who have capacity and can put that land into some productive use at reasonable rates. So that if you have a piece of land even if it is urban, for commercial use and you are not yet ready to develop it, you can lease it to someone else, generate income for yourself, and that other person can put it into some productive use.

The truth is we do not lack legislation on land policy and regulations. We have sufficient legislation but the problem is enforcement. There is no serious implementation with respect to this legislation. As a result of this excessive fragmentation, there is low food production. That is the reason we are now going for importation of Genetically Modified Organisms (GMOs) in this country, because the country is experiencing low production and the food prices have been pushed up. It is not just inflation that has pushed the prices of farm inputs up, it is also because of not leveraging on technology, because the pieces of land are too small. Therefore, we are not able to use mechanisation. The use of mechanisation remains a mirage to majority of our farmers. We cannot also reap from economies of scale because we are reduced to subsistence farming on small pieces of land.

Therefore, this country continues to suffer not only from the prolonged drought which is as a result of climate change but because of so many other factors put together. Going forward, the Departmental Committee on Lands, in consultation with the Cabinet Secretary Ministry of Lands, Housing and Urban Development, needs to relook and review these regulations. Also, the Committee on Implementation should do their job of ensuring there is compliance and enforcement of legislation with respect to land.

Hon. Temporary Speaker, I beg to support. Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you, Hon. Emaase. Hon. (Eng.) Thuddeus Nzambia, Member for Kilome Constituency.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker, for this opportunity. Before I contribute on this Motion, let me appreciate students from Mbiini High School which is my constituency and close to my homestead. They should feel welcomed.

Hon. Temporary Speaker, I want to briefly contribute on this Motion and appreciate Hon. Wanyonyi for coming up with it since it is very important especially now when we are talking about food insecurity in this country which is as a result of drought in our land. In our country, the issue of land is sensitive and emotive. From 1963 up to date, we have been talking about land without title deeds yet is almost 60 years since we got Independence. The primary thing is we should have title deeds whether you own a quarter acre or thousands of acres. The

first initiative the Government should employ is issuance of title deeds to land owners in this country.

I am concerned because we are talking about food insecurity in this country when we have large tracts of land owned by individuals. I think we should have regulations where the Government should approach the owners, invest in irrigation and produce enough food for this country. Right now, we should not be talking about importation of GMO food which has been the centre of discussion on the Floor of this House.

I want to give an example of Konza Technopolis which is in my constituency. The Government has been talking about investing in affordable housing since it bought 5,000 acres of land there. As we speak now, we have the Konza National Data Centre and a lot of infrastructural development has been done. So, the Government should open its eyes because from here to Konza Technopolis is 30 minutes' drive. It should stop engaging in expensive land in the city and come to Konza Technopolis in my constituency. We will provide over 1,000 acres to invest in affordable housing. This is one of the issues the Motion is seeking to have regulations.

I am in the Departmental Committee on Lands where the substantive Speaker served for five years. Some of these land issues will be a priority on my side because we need to put proper regulations in place. I want to allow other Members to contribute on this Motion. So, my closing remarks are that worldwide land issues lack good regulations. I urge the Kenya Government to ensure in the next two or three years they give title deeds to every land owner whether for Government or individual land. So, when we speak of investment in land, there are no disputes.

Thank you, Hon. Temporary Speaker for the opportunity. I want to allow other Members time to contribute.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will give this opportunity to Hon. Rebecca Tonkei, Member for Narok.

Hon. Rebecca Tonkei (Narok County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to oppose this Motion. I can see my friend Hon. Wanyonyi is looking at me badly. I come from a community where we own large chunks of land which is not idle. If I sit in this House and allow this law to pass, I will not be doing the right thing as a representative of the people of Narok County and pastoralists who own many acres of land.

The issue of fragmentation is okay and I agree with it although when it comes to land use and limitation, this is unfair to people who own large tracts of land. There is no idle land in Kenya because it rightfully belongs to the people in that area. We have group ranches in Narok, Samburu and Kajiado. This is community land and it is not idle. If I own many acres, they belong to my animals; they graze there. I live on some land and use the rest for other purposes like farming. Therefore, we should not come up with such a piece of legislation which will oppress other people. I also think it will be unfair to the pastoralist communities.

In order for us to deal with fragmentation issues, I agree with the Member who said we educate our people about it. In that case for those who are unfortunate and come from places with little land they can build storey buildings for people to live in. We should not go to the extent of limiting the amount of land people should own.

Hon. Temporary Speaker, I oppose this Motion. I do not support it. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well, Member for Narok. This is a House of debate and you have the freedom to debate the way you want to. Next time, when anyone looks at you badly as you indicated, do not worry about non-verbal communication. Here we only consider what is verbal. The next Member to get an opportunity is Hon. Mboni Mwalika, Member for Kitui Rural.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker. First, I want to thank Hon. Wanyonyi for bringing this Motion to this House for discussion.

Just like other Members, I want to say that land is an emotive issue but not for a bad reason. This is because in this country, land is owned by very few people leaving majority landless or with little land which is not very productive.

Hon. Temporary Speaker, people own land for different reasons. Some own land for farming while others own it for its value and prestige where you hear someone saying that they have 1,000 or 5,000 acres of land although they do not use it. When our Cabinet Secretaries were being vetted, some of them said that they were worth Ksh700 million or Ksh1 billion. Most of that net worth they were talking about is in terms of land. Others own land for speculation. You buy land so that when it appreciates, you sell it and make some money. However, idle land is not useful to this country.

Land is one of the four factors of production. The four factors of production are land, labour, capital and entrepreneurship. If you put them together, you produce and grow the country. This country has large tracts of idle land and a huge number of idle people. If we combine idle land with idle labour, we will produce enough food for this country. We will not need to import Genetically Modified Organisms (GMO) foods.

I was reading the newspapers today where the Cabinet Secretary for Trade, Investment and Industry said that we are importing GMO foods. Ships carrying GMO foods have already started docking in Mombasa. I do not know how we will manage some of these things. I thank Members of Parliament and leaders from Rift Valley for opposing the importation of food because we have enough food in the country. The issue we should address is how to distribute the food from more productive areas to less productive areas like Ukambani.

Hon. Temporary Speaker, we currently import 90 per cent of the wheat that is consumed in this country. I went somewhere in Machakos where there is a farmer from Australia who is growing wheat and is doing very well. So, food cannot only be produced in Rift Valley and other fertile areas. Even dry areas like Ukambani can produce enough food. We only need water and irrigation and we will produce food.

Those with large tracts of land which they are not using or are not using optimally should be compelled to lease it to Kenyans. I am not for the idea of imposing land rates on them, but they should be compelled to lease land to people who want to use it for production. Even if you impose rates on them, the Government will get that money. But how will it help the country? If you lease the land to people who can farm on it, we will have food. People will be engaged and earn income and the economy will grow.

I do not know how Hon. Wanyonyi wanted to implement the concept of maximum and minimum land ownership. I remember Rwanda came up with the idea of a maximum of 25 acres of land per person. Hon. Wanyonyi could check whether that works or not. The problem is not the “small” people. It is the “big” people like you and me who own large tracts of land in this country. Unfortunately, I do not believe in owning land I do not use.

In developed countries, the land use policy is very clear. They have zoned areas. There are areas for settlement while the rest of the land is for farming. In South Africa, when you are airborne and you look below, you will see large farms producing a lot of food. Actually, South Africa can feed Sub-Saharan Africa because they do not subdivide their land for settlement. They have zoned areas for settlement and others for farming. They have also mechanised their farming which enables them to get big returns on their land investment. We do not lack policies and legislation. The problem is implementation and enforcement.

With those few remarks, I support the Motion. Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you, Hon. Members, the next opportunity goes to Hon. Florence Jematiah, Member for Baringo County. She seems to have withdrawn from the Chamber. The next opportunity goes to Hon. Agnes Pareyio, Member for Narok North.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this issue of land.

First, we need to look at land because it is a sensitive issue especially for those of us who come from communities that own huge chunks of land. We cannot say that that land is idle, it is not. I own huge pieces of land. I came here because I was able to sell the animals that I take care of. They graze on that land. I sold those animals and made money that enabled me to come to this House.

I do not support Hon. Wanyonyi's decision to bring this issue of idle land before the House. There is no idle land where I come from and, therefore, I cannot support that discussion. Land is an asset in my community.

There are various ways of acquiring land. You can acquire land by buying or inheriting it from your parents. It is our right to own land wherever we come from. We cannot treat this issue generally because we have farmers and pastoralists who graze their animals on their land. Therefore, we cannot say that our land is idle. I cannot support that. I will keep talking about it as land that is used to graze our animals. Our land is in use.

Other communities are now invading our counties because they are buying land where it is available. I am not opposed to anybody buying land, but we cannot say that the Government should make us pay some penalty because the land is idle. It is not. We are using it for animal grazing.

We are not importing maize because of idle land. We are doing so because somebody somewhere wants to make money from the drought and famine. We do not lack rain because of idle land. We lack rain because we are not planting trees. We need to tell our people to plant trees so that we have forests that give us rain. For that reason, I oppose Hon. Wanyonyi's Motion that we need to review land ownership because there is idle land.

We all have a right to own land and title deeds. Once you have ownership of land, you are given a title under your name and the land becomes yours and not idle. There is no idle land. I come from Narok County where people own huge chunks of land. There are those who do farming and those who graze their animals on their own land.

I stand to oppose this Motion because I will be going against the will of the people who elected me to this House. I came to this House to make sure I protect their interests. We have no idle land where I come from.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Parashina Sakimba, Member for Kajiado South.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this Motion about the minimum and maximum land holding acreages by Hon. Ferdinand Wanyonyi.

The focus should be to protect pastoralists' land, rangeland and the community land. The view that the pastoralists' land is seen to be idle or waste should not in any way affect the lives of pastoralists. There is no idle land.

The framers of this Motion squarely target the pastoralists community. There is a proposal to reduce the ownership of land by bringing the issue of the minimum and maximum land holding acreages. We should look at the usage. The pastoralists community have huge sizes of land but they use it purposely for farming and cattle rearing.

Most of the time and because of climate change, we do agro-ecological zoning whereby we start from point one of the land; we come to the middle up to the end for grazing purposes. The proposal should consider the production system of the land. We should not say land is useful when only using it for farming, to build houses or other businesses but when used for cattle rearing, it is considered idle.

The drafter of this Motion should visit the pastoral community areas to understand how they use their land. In Kajiado, we are converting our land which used to be group ranches and every member can get up to 21 acres. When people drive along the road, they might see fields and assume the land to be idle. Let me tell them that it is not. Very soon, every member in Kajiado South will have a right of ownership and a title deed. The story where people think that our land is idle might probably come to an end.

I would also like to remind the proposer to consider the issues of wildlife conservation, forest areas and large agricultural farmlands. Sometimes you find that we have done conservancy in conjunction with the Kenya Wildlife Service like in parks and game reserves. We have created buffer zones or conservancies and they should not be considered idle or wastelands because they are taking care of wildlife.

The other issue we have is the forested areas. I know some of you have come across Chyulu Hills. It is a forested land. This country should be proud of us because this hill is able to manage carbon emissions into our atmosphere and thus promote tourism a lot. The proposer should have considered the issue of the Minimum and Maximum Land Holding Acreages Bill, 2015 where one can own land in urban and peri-urban areas and table it in the House to be considered. Subdivision of land into small sizes limits the usage.

I stand here to oppose this Motion and tell the drafter to go and relook, and have a clear picture of the land issues at hand.

The pastoralists communities have been targeted many times. However, when it comes to famine, drought or the challenges we face, we do not hear them speak for us. It is only when it appears to them that we own huge sizes of land that it becomes a debate in the House.

I want to trust my colleague, Hon. Ferdinand Wanyonyi. When the issue is taken to the Departmental Committee on Lands, let them consider the factors of wildlife conservation, agricultural farmlands and how pastoralists use their land to keep their livestock. We use our land depending on how we zone it.

Thank you, Hon. Temporary Speaker.

(Hon. Catherine Omany rose on a point of order)

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): What is out of order, Hon. Catherine Omany?

Hon. Catherine Omany (Busia County, ODM): Thank you, Hon. Temporary Speaker. I think somebody has not understood this Motion. I do not think anybody is fighting pastoralists here. We are talking about land that is there and not in use. There is nothing wrong with owning chunks of land but what use is it for? That is where we are headed to. In my opinion, it is the idle land or land that has been grabbed.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Omany, you are out of order. This is a House of debate. Members can debate whichever way they choose. They must be debating based on the information that they have gathered. You are not in a position to guide Members on how to debate this Motion. You are therefore, out of order. However, being a new Member, I know you are still learning the Standing Orders. Take your seat, Hon. Omany.

Hon. Members, we are remaining with a minute on this Motion, and I would like to give this opportunity to Hon. Timothy Kipchumba, Member for Marakwet West. Take into account that it is only for a minute.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I do not know whether to proceed or I can contribute when we resume debate at 2.00 p.m. Let me proceed in the hope that I will be allocated the remaining minutes in the afternoon.

I rise to support this Motion. I thank Hon. Ferdinand Wanyonyi for bringing this Motion.

Article 68 of the Constitution is couched on mandatory terms. It clearly provides that Parliament shall enact legislation to provide for the minimum and maximum land holding acreages. When the law uses the term “Shall” then, it means mandatory. For that reason, there was a bid by this House to introduce Minimum and Maximum Land Holding Acreages Bill, 2015 but was dropped because of the public outcry.

In my opinion, it is time to revisit this law because that Bill provided a comprehensive legal and institutional framework on minimum and maximum land acreage. The importance of that legislation is that it provided a framework on how much land one can hold in a certain region or how much land can be used for a specific purpose. I can see my time is up. I can finish my contribution during the afternoon session.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Very well spoken, Member for Marakwet West. Hon. Members, debate on this Motion is up, I would like to call upon the Mover to reply. Hon. Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you very much, Hon. Temporary Speaker. This Motion has drawn a lot of interest. I wish you gave us another two hours; Members have a lot of interest in the Motion. I want to donate one minute each to some of my colleagues so that we can finish before lunch hour. I donate one minute each to Hon. Oundo, Hon. Clement Sloya, Hon. Babu Owino, the Member for Kaiti, Hon. CNN, Hon. Catherine Omanyo, the Member for Lari, Hon. Edith Nyenze and Hon. Kirwa, in that order before I make my closing remarks.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): The eight Members will speak for one minute each, so you will have two minutes to conclude. Let us start with Hon. Oundo.

Hon. (Dr.) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, thank you for the opportunity. This is an emotive debate. I wish, as Hon. Wanyonyi has said, we could have been allocated more time. This debate should not lose focus on the principles of land administration and Articles 60 and 40 of the Constitution. The drafters of the Constitution placed us in legal, administrative and professional conundrum. I do not know how we will ever get out of this mess. One of the basic principles of highest and best use should hold. The issue of land holding capacity should also hold. This is a good Motion that brings the matter of land ownership to the fore for national debate.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Clement Sloya.

Hon. Clement Sloya (Sabatia, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion by Hon. Wanyonyi. Where I come from in Sabatia, people own very small pieces of land, but we are good farmers. We want to ask our friends in Trans Nzoia, Uasin Gishu and Laikipia, who own land that is lying idle, to allow us to lease those pieces of land for us to continue doing our farming to assist areas hit by famine. One way of dealing with land fragmentation is to consolidate existing land records through digitisation at the Ministry of Lands, Housing and Urban Development for us to be safe in this country.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): The Member for Kaiti.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker. I thank Hon. Wanyonyi for this Motion. I want to support it with some amendments.

Hon. Temporary Speaker, there are people who own thousands of acres of land. Some of them used bank facilities while others worked very hard to acquire those parcels of land. They used their own resources. So, we need to talk and support those amendments so that those who have their parcels of land they can be protected. The Government needs to utilise the public land for irrigation. In Ukambani there is a big parcel of land which needs to be utilised

under irrigation to produce food to feed this country. That is why I am opposing GMO because we have land in Kenya.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Let us have Hon. Catherine Omanyo.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Speaker. I support by saying that the Government should prioritise farmers who own land but are unable to put it into use and give them incentives or something to motivate them. Putting idle land to use will also reduce the gap between the poor and the rich. This will lead to a healthier society...

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Let us have Hon. Mburu.

Hon. Kahangara Mburu (Lari, UDA): Thank you, Hon. Temporary Speaker. I also rise to support the Motion by Hon. Wanyonyi by saying that this country does not lack legislation and policy on land issues on the maximum and minimum land that one should own and make use of. In Kiambu for example, we have seen very rich agricultural land being subdivided and fragmented into a point where this country is talking about hunger. I think we just need to implement and enforce the policies and the laws so that we are in position to continue feeding ourselves. On idle tracts of land, I also support that we need to lease it out so that people can make use of it.

Thank you, Hon. Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Let us have Hon. Charles Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker. Let me take this opportunity to thank Hon. Wanyonyi. I support this Motion with some amendments because we use land as a store of value. I think we should not be limited on amount of land you can own. On the issue of minimum land, I do not know what kind of size of land is recommended as the minimum. I am looking forward to the amendments so that we can discuss them.

With those few remarks, I support.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Let us have Hon. Abraham Kirwa.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Motion by my fellow Member, Hon. Wanyonyi that for sure we need to enact this regulation that is already there in Article 68(i) of the Constitution. When we talk of fragmentation of land to the point where somebody owns 0.01 per cent of a hectare, this is not productive. We need to enact laws that will make sure that we do not do a lot of fragmentation. There are people with huge tracts of land which is not productive. I think we should limit how much land one can actually own. This is because, it is not productive if two or three people own a half of the whole nation.

I support this Motion.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Edith Nyenze is the last one on this.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Temporary Speaker. Let me take this opportunity to support Hon. Wanyonyi, but not on the maximum and minimum capping. More study should be done to know exactly how much one should own. He has proposed that public institutions like universities and national schools should not own large chunks of land and instead of expanding horizontally, they should construct their buildings going up. The land left fallow should be used for food production. That is a very important proposal. I call upon Hon. Wanyonyi to include protection of the rights of Kenyans in the Motion. For example, in my county there are speculators who buy land at low prices and then sell at higher prices.

The Temporary Speaker (Hon. (Dr) Rachel Nyamai): Hon. Wanyonyi, you have two minutes to conclude your reply to this Motion.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, thank you very much. Two minutes may be too little, but I take this opportunity to thank all Members who have contributed to this Motion. I want to assure you that the next move will be for me to be able to bring together the Ministry of Lands, Housing and Urban Development and the Ministry of Agriculture and Livestock Development so that we can develop this Motion into a Bill.

I want to make it very clear: We are not talking about pastoralists. We are talking about people who own large tracts of land but do not use it for anything. They do not have livestock or anything else. Maybe one has 300 or 500 acres but is using only 50 acres. He should lease out or sell the land lying idle or the Government should come up with a way of taxing that land. Population is growing. We are now importing food and yet we have a lot of land. The President said the other day that we are going to import food from Russia and yet they are at war. What is happening to our people?

I thank Members. I will meet the people who are concerned so that this Motion is developed into a Bill and passed to protect Kenyans from people who own land for the sake of it. Others own land to sell and make money. They do not use land for the purpose of cultivation of food for this country. This country needs food. I thank every Member who has taken time to talk about this Motion. I reply.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Wilberforce Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Speaker, listening to Members' contributions, knowing how emotive land issue is and reading the mood of the House, I rise pursuant to Standing Order 53(3) to request that the Question of the Motion be deferred until a time the House Business Committee will decide.

Thank you, Hon. Deputy Speaker.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Thank you very much, Hon. Oundo. I defer putting of the Question for this Motion.

(Putting of the Question deferred)

Next Order.

NOTICE OF MOTION

ESTABLISHMENT OF JOINT PARLIAMENTARY COMMITTEE ON LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, for your indulgence to give this notice out of time. I beg to give notice of the following Motion:

THAT, acknowledging that Article 256 of the Constitution provides for the process of amending the Constitution by parliamentary initiative; further acknowledging that Standing Order 114(7A) of the National Assembly Standing Orders provides for the process of introducing legislative proposals in respect of propositions amending the Constitution; noting the general debate in the House on the Legislative Proposal to amend the Constitution to entrench the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund in the Constitution; cognizant of the comments and

views of Honourable Members during general debate on the Legislative Proposal; recognizing the need for a bicameral approach on the proposal prior to publication of the relevant Bill; acknowledging that the subject matter of the Legislative Proposal cuts across the mandate of more than one Committee of the House; now therefore, in furtherance to the provisions of Article 256 of the Constitution (Amendment by Parliamentary Initiative), this House resolves—

1. to establish a Joint Parliamentary Ad Hoc Committee on a proposal to amend the Constitution to entrench certain specialized funds, comprising nine (9) Members from each of the Houses of Parliament to
 - (a) facilitate collation of the views from the comments by Members of Parliament during the general debate on the proposal; and inviting Members with similar or related proposals to make submissions before the Committee;
 - (b) invite, engage with and consider submissions from stakeholders and relevant constitutional and statutory bodies with a law reform mandate, including the Attorney General; and the commissions and independent offices established under Chapter Fifteen of the Constitution;
 - (c) in consultation with the sponsors, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received; and,
 - (d) report to the Houses of Parliament within ninety (90) days to enable the Speakers to make a decision and give direction on whether or not the Legislative Proposal is to be published into a Bill or not to be proceeded with.
2. that the Offices of the Clerks of Houses of Parliament provide secretariat services to the Joint Parliamentary Ad Hoc Committee in accordance with the Standing Orders;
3. that the following Members represent the National Assembly in the Joint Parliamentary Ad Hoc Committee –
 - (i) The Hon. Samuel Kiprono Chepkonga, MP – Co-chairperson;
 - (ii) The Hon. George Gitonga Murugara, MP;
 - (iii) The Hon. Eckomas Mwengi Mutuse, MP;
 - (iv) The Hon. Wakili Edward Muriu, MP;
 - (v) The Hon. Catherine Nanjala Wambilianga, MP;
 - (vi) The Hon. John Mbadi, EGH, MP;
 - (vii) The Hon. (Dr.) Otiende Amollo, MP;
 - (viii) The Hon. David Mwalika Mboni, MP;
 - (ix) The Hon. Kakai Bisau, MP;
 - (x) The Hon. Robert Gichimu Githinji, MP (Co-opted); and,
 - (xi) The Hon. Stephen Mule, MP (Co-opted).
4. to request the Senate to also appoint a similar number of Members to represent the Senate in the Joint Parliamentary Ad Hoc Committee.

Thank you, Hon. Deputy Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai: Thank you, Leader of the Majority Party.

Next Order.

MOTION

ADOPTION OF SESSIONAL PAPER ON
NATIONAL AUTOMOTIVE POLICY

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts Sessional Paper No. 1 of 2022 on the National Automotive Policy, laid on the Table of the House on 25th May 2022.

Hon. Temporary Speaker, the overall objective of this Sessional Paper No. 1 of 2022 on the National Automotive Policy is to provide an enabling environment for our automotive industry players to realise their full potential and position Kenya as a major automotive manufacturer. The aim of this policy is to improve the local automotive assembly ecosystem and to expand the local market size by promotion of local parts manufacturing. Hon. Members will appreciate that our local assembly industry largely suffered immensely as a result of the liberalisation of the market in the 1990s. This led to the near collapse of the local assembly industry as they saw a lot of completed units being imported into the country. Consequently, the manufacture of automotive spare parts almost caused a complete halt and death to the industry.

Therefore, this National Automotive Policy has been developed through a very large consultative stakeholder process and it is informed by Kenya's developmental agenda and industry needs. Stakeholders' views, from the dealers, consumers, assemblers, auto-component manufacturers, Government, global players, training, research and development institutions were incorporated in developing this policy and therefore a very comprehensive policy that has taken views from largely all the stakeholders that I have mentioned and including consumers of auto-parts and automotive mobiles.

As I mentioned, the policy objectives, its implementation measures and guiding principles are aligned to our domestic, regional and international obligations including and not limited to the Paris Agreement enforced on 4th November 2016 which sets the objective of limiting the global temperature rise in this Century.

Members will also appreciate that the automotive industry is a key pillar of the global economy and is usually a major driver of macro-economic growth and stability and also technological advancements in both developed and developing countries like ours. The automotive industry in our country has also been prioritised as a major driver of our country's industrialisation and economic transformation. That is why Government is developing this policy that will help guide the automotive industry. This as I mentioned is not only a key driver of macro-economic growth and stability but also in terms of advancing technological advancement in economies and having an economy that we have to work extra hard to revitalize and advance. It is important that we have policies and measures put in place that will support the automotive industry.

According to the Kenya National Bureau of Statistics, the number of registered vehicles has increased by a compound average growth of nine per cent between 2011 and 2019, rising from 1.6million in 2011 to 3.3million in 2019. These was largely driven by the auticycle and motor cars sub-sectors which accounted for 46 and 32 per cent respectively of all vehicles registered in 2019. That tells you the level at which our economy had moved. Instead of more commercial vehicles being registered, it is more of motorcycles that have been registered at 46 per cent as compared to 32 per cent of motor cars being private-use vehicles.

Currently, the local vehicles industry is composed of six registered assembly plants, vehicle builders, trailer, manufactures and 22 firms in motorcycle assembly. That again also

points to that steep rise in the number of motorcycles that have been registered as we have also seen with the huge number of assemblers of motorcycles.

The local component and parts manufacturing firms, assemblers or dealers and franchise holders who represent original equipment manufacturers whose membership include Toyota Kenya, Urysia Limited PSA Group, manufacturers of Peugeot vehicle, DT Dobie Kenya Limited, Simba Corporation and Scania East Africa.

The vehicle assembly industry has struggled to stay afloat as I mentioned, the industry whose lifeline depended on a very protected market. So many manufacturing entities in our country gradually closed shop with the liberalisation of our market in the 1990s. The opening gap of the market contributed to the heavy decline of the local parts manufacturers. Consequently, by the mid-2000s, many local content manufacturers had actually closed shop. People will remember the likes of Marshalls East Africa Limited ending up closing shop and the scale down of many of the other assemblers, Toyota, DT Dobie and virtually almost all these local motor vehicle manufacturers. Remember the Thika Motor Dealers in Thika who used to be a very huge outfit and General Motors on Mombasa Road. Many other assemblers ended up closing shop and some downscaling leading to importation of fully assembled units.

Therefore, this National Automotive Policy has been driven to revitalise this industry and address the myriad of challenges affecting it. This includes the lack of a dedicated legal and institutional regulatory framework. As I mentioned, importation of parts by franchise holders is currently happening instead of us procuring from local parts manufacturers, therefore, killing our industrialisation goals.

Of course, the influx of used fully built units amongst others is also killing job opportunities for our young people who are trained automotive engineers and designers of parts. We have a huge repository of young men and women who are trained and can design motor vehicle and other machinery parts. We are denying them job opportunities simply by allowing the influx of fully built units either of motor vehicles or other machinery.

Therefore, the National Automotive Policy takes a holistic approach to propose measures that are aimed at unlocking the industry across the entire value chain and related sectors of the economy. This policy aims to do the following: Provide a legal institutional regulatory framework for the development of the automotive industry, support motor vehicle and motorcycle assembling locally, harmonise standards, forge collaboration mechanisms in the industry, and facilitate market access for sector products and services including access to public sector procurement. It also seeks to promote innovation, research development and technology to facilitate local component parts manufacturing and development of incentive schemes for investments and reinvestments. So, we encourage people to invest in this locomotive assembly and parts manufacturing in our country.

Hon. Temporary Speaker, to set the industry on long-term growth path, this policy measures are premised on the Kenya Vision 2030 blue print. It aims to transform Kenya into a newly industrialised middle-income country providing high quality of life to all its citizens by 2030. In view of the Executive Order No.1 of 2022 and the Kenya Bottom-Up Economic Transformation Agenda 2022-2027, this policy will contribute to Kenya's socio-economic development by enhancing the local manufacturing sector contribution to our Gross Domestic Product (GDP) and skills development, technology transfer, and jobs and wealth creation by facilitating investments. The sector has the potential to employ over 100,000 people directly and close to one million people indirectly over the next few years if this policy is passed and implemented.

Hon. Temporary Speaker, with those few remarks and observing the time, I beg to move and urge Members to support this Sessional Paper No.1 of 2022 on the National Automotive Policy. As I have mentioned, it will be quite critical to enable our manufacturing agenda to

thrive and put our country back on revitalisation path of the economy, creation of wealth and jobs for our people.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Ichung'wah the Motion needs to be seconded.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, you stood up when Hon. Phylis Bartoo was about to second. Sorry I omitted this. May I request Hon. (Prof.) Phylis Bartoo to second.

Hon. Phylis Bartoo (Moiben, UDA): I second the Motion. Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Hon. Bartoo for seconding the Motion.

(Question proposed)

Hon. Members, debate on this Motion will continue during the next Sitting when the Order is placed before the House. Thank you very much.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today, 23rd November 2022, at 2.30 p.m.

The House rose at 1.00 p.m.

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