



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 78**

## THE HANSARD

Thursday, 24<sup>th</sup> August 2023

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** I direct that the Bell be rung for a further ten minutes.

*(The Quorum Bell was rung)*

We can begin.

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM THE PARLIAMENT OF THE UNITED KINGDOM

**Hon. Deputy Speaker:** Hon. Members, I wish to introduce a delegation of Members of Parliament from the United Kingdom Parliament seated at the Speaker's Row. The delegation comprises:

1. Hon. (Ms) Maggie Throup, MP - House of Commons
2. Hon. (Ms) Baroness Judith Jolly - House of Lords

*(Applause)*

The delegation is accompanied by two senior parliamentary advocacy advisers and officials of the Kenya Aids NGOs Consortium (KANCO). The delegation is in the country on a benchmarking visit aimed at, amongst other things, sharing knowledge and experiences with their counterparts, particularly Members of the Departmental Committee on Health and the Parliamentary Caucus on Tuberculosis (TB).

On my behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their stay in the country. I will allow the Departmental Committee on Health Chairperson to welcome them.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Deputy Speaker. I was not there in the morning to welcome them on behalf of the Departmental Committee on Health, but my Vice-Chair was there to do so. According to him, they had a very fruitful discussion. You are welcome to Kenya. I know you have been here and are now finishing your stay. You are welcome again. Kenya is a good country.

Thank you.

### PAPERS

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I beg to lay the following papers on the Table:

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1. Reports of the Auditor-General on the National Government Constituencies Development Fund in respect of the following constituencies for the year ended 30<sup>th</sup> June 2022 and the certificates therein:
  - (a) Nyeri Town.
  - (b) Matayos.
  - (c) Westlands.
  - (d) Juja.
  - (e) Roysambu.
  - (f) Kiambaa.
  - (g) Muhoroni.
2. Reports of the Auditor-General and financial statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022 and the certificates therein:
  - (a) Thogoto Teachers Training College, Kikuyu Constituency.
  - (b) Kasarani Technical and Vocational College, Kasarani Constituency.
  - (c) Mama Ngina University College, Gatundu South.

**Hon. Deputy Speaker:** Chairperson, Special Funds Accounts Committee. We can proceed to the next one if the Chairperson is not here. The Vice-Chairperson, Parliamentary Caucus on SDGs and Business, Hon. Martha Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of a Delegation of the Parliamentary Caucus on SDGs and Business on the Proceedings of the 2023 United Nations High-Level Political Forum on Sustainable Development (HLPF) held in New York, United States of America, from 10<sup>th</sup> to 21<sup>st</sup> July 2023.

**Hon. Deputy Speaker:** The Chairperson, Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Finance and National Planning on its consideration of the Privatisation Bill (National Assembly Bill No.22 of 2023).

**Hon. Deputy Speaker:** Member of the Delegation to the Pan-African Parliament, Hon. Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report on the Record of Proceedings of the 2nd Ordinary Session of the 6<sup>th</sup> Pan-African Parliament held in Midrand, South Africa, from 15<sup>th</sup> May 2023 to 2<sup>nd</sup> June 2023.

**Hon. Deputy Speaker:** Thank you. Is the Chairperson for the Special Funds Accounts Committee here yet?

We will proceed to the following Order.

## NOTICES OF MOTIONS

### NOTING OF REPORT ON 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

**Hon. Martha Wangari (Gilgil, UDA):** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Report of a delegation of the Parliamentary Caucus on Sustainable Development Goals and Business on the proceedings of the 2023 United Nations High Level Political Forum on Sustainable Development

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(HLPF 2023) held in New York, United States of America, from 10<sup>th</sup> to 21<sup>st</sup> July 2023, laid on the Table of the House on Thursday, 24<sup>th</sup> August 2023.

**Hon. Deputy Speaker:** Member of the Delegation to the Pan-African Parliament.

NOTING OF REPORT ON THE 2<sup>ND</sup> ORDINARY SESSION OF THE  
6<sup>TH</sup> PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT

**Hon. Esther Passaris** (Nairobi City County, ODM): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Report on the Record of Proceedings of the 2<sup>nd</sup> Ordinary Session of the 6<sup>th</sup> Parliament of the Pan-African Parliament held in Midrand, South Africa, from 15<sup>th</sup> May 2023 to 2<sup>nd</sup> June 2023, laid on the Table of the House on Thursday, 24<sup>th</sup> August 2023.

**Hon. Deputy Speaker:** Next Order. The Leader of the Minority Party.

### POINT OF ORDER

#### UNCERTAINTY OVER ADMISSION TO KMTC

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you very much, Hon. Deputy Speaker. There is an issue that requires the urgent and immediate attention of the Departmental Committee on Health. This past week, we have been haggling with the issue of admission of students, especially university students. There is a more significant issue in the country: Admission to Kenya Medical Training College (KMTC). Many of us have used taxpayers' money to build these colleges nationwide. As we speak, there is total confusion about the procedure for admission of students to these very important colleges. Thousands of students are in suspense, not knowing what to do, having applied formally to be admitted.

To cut the long story short, over the years and in alignment with the KMTC Act, admission to KMTC campuses across the country has been the mandate of the KMTC Board and management. In July this year, two students whose names I cannot remember went to court to challenge a purported takeover of that admission mandate by the Kenya Universities and Colleges Central Placement Services (KUCCPS). They challenged the decision successfully. The court ruled in their favour. In addition, the KMTC Act is abundantly clear as to who should undertake or oversee students' admission to KMTC.

The Committee, which is ably led by my good friend Hon. Pukose, made a pronouncement on this matter about one or two weeks ago. The mandate of admission of students to KMTC rests with the KMTC Board. I am getting information, and the public is all over enquiring, that KUCCPS has forcefully taken over this mandate in total disregard of the existing law and in violation of a court order that has not been challenged, vacated, or varied in any way. We are a country that is governed by the rule of law. If anybody or any authority is desirous of this role of admission being taken to KUCCPS, they should follow the law. They should come here, through the Leader of the Majority Party, and bring an amendment proposal to the KMTC Act or any other relevant law, which we shall consider. If you are unhappy with the court ruling about these admissions, go to the Supreme Court and challenge it. You cannot use unorthodox means to transfer functions that belong to a statutory body to another body without due process. We shall be setting the stage for the law of the jungle.

I plead with you, Hon. Deputy Speaker. I know you can do this because you are a stickler to the law. You are a serious legal practitioner. Under your watch, you cannot allow this to happen. I do not think you can allow it. Kindly use your powers under Standing Order

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I and direct the Chair of the Committee, who is looking at me, to make a Statement on this matter. If he cannot, direct the Leader of the Majority Party to do so.

Thousands of students out there cannot continue to remain in silence. They are very apprehensive; they do not know what will happen. They have paid money to KUCCPS for admissions. The courts have stopped it, and so has a committee of this House, yet KUCCPS is going on with the admission process. Where do we sit or stand as a House? We are here under Article 95 of the Constitution to deliberate and make decisions on issues of concern to the people. How can we sit here, yet thousands of our children do not know their fate in terms of application for admission to KMTC? We are hearing many disturbing stories about this issue, which I do not want to venture into now.

Hon. Deputy Speaker, please treat this matter with the urgency it deserves. Stop everything else and direct the committee leadership and the Majority Party leader to clarify the situation. So, we get to know what the state of affairs is.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Leader of the Minority Party. You have gone straight to Statements in Order No.7. I allowed you out of my discretion because it is a matter of national importance. Let us announce the following Order. Then, I will give a chance to the Leader of the Majority Party and the Chairperson of the Departmental Committee on Health to respond.

### QUESTIONS AND STATEMENTS

**Hon. Deputy Speaker:** Yes, the *Hansard* can reflect that Hon. Wandayi has made a Statement which will now be responded to. I will give a chance to the Departmental Committee on Health Chairperson. Hon. Pukose, a similar issue was raised yesterday about 18-year-olds needing identity cards. It was also referred to the relevant committee by the Speaker. Proceed.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Deputy Speaker. The KMTC Board is, indeed, mandated by law, under Section 106 of the KMTC Act, to make admissions. This issue came before the Departmental Committee on Health, and we deliberated on it. KUCCPS, through a Memorandum of Understanding (MoU) with KMTC, agreed that it does placement of students while KMTC does admissions.

The process had already started when they appeared before the committee, which pronounced itself based on a court ruling. The High Court ruled in favour of the KMTC Board that it is mandated to admit students. The explanation given by KUCCPS is they are not doing admissions but placement of students. This is because their website already has the data of all student's Kenya Certificate of Secondary Education (KCSE) and Kenya Certificate of Primary Education (KCPE) results. Based on that, they can eliminate issues of cheating in terms of certificates. The MoU they entered with KMTC is to process the placement of students, and then KMTC does admissions. That is what they told the committee. It was very clear from that explanation that the mandate of admission is by KMTC. Unfortunately, the House is going on recess. You could have given the Cabinet Secretary for Health and the Cabinet Secretary for Education an opportunity to appear jointly in Parliament to respond to this issue. That way, Members will also have a chance to ask questions I cannot respond at this stage.

**Hon. Deputy Speaker:** Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you, Hon. Deputy Speaker. With all due respect to the Chairperson, he has not addressed the issue of the pronouncement made by his committee on this matter, which was disobeyed. His committee was very clear that the function of admissions vests in the KMTC Board and KUCCPS should stay away. That has since been violated. Without going into semantics, what is admission, and what is placement?

Placement is simply part of admission. You cannot say you have been admitted unless you have done placement. So, placement is part of the admission process, and the functions are under the KMTC Act. It belongs to the KMTC Board. The Cabinet Secretaries will be coming to do nothing. We do not need them to interpret for us the law, which is very clear. If anybody out there is uncomfortable with the law as it is, he can go to court and challenge it or bring a proposal so we can make these amendments. This kind of conduct is unacceptable, and we cannot allow it to happen.

As representatives of the people, we cannot allow blatant violations of the law as we watch. What interest does somebody have in these admissions that he has circumvented and bent the law in broad daylight? So, the Chairperson must come out clearly and get away from the notion that placement is separate from admission. As we speak, KUCCPS has no role, however remote, in the placement and admission of KMTC students unless the law is amended. No form of MoU can superintend over the law.

We need to make a clear ruling. We cannot allow the idea of asking for time for Cabinet Secretaries to come here to explain the matter. Hon. Deputy Speaker, I urge you to crack the whip and direct the Chairperson to tell KUCCPS to keep its hands off this admission process. Just declare that here and now. Thank you.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, Leader of the Minority Party. I cannot pronounce that right now because I do not have all the facts. A similar matter relating to KUCCPS was raised yesterday. I think the Speaker directed the Departmental Committee on Education and Research to call a meeting and summon the relevant Cabinet Secretaries. So, the matter can be addressed since it is urgent as the student's placement is ongoing. I will give one more person a chance. Let us hear the Departmental Committee on Health Committee Chairperson before I give a chance to the Member for Matungulu.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, for any decision made by a committee, normally a report is prepared and tabled in the House for debate. Once debated, the House either rejects, accepts, or makes amendments. So, I think what the Leader of the Minority Party is asking to be done is unprocedural. I have made it clear that the committee made its pronouncement and was documented. What remains is to present a report to this House for debate and a decision made. You cannot make a ruling to that effect out of the blues. We are a House of rules and procedures.

**Hon. Deputy Speaker:** That is what I meant when I said I do not have all the facts within my knowledge. It has come out that the committee's report is not ready. I will give the Member for Matungulu an opportunity.

**Hon. Stephen Mule** (Matungulu, WDM): Thank you very much, Hon. Speaker. I want to remind Members that we are the custodians of the rule of law in this country. I am very aware that every Member of this House from the 290 constituencies has people calling them regarding this issue.

The law can never be overruled by memoranda or agreements done outside this House. Hon. Deputy Speaker, yesterday I heard you speak passionately about how we will oversight all institutions in this country. This institution, called KUCCPS, is no exception. Students and parents are suffering at home, and every Kenyan is worried. The law is clear, and there are no amendments, so a memorandum cannot bypass it. As a legislator who follows House procedures, I am aware that the Departmental Committee on Health sat and pronounced itself on this issue. After that was done, we were told somebody else sitting somewhere wants to overrule Members.

What are we doing in this House? It would be better for us to resign, go home, and stop spending taxpayers' money on things that cannot happen. It is high time we maintained the dignity of the House, whichever side of the political divide we come from. We must stand firm and tell the nation that the only institution mandated to deal with issues of the law is Parliament.

Last but not least, the issue of the KUCCPS has been boiling over for some time now. They place Grade A students in certificate and diploma courses. It is high time we dealt with this monster because students in our constituencies are most affected. We will not lie low as Parliament on this issue and allow Kenyan students to suffer. You can imagine a student who has worked hard for four years to attain Grade A or Grade B being placed to do a certificate or a diploma course. Hon. Deputy Speaker, I know very well that you passed your A-levels. Imagine if you had been placed to do a certificate course. Would you have been our Deputy Speaker or the lawyer that we know?

Kenyans must be protected. They elected us to this House to handle such business. We will not show mercy to anyone and will not relent on this matter. The Chairperson of the Departmental Committee on Health should ask the secretariat to table that report so that we can debate it at 5.00 p.m. and agree on how to proceed. Kenyans cannot suffer anymore. We were sworn into this House to protect the law, and we have a responsibility to do so. Memoranda or anything else does not supersede the law. The court has pronounced itself on this issue. Let the law take its course, so we move forward as a country.

God bless Kenya and the students of Kenya.

**Hon. Deputy Speaker:** Thank you, Hon. Members. The Chairperson of the Departmental Committee on Health has given an undertaking that he will move with speed to summon those various agencies and the Cabinet Secretary.

*(Loud consultations)*

That is why they are going to do it. They will not take a break. They will deal with it immediately. I will pronounce myself on the timeframe before the House rises. We would have heard from the office of the Clerk what the situation is.

Allow me, Hon. Members, to recognise students seated in the Speaker's Gallery. They are from Kothine Mixed Day Secondary School from South Imenti Constituency, Meru County, and Memon Academy Primary School from Mvita Constituency, Mombasa County. I also wish to recognise students and teachers seated in the Public Gallery. They are from St. Mary Immaculate Primary School from Kwanza Constituency, Trans Nzoia County; Sotit Primary School from Konoin Constituency, Bomet County; and St. Aloys Ojola Primary School from Kisumu West Constituency, Kisumu County.

## COMMUNICATION FROM THE CHAIR

### ELECTION OF THE COAST PARLIAMENTARY GROUP OFFICIALS

**Hon. Deputy Speaker:** Hon. Members, I have a Communication that has just come to the Speaker's Chair. It is an announcement from the Coast Parliamentary Group. They confirm that they held elections today, and the undersigned persons now form their leadership:

1. Patron – Hon. Owen Baya, the Deputy Leader of the Majority Party;
2. Chairperson – Hon. Danson Mwashako Mwakuwona.
3. Vice-Chairperson – Hon. Gertrude Mbeyu.
4. Secretary-General – Hon. Kassim Tandaza.
5. Vice-Secretary General – Hon. Amina Mnyazi.

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6. Treasurer – Hon. Amina Dika.
7. Vice-Treasurer – Sen. Githuku Kamau.
8. Organising Secretary – Hon. Ali Wario.
9. Deputy Organising Secretary – Hon. Soud Machele.
10. Chairperson of the Women's Caucus – Hon. (Capt.) Ruweida Obo.
11. Whip – Hon. Ken Chonga.

I take this opportunity to congratulate all those who have risen to these leadership positions. What is your point of order, Hon. Wangwe?

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Deputy Speaker. My point of order is on discipline in the House. I raised this issue yesterday. It is important for us to grasp and understand what you are communicating to us. While you were making the Communication, our colleagues were walking in and conversing in loud tones. Members should listen to the Communication so that we can implement it.

**Hon. Deputy Speaker:** Unfortunately, I did not spot Members who were upstanding or conversing because I was busy reading. They stand guided and corrected. I will protect the Leader of the Majority Party from Members approaching him. Hon. Moroto, give him a break. Leader of the Majority Party, they may not have been able to visit you in your office because you were not around.

The following Statement is a General Statement by the Departmental Committee on Tourism and Wildlife Chairperson regarding an inquiry into human-wildlife conflict. Proceed. The Chairperson of the Departmental Committee on Tourism and Wildlife is not present.

Leader of the Majority Party, make your Statement since the others are not here.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I have quite a number of Statements today.

*(Laughter)*

I will begin with my usual Thursday Statement. I will then go to all the others, including those on the Kenya Rural Roads Authority (KeRRA), court-martialed Kenyans in Uganda, and university funding.

## STATEMENTS

### BUSINESS FOR THE WEEK OF 25<sup>TH</sup> TO 29<sup>TH</sup> SEPTEMBER 2023

Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee (HBC), which met on Tuesday, 22<sup>nd</sup> August 2023 to prioritise business for consideration during the week.

I wish to commend the leadership of the House and Members for the dedication and cooperation exhibited in the Session so far. We have certainly met the set timelines regarding all matters before us. We are now due for the break commencing after today's sitting with the House scheduled to resume regular sittings on Tuesday, 26<sup>th</sup> September 2023, at 2.30 p.m. going by our Calendar.

*(Loud consultations)*

Hon. Deputy Speaker, protect me from Members' interactions because they are too disruptive.

**Hon. Deputy Speaker:** Hon. Members, the Leader of the Majority Party, is making a very important Statement about the proceedings that will ensue after recess.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): There is another *kamukunji* happening right before me. There are rooms at the back where Members can consult.

Thank you, Hon. Deputy Speaker.

Upon resumption, the House is expected to continue debating the Second Reading of the Statute Law (Miscellaneous Amendments) Bill of 2022. The House will also debate the following Motions should they not be concluded today:

1. Report of the Kenyan Delegation to the 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings.
2. Report of the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN).
3. Report on the inspection of various one-stop border posts in the Northern Corridor in the East African Community Region.
4. Report on employment diversity audit in public institutions.
5. Consideration of the reports of the Auditor-General on the financial statements for the National Government Constituencies Development Fund (NG-CDF) for 12 constituencies in Kakamega County.
6. Probable loss of investments in Cytonn High Yields Solutions platform.

I also note that Question Time in the plenary has proceeded well as cabinet secretaries appear to answer questions and expound on policies under their respective dockets. I want to thank Members for their continued participation in this process. Upon resumption of the House and in accordance with the provisions of Standing Order 42A (5) and (6), I wish to convey that the following cabinet secretaries are scheduled to appear before the House on the afternoon of Wednesday, 27<sup>th</sup> September 2023 to respond to Questions as follows:

1. The Cabinet Secretary for Tourism, Wildlife and Heritage will respond to the following Questions:
  - (a) Question 228/2023 by the Member for Ganze, Hon. Kenneth Kazungu, regarding the containment of elephant herds that have been a menace to residents of Mwahera Jira and Mrima wa Ndege in Ganze Constituency
  - (b) Question 320/2023 by the Member for Wajir East, Hon. Aden Daudi, regarding oversight of the Tourism Promotion Fund Board.
  - (c) Question 321/2023 by the Member for West Pokot County, Hon. Rael Kasiwai, regarding rehabilitation and preservation of the Kapenguria Museum.
  - (d) Question 322/2023 by the Member for Mandera South, Hon. Abdul Haro, regarding the steps taken by the Ministry to mitigate human-wildlife conflict in Mandera South Constituency.
  - (e) Question 323/2023 by the Member for Samburu County, Hon. Pauline Lenguris, regarding compensation of families and residents in Samburu County killed by wild animals and destruction of their property.
  - (f) Question 324/2023 by the Member for Nyandarua County, Hon. Faith Gitau, regarding the human-wildlife conflict cases at Mukindu in Ol'Kalou Constituency.
  - (g) Question 325/2023 by the Member for West Pokot County, Hon. Rael Kasiwai, regarding the settlement of approved compensation claims in Nasolot Game Reserve.
2. The Cabinet Secretary for the National Treasury and Economic Planning will respond to the following Questions:

- (a) Question by Private Notice 10/2023 by the Member for Turkana South, Hon. John Ariko, regarding unlawful dismissal of Revenue Service Assistants.
- (b) Question 150/2023 by the Member for Kanduyi, Hon. John Makali, regarding the current annual status of the balance sheet of Nzoia Sugar Company.
- (c) Question 151/2023 by the Member for Mathare, Hon. Anthony Oluoch, regarding arrears owed to political parties in Financial Years 2016/2017 and 2022/2023.
- (d) Question 153/2023 by the Member for Kiambu, Hon. Machua Waithaka, regarding the decline in US dollar reserves in the country.
- (e) Question 215/2023 by the Member for Ugunja, Hon. Opiyo Wandayi, regarding delay in disbursement of the equitable revenue share to counties.
- (f) Question 216/2023 by the Member for Tiaty, Hon. William Kamket, regarding the impact that de-dollarisation by countries such as China, Brazil, Russia, India, Malaysia, and Saudi Arabia may have on Kenya's economy.
- (g) Question 217/2023 by the Member for Wajir East, Hon. Aden Daudi, regarding non-disclosure of merchants' fees and penalties charged on credit/debit cards.
- (h) Question 294/2023 by the Member for Awendo, Hon. John Owino, regarding the proposed Privatisation Plan, which includes the sale of South Nyanza Sugar Company nuclear land.
- (i) Question 295/2023 by the Member for Balambala, Hon. Abdi Shurie, regarding certain business establishments' refusal of cash payments.
- (j) Question 296/2023 by the Member for Gatundu South, Hon. Gabriel Kagombe, regarding the delayed disbursement of funds to the National Youth Service.
- (k) Question 297/2023 by the Member for Mathioya, Hon. Edwin Mugo, regarding recruiting Revenue Service Assistants by Kenya Revenue Assembly (KRA).
- (l) Question 354/2023 by the Member for Dagoretti North, Hon. Beatrice Elachi, regarding the impact of import fees levied on raw materials under the Crops (Nuts and Oil Crops) Regulations, 2020.
- (m) Question 356/2023 by the Nominated Member, Hon. Dorothy Ikiara, regarding delay in pension payment to retired teachers.

Hon. Deputy Speaker, the HBC will reconvene on Tuesday, 26<sup>th</sup> September 2023, to schedule business for the rest of the week.

In conclusion, as we proceed for the long recess, it is important to note that in case of any urgent business that requires the attention of the House, Members may be recalled for a Special Sitting, pursuant to the provisions of Standing Order 29. On behalf of the HBC, I wish Members a wonderful recess period as they spend time with their families, rejuvenate, and continue to discharge their parliamentary and constituency obligations. Spend valuable time engaging with your constituents in public participation during the recess period in preparation for the submittal of NG-CDF proposals from all the constituencies. I now wish to lay this Statement on the Table of the House.

*(Hon. Kimani Ichung'wah laid the document on the Table)*

On my behalf and that of the HBC, I wish Hon. Members a restful and busy recess as they engage with their constituents. As the HBC notes in this Statement, I also want to remind you that we will now have time during this recess to engage in public participation exercises over our proposals for the next financial year.

Hon. Deputy Speaker, with your permission, I can proceed to the Statement from the Cabinet Secretary for Foreign and Diaspora Affairs, Dr Alfred Mutua, on the court-martialling and conviction of certain Kenyans in the Republic of Uganda. It is a long one. It has three pages.

**Hon. Deputy Speaker:** You may proceed. It would be unfair not to read it in full. I do not think you have the authority to edit the Cabinet Secretary's document.

*(Laughter)*

COURT-MARTIALLING AND CONVICTION  
OF KENYANS IN THE REPUBLIC OF UGANDA

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, it starts with a huge background. In March 2022, eight Turkana herders were arrested in Kotinda in the Karamoja area on suspicion of killing three Ugandan geologists and two Uganda People's Defence Forces (UPDF) soldiers who were guarding the geologists in Lokisilei Village in Lotisan Sub-County, Moroto District.

The eight Kenyans denied the charges and informed the Ugandan side that those who had committed the offense had returned to Kenya with the weapons of the two deceased UPDF soldiers. As a result, the accused eight Kenyans were found guilty of possessing weapons at a court martial in Moroto in April 2022 and sentenced to 20 years in prison. The Ugandan authorities have consistently appealed to the Kenyan side to arrest the perpetrators of the killing of the three geologists and the two Ugandan soldiers, but the Kenyan side has not yet actualized this. It should be highlighted that while the Kenyan authorities have made steps to recover and return firearms stolen from Ugandan security forces, they are yet to apprehend the perpetrators of the killings.

On 8<sup>th</sup> April 2023, the UPDF conducted a search operation within Turkana crowds in the areas of Lokiriaut, Rupa, and Naput in Moroto District and seized 27 AK-47 rifles, one Self-Loading Rifle (SLR), 751 rounds of ammunition, 32 magazines, three sets of UPDF uniform and 19 bows and arrows. Consequently, 32 Turkana herdsman were arrested and taken to Moroto Barracks to face court martial for possessing illegal firearms. All 32 suspects were rushed through a court martial process on 11th April 2023 and sentenced to 10 years for each of the two counts of illegal possession of firearms and ammunition. An important point to note is that any civilian found in possession of illicit firearms is subject to court martial under Ugandan law, specifically, the Uganda People's Defence Forces (UPDF) Act, because the government deems them to be combatants.

On 20th February 2023, a delegation from Kenya led by Ms. Rebecca Miano, the Cabinet Secretary for East African Community, Arid and Semi-Arid Lands and Regional Development, arrived in Moroto, Uganda, to negotiate the release of the Turkana herders with a delegation from Uganda led by General Salim Saleh. The matter escalated when His Excellency President Museveni responded by issuing a directive on 3<sup>rd</sup> March 2023, stating unequivocally that the problem of the geologists' murder must be addressed before Uganda discusses the issue of amnesty and release of the Kenyan detainees.

This was followed by Executive Order No.3 of 2023, issued on 18<sup>th</sup> May 2023, which, among other things, gave Kenya six months to answer to the geologists' murder; otherwise, the Turkana would not be allowed to graze in Uganda. President Museveni also spotlighted

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Uganda's strategic plan to end nomadism and was interested in knowing the plan on the Kenyan side, as well as how long Kenya expects Uganda to allow Turkana to graze in Uganda.

On 24<sup>th</sup> June 2023, the Kenya High Commissioner in Kampala, through the Kenya Defence Forces (KDF) liaison office in Moroto, arranged for a team of Turkana leaders led by Hon. Imana and two KDF Liaison Officers to visit the inmates. The team went to Jinja Main Prison and Kitanya Maximum Prison, where the Turkana herders were incarcerated. All the inmates were found to be in good health. However, they requested to be relocated to a warmer place that is more accommodating to Kenyan inmates in terms of language, such as Moroto Prison. This Mission requested the Ugandan Government and is still awaiting a response. It is actively following up on the matter.

The Kenya High Commission in Uganda made consular visits to Murchison Bay Prison on 3<sup>rd</sup> July 2023 and the Jinja Main Prison on 10<sup>th</sup> July 2023 and distributed basic supplies to the Turkana herders and other Kenyans in the two jails. The Turkana County Government leadership has hired a lawyer in Kampala and filed an appeal on the matter on 20<sup>th</sup> April 2023 through Ms. Asingwire and Kakuru Advocates. The appeal, lodged within the 14-day appeal window, was filed to the General Court Martial at Makindye, the only available avenue to appeal under Ugandan law. The court has not responded on the hearing date, but the advocate is pursuing the matter. Another appeal was lodged through the prison's internal mechanism but was filed late.

The Kenya High Commission in Kampala is in contact with the welfare officers of each of the prisons where the herders are being held and will continue to arrange for relatives and Turkana leaders to visit the incarcerated individuals, as well as to provide consular services to all Kenyans in various Ugandan prisons in accordance with the protocols of the Ministry of Foreign Affairs of Uganda.

On 18<sup>th</sup> January 2018, Kenya and Uganda signed a Memorandum of Understanding (MoU) on a Cross-Border Programme for Sustainable Peace and Development to encourage closer interaction between the border communities of Turkana and Pokot in Kenya and the Karamoja in Uganda. The MoU also aims to combat the illegal flow of Small Arms and Light Weapons (SALWs) in the region. This framework allows Kenyans to cross to Uganda to access grazing areas and watering points. However, Uganda expressly forbids Kenyans to crossover with weapons.

Currently, the case of the Turkana herders is being escalated to the highest levels of the Executives of both countries. His Excellency President Museveni has given conditions for amnesty discussions. The first condition is that Kenya should arrest the killers of the three Ugandan geologists and the two UPDF soldiers. If this is accomplished, His Excellency President Museveni has asked Kenya to make reparations to the families of the deceased before any deliberations on amnesty for the retained Kenyans can commence.

Lastly, Kenya's top leadership is seized of the matter and has asked for expedited resolutions. The Cabinet Secretary for Foreign and Diaspora Affairs, Dr Alred Mutua, has been in contact with his Ugandan counterpart, and a physical meeting will be organized in full appreciation of the urgency and severity of the matter.

Thank you, Hon. Deputy Speaker. That was the response to the issue of the incarcerated Turkana.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Please allow it so I take a glass of water.

**Hon. Dereputy Speaker:** Yes, Leader of the Minority Party. Then we will have Hon. (Dr) Oundo.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you, Hon. Deputy Speaker. I also thank the Leader of the Majority Party for that elaborate Statement. I only have one concern. It appears that we are getting into talks with Uganda from a fragile position as a country. We

have just heard of ultimatums and conditions after conditions. What worries me the most is the condition that Kenya must produce the killers of the three geologists and two UPDF soldiers. It is as if the Kenyan and Ugandan governments know the identity of the purported killers. More importantly, how do you link the purported killers of these five persons to those who were court-martialed and are languishing in jail in Jinja? What is the connection? How do you tie the apprehension of the killers with the release of those who were court-martialed on different charges? We have a problem with that Statement.

From this Floor, I plead that this matter requires the highest possible intervention. I do not think it is enough to say that the Executive is seized of this matter. We have had enough of those stories. We want to see a more definite action from the Kenyan State. It is as if we have nothing else to hold Uganda to. We know that as neighbouring countries, we need each other. However, it is as if Uganda is doing us a favour by releasing those we believe are wrongfully in custody or prison. Why can they not release those Turkana herders first if they really want genuine discussions and then plead with Kenyan authorities to look for the killers of the five people?

This Statement is problematic as it does not address the issues raised by the Hon. Akujah, who is absent today. It is also unsatisfactory. I suggest you order the person who has authored it to go beyond what he says.

**Hon. Deputy Speaker:** Let us have one more person. Hon. (Dr) Ojiambo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Deputy Speaker, the Statement read by the Leader of the Majority Party evokes sad memories for those who live on the border between Uganda and Kenya. We are constrained by the Standing Orders and the law not to discuss the behaviour of a foreign or friendly country adversely. Still, we would have very unkind words about the behaviour and actions of the Ugandan soldiers and the Ugandan Government. Indeed, using innocent herders as bait for killers who committed heinous crimes abuses human rights.

Hon. Temporary Speaker, as the Hon. Leader of the Majority Party has stated, the response seems cowardly. One would imagine Kenya is subservient or afraid of the Government of Uganda. We must act decisively because we have the economic and military power beyond what Ugandans can do. In the order of things, our legal system is far superior to the Ugandan system. Therefore, releasing our members to go and get tried in a rag-tag country with a poor judicial system like that of Uganda is demeaning the status of the country called Kenya.

Hon. Deputy Speaker, as I stand today, about three weeks ago, the Ugandan soldiers invaded Busende and Bumbo Beach within the waters of Kenya, grabbed innocent fishermen, and took them to Uganda. It has been damn expensive to get these Kenyans who have been unlawfully arrested and incarcerated in Ugandan jails. There are horror stories of how they are beaten in the stomach, forced to eat raw fish, and so on. We cannot allow our people to suffer that way. It has got to a time that the leadership that be, the one that holds the levers in the Executive, to call the Ugandan Government to order so that we live together as friendly neighbours. We should not be viewed as if we have no might to address these challenges.

I sincerely hope that the Cabinet Secretary in charge of Foreign Affairs and all those in charge of security will take serious action regarding this matter.

**Hon. Deputy Speaker:** Member for Turkana East.

**Hon. Nicholas Ngikor** (Turkana East, JP): Thank you, Hon. Deputy Speaker, for giving me an opportunity to contribute to this issue, which is being discussed after being brought up by Hon. Akujah. According to the report by the Hon. Leader of the Majority Party this afternoon, there are conditions given by the Ugandan Government. It looks like the Ugandan Government knows that the Turkana herders are innocent. The President himself is giving our country a demand that if our country will bring the killers of the five Ugandan

citizens, then the Turkana herders will be released. It looks like the Ugandan Government has no case on these herders, and they are just trying to detain them because they were found in their country grazing livestock. It is good for our country now to take this thing seriously because, according to the statement, those who killed the five Ugandans cannot be identified by Ugandans. This incident happened in Uganda. Why is the Ugandan Government telling the Kenyan Government that they need to bring the five killers, and yet they know that this happened in their country and how it happened?

Hon. Deputy Speaker, it happened one time that a delegation went to Uganda over the same issue. I was among the delegates who went to Uganda at that time. The place where these herders were, and where the five Ugandans were killed is far away. They need to differentiate between the two incidents of the herders being caught with guns and the issue of the killing of the five Ugandans. These are two different stories. The Kenyan Government needs to take it seriously because we cannot leave it the way it is, where we are being given conditions. The condition which has no truth in it: that we need to provide the killers of the five Ugandans. How? This thing happened in Uganda. The Turkana herders were far away from where the incident took place. I went there personally, and we argued with those officers from the Ugandan side. It seems like there was no truth in what they were saying. From that day, they got worried about where the Kenyans were arrested from. We argued with them, and it reached a point where we established our people were innocent.

Our KDF Liaison Officer in Uganda must also tell the Government the truth as to how this incident happened and the place where the herders were grazing their livestock. Our people are being raided in Uganda on allegations that they take guns to Uganda. Where did the guns that raided our people in Uganda come from if the Government of Uganda says that people in their country do not carry guns?

Hon. Deputy Speaker, this incident must be looked into. We cannot leave this matter, yet our people are dying in those cells without being given justice. We need our people to be given justice and taken to a court of law to be tried and found guilty or not. Since they got arrested, nobody has charged them. They were just taken from the barracks to the cells. Nobody knows whether they went through any fair trial in Uganda. We need this thing to be followed up. The report by the Hon. Leader of the Majority Party is not enough.

Those concerned, our liaison officer in Uganda and the foreign affairs office must follow up on this to bring justice to the Turkana herders arrested in Uganda.

**Hon. Deputy Speaker:** Thank you. Let us bring this matter to a close because it has already been marked to the Departmental Committee on Administration and Internal Security. Hon. Kangogo, I will give you the last chance if you can keep it in under five minutes.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. This issue of Kenyans who were court-martialed in Uganda is unfortunate because Kenya and Uganda have enjoyed a cordial relationship for many years. When Uganda was in trouble during the time of President Amin, most of them were here in Kenya, including President Museveni himself. If it can reach a point where President Museveni is now giving conditions for Kenyans to be released, then certain conditions must be met, which means we need to take this matter very seriously.

In Migingo Islands and the entire Lake Victoria region, there are many Kenyans who have been killed by Ugandan soldiers. There have been many questions that Members of Parliament from those regions have raised in this House, especially about Kenyans being killed by Ugandan soldiers. I do not know why our President has not given a condition to President Museveni that before any negotiation or any diplomatic relationship between Kenya and Uganda, the UPDF that have killed Kenyan fishermen must be arrested. The way this matter is being handled, I am afraid it will bring serious conflict between Kenyans and Ugandans, especially those living in the border area. You heard the Members of Parliament from Turkana

saying that their local pastoralists do not know the boundaries between Kenya and Uganda, including the animals. Even if the Turkana committed a crime, they should be taken through the normal judicial system. They should have access to lawyers and present their case.

If it is true that President Museveni gave conditions, then as Members of Parliament who represent Kenyans, we urge our President to take up this issue and discuss it with President Museveni so that we have the innocent Kenyans released. We cannot deny that there might be some criminals, but it is not right to court-martial almost 50 Kenyans in the name of carrying guns.

The Members of Parliament from Turkana said that our borders with Ethiopia and Uganda are porous. Therefore, we need to address the security issue at the borders between Turkana County and its neighbours. We have left this matter to Members of Parliament from the Turkana community to fight for themselves, yet we have a functioning Government. We ask the Leader of the Majority Party to go back to the drawing board and raise the matter with the Ministry of Foreign and Diaspora Affairs and also with the President to intervene for the Kenyans from Turkana who were court-martialed in Uganda to be released and returned to the country.

**Hon. Deputy Speaker:** I will indulge Hon. Pukose.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Leader of Majority Party?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, this is a very sensitive matter because it involves the Head of State of a friendly country and diplomatic channels of a friendly country and a neighbour. I plead that we now limit what we say in relation to this matter because it is bound to get to levels where we will start discussing, from how the debate is going, a president of a friendly State. The Statement from the Cabinet Secretary was quite clear on the charges leveled against the Kenyans. They have not been charged with killing anybody; they have been charged with possessing firearms. Under Ugandan laws, specifically the Uganda People's Defence Force Act, one is considered an armed combatant if arrested with a firearm. Therefore, as to the innocence or guilt of the incarcerated Kenyans, we should leave it to competent courts in Uganda to review their court case.

Since the Cabinet Secretary has indicated that this matter is already at the highest level between His Excellency Yoweri Museveni and our President and the two ministries, it will only be fair that we do not start getting into the arena of discussing either of the presidents or the cabinet secretaries or our laws versus the Ugandan laws. We have our laws. Uganda, too, has its laws.

Hon. Deputy Speaker, I beg your indulgence to ask the Cabinet Secretary to update the House, probably when we resume from recess. He said that they are already engaging; thus, he should come to update the House on the progress made. Given the comments we are making, I feel that we are now treading on very dicey ground.

**Hon. Deputy Speaker:** I will give the final chance to Hon. Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Deputy Speaker, Endebess Constituency Neighbours Uganda and it is a good neighbour. The Turkana and the Karamoja are the same community. We should not sugar-coat that people carrying firearms to a foreign country had good intentions. We know that cattle rustlers and bandits who steal cows on the Kenyan side also steal cows from the Ugandan side. Whatever UPDF did, they are known to be a force that ensures law and order in Uganda. They are my neighbours. We should respect the President of Uganda, General Museveni, as a Head of State of a neighbouring country and as the grandfather of the East African region. Some Members might disagree, but some of us know where Uganda has come from and what President Museveni has done to make it what it is. We know he has done a good job.

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

I am a Kenyan, and my loyalty is not questionable. As a neighbour to President Museveni's country, my people cross to Uganda and are treated well but do not go with guns. We know how neighbours must live. They must respect territorial boundaries. They should not carry guns from here or Marakwet East and take them to Uganda. You will be arrested and court-martialed. Carrying guns is not acceptable. Due process must take its course.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Members. This matter should be placed before the Departmental Committee on Defence, Intelligence and Foreign Relations as it seems already that the Ministry is seized of the matter. Thank you.

Do you want to say something, Leader of the Majority Party? You had not completed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I will move on to the next statement from the Ministry of Education on the question of university admissions.

#### CHALLENGES IN UNIVERSITY ADMISSIONS

They have addressed the issue of Integrated Population Registration System (IPRS) validation for applicants, parents and guarantors. The system takes too long to validate identity cards and is at times completely down for several hours hence applicants cannot register at the portal in order to proceed with the applications. The implication of this is that identification numbers take a long time to validate or does not validate at all hence applicants cannot register at the application portal. Newly acquired identity card number are also not readily available in the system hence hindering the application progress.

On the intervention, the IPRS is to review their system to try and accommodate the traffic flowing through the portal during this application period. Newly acquired identity cards are being updated in the IPRS system from the National Registration Bureau. The Ministry of Education has already written to the Cabinet Secretary, Ministry of Interior and National Administration to address this issue and they have attached that statement.

Hon. Deputy Speaker, on the question of undeclared courses at KUCCPS by institutions, students have admission letters with courses that are not declared with KUCCPS portal, hence cannot be found in application portal during application. The institutions are to update all courses and their costs with KUCCPS before Monday, 28<sup>th</sup> August 2023.

On the huge traffic in the application portal, they concur there is, indeed, huge traffic in the application portal caused by numerous concurrent applications. The situation has been exacerbated this week because some institutions are due to commence the academic year of 2023/2024, and therefore, many students are logging into the system almost at the same time.

The Ministry of Education is continuously monitoring and adjusting the system for optimal performance to ensure that all students are able to access the system as they log in.

On loan application forms attachments, the difficulty emanates from applicants using varying scanning technologies and formats leading to difficulties in uploading the documents and inability to complete the applications. Applicants, therefore, cannot complete the application process of applying for the loans. A standardisation software is being implemented to manage the various formats of attachments coming through. Meanwhile, applicants are being re-directed to an online tool to assist in the conversion to the right format.

There are also incidences of applicants using wrong email addresses and they are continuously educating them, especially students and parents, on how to deal with that together

with the issue of double registration for some students who are keying in their identity cards twice.

On clarifying how students under 18 years can access funding without official identification documents, students without national identity cards will be required to apply for scholarships and loans with their KCSE index numbers and birth certificates. Once a student is categorized under the new funding model, a scholarship will be awarded and sent to the university or college. At the same time, the HELB loan will be set aside to finance them as soon as they submit their national identity cards. Universities and colleges have been advised accordingly on the arrangement and are expected to admit students.

From my engagement with the Cabinet Secretary, what that means is that students who are under 18 years old will be granted full scholarships in the first year. Subsequently, once they acquire their identity cards because some are turning 18 years old next year and some later this year, they will be given HELB loans to fund subsequent years as they review the scholarship bit, depending on their ability. They have already issued a memo to all our vice-chancellors to ensure no student misses admission on account of being under 18 years. The difficulty with this is that they cannot get into contractual agreements with minors. Our laws, unless we review them state that anyone under 18 years is a minor. Therefore, they cannot get into a contractual agreement for a loan with HELB. The HELB has committed to awarding them loans upon attainment of 18 years and consequently reduce their scholarship bit depending on their ability since the new funding model is student-centred, as they put it.

Provision of the loan is a contractual arrangement between HELB and the student. Since the law does not allow contracts with minors, loans for those without identity cards will not be disbursed until identity cards are provided. The students falling under this category are approximately 1,000. From experience, these students receive their identity cards within their first year of study.

On clear and easily understood guidelines differentiating the processes for applying for HELB funds and scholarships, the application process is the same and made on the same portal through the website [www.hef.co.ke](http://www.hef.co.ke). The application portal is self-guiding with clear steps and alternatives. Applicants are given an opportunity to apply for a scholarship, a loan, or both. Information provided by the applicant is broadly the same, apart from loan applicants requiring two guarantors.

I also have a very detailed 48-page document addressing many of those issues. This morning, the Cabinet Secretary delivered it to the Departmental Committee on Education and Research. I will table this document should any Member seek information, including steps the Ministry is taking in line with what Members were asking here. The document also contains what the Ministry is doing for publicity strategies to inform Kenyans through traditional media channels like the print media, television, radio, community radio stations, digital channels, bulk SMS to both university and Technical and Vocation Education Training (TVET) students, online forums, Twitter spaces, *mashinani* initiatives, churches, mosques, Huduma Centres and cyber cafes. They use various strategies to ensure they disseminate much information to our students.

As we go on recess to access, it will be good to inform our students back in our constituencies to access this information either from Huduma Centres, the Ministry's website, other portals of HELB, and KUCCPS. All that information is here, and I will be tabling this document for Members to look at and disseminate it to their constituents, many of whom are our voters. Those without identity cards are 1,000 students. They will be voters by the time we get to the next election. You will be serving your voters by disseminating this information to them.

Hon. Deputy Speaker, I will move if you allow me.

**Hon. Jared Okello** (Nyando, ODM): On a point of order.

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

**Hon. Jared Okello** (Nyando, ODM): Thank you very much, Hon. Deputy Speaker. We can all recall that I made a Request for a Statement yesterday concerning the issue the Leader of the Majority Party has ably explained. I also confirm that the Cabinet Secretary for Education was here this morning. Members of Parliament attended a session under the stewardship of the overarching Departmental Committee on Education and Research. A raft of issues were addressed. The most fundamental one, which informed the genesis of my Request for Statement yesterday, was how categorization will be done from 7th September, yet students are expected to be in college from Monday. By Monday, funds for university education will not have reached the respective universities.

The Cabinet Secretary for Education made an undertaking that all first-year students will have to report with or without money as they await cash to be sent to their universities. Therefore, I am clarifying to Members here who were not present in the Committee meeting that no one should be held back at home. The Ministry of Education plans to have all first-year students, whether medical students attracting Ksh450,000 a year or art students attracting Ksh158,000 a year, to report to college and start their studies awaiting categorization and money to be wired to their universities. At least that takes the burden off the shoulders of Members of Parliament who have consistently been confronted by these huge circulars from the Ministry of Education. Our children will now go to college, with or without monies. Their studies can take shape.

That was important for Members to know because all these requests are channeled to our offices as Members of Parliament. I thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Jared Okello. Hon. Nyamai, I give you the last opportunity.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Deputy Speaker, for giving me this opportunity.

First, I thank the Leader of the Majority Party for the Statement he read from the Cabinet Secretary. This morning, I attended the Departmental Committee on Education and Research after the ruling by the Speaker yesterday. I must take this opportunity to thank the Cabinet Secretary for Education. He ably made a presentation concerning funding for universities. The highlight of his presentation was telling Members of Parliament that it does not matter whether a student has an identity card or has not been able to go through the application process for funding. They can walk to the universities on Monday. This was the biggest burden we had. I want to take this opportunity to say that it seems to be a very good opportunity for our university learners. After the teething problems we have now with the system and the new way of applying for university financing, our students will have a smooth way to go to school very soon.

I thank the Kenya Kwanza Government for keeping the promise. This is the promise that His Excellency William Samoei Ruto presented to Kenyans when he was campaigning that he would make it easy for university students to study. He has done so. We thank him, and we are going to support him going forward.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you very much. I will give the last opportunity to the Vice-Chairperson of the Departmental Committee on Education and Research, Hon. Malulu Injendi. Are you here?

**Hon. Malulu Injendi** (Malava, ANC): Thank you, Hon. Deputy Speaker. It is true that the Cabinet Secretary and his team appeared before the Departmental Committee on Education and Research today from 10.00 a.m. to 1.00 p.m. The CS assured us and the nation at large that those students who have been admitted to university will not miss their chances of being in university. He also assured us that there are those who have not been able to do their

applications for loans, scholarships and so forth. In this regard, he said the management of the respective learning institutions will set up desks where such students will be assisted to apply to enable them access whatever they will apply for.

To the Committee's understanding, it appears that the panic that has been there among Members and the entire nation should not be there because all the students who have been admitted will get admission to the universities.

There are students who have been admitted to private universities against their desire. We were also assured that such students will have a chance to re-apply through the KUCCPS so that they can be taken to public universities of their choice.

**Hon. Deputy Speaker:** Hon. Members, permit me to move back to Orders 5 and 6 to allow the Chairperson of the Special Funds Accounts...

*(Hon. Kimani Ichung'wah spoke off-record)*

You have not done the County Allocation of Revenue Act (CARA), 2015?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, it is the KeRRA.

**Hon. Deputy Speaker:** If it is about KeRRA, we can hear from Hon. Bowen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): It is not about KeRRA, Hon. Deputy Speaker. Just like on the Report of the Ministry of Education, we also have a problem with the KMTC admissions. The Chairperson of the Departmental Committee on Health, Hon. Pukose, who is here, is also a "cousin" to President Museveni.

*(Laughter)*

The issue is the same because the KUCCPS Board is now also admitting students for KMTC yet the KMTC Act, 2012 has not been repealed.

**Hon. Deputy Speaker:** Hon. Kangogo, that matter has already been canvassed, resolved and closed. Let us allow the Leader of the Majority Party to speak about the hot topic of KeRRA.

*(Hon. Ken Chonga spoke off-record)*

Hon. Ken Chonga, what is your point of order?

**Hon. Ken Chonga** (Kilifi South, ODM): Hon. Deputy Speaker, I appreciate the Report by the Leader of the Majority Party on education. However, I am still wondering. The Ministry of Education made a statement to the effect that the students would be categorised into extremely needy, needy, vulnerable and less needy. What is disturbing me is what barometer the Ministry of Education is going to use to tell that a certain student is highly vulnerable or very needy or less needy, given the fact that whenever people coming from...

**Hon. Deputy Speaker:** That matter was also canvassed. Obviously, the Hon. Member has not had a chance to look at the portal because it is self-declaration.

Proceed, the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, if Hon. Ken Chonga has difficulty in reading, he can consult Hon. Jared Okello, who was in the Departmental Committee on Education and Research. The document that I have just tabled for everybody's benefit is 48 pages long. It covers all the issues he is talking about. The Members who were before the Departmental Committee on Education and Research this morning will bear me witness that the Cabinet Secretary addressed all those matters. If you allow me to read the statement on KeRRA...

*(Hon. Ken Chonga rose on a point of order)*

**Hon. Deputy Speaker:** Hon. Chonga, we have already closed that topic, having already canvassed it. Leader of the Majority Party, let us give Hon. Chonga a minute. However, we are not re-opening debate on the matter.

**Hon. Ken Chonga** (Kilifi South, ODM): I want to make it very clear in this House that I went to school. I am a holder of a Masters in Business Administration degree and I am doing a Doctor of Philosophy (PhD) degree. It is, therefore, an insult for the Leader of the Majority Party to claim that I have a problem of reading. What is it that I need to have for him to be able to know that I went to school?

Hon. Deputy Speaker, can he kindly withdraw that statement? That is a total insult to a Member of Parliament.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I do not know why Hon. Chonga is getting so irritated. I said if he had a difficulty in reading this Report, somebody could help him. Now he tells me that he is doing a PhD. How do you do a PhD? You can only attend PhD classes, my friend; or study for your PhD. You do not do a PhD.

*(Laughter)*

Hon. Deputy Speaker, I know that Hon. Chonga, being from Kilifi County, was probably translating it directly from Swahili, "*Ninafanya Degree ya PhD. Lakini kwa lugha ya kimombo huwezi sema*," "I am doing." You cannot do PhD. How?

PROJECTED FUNDING CEILING FOR KERRA FOR  
FINANCIAL YEARS 2024/2025 AND 2025/2026

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, the Constitution of Kenya 2010 has assigned the National Government responsibility for the construction and maintenance of national trunk roads while the county governments have been assigned the responsibility for county roads. The county governments became beneficiaries of the Road Maintenance Levy Fund (RMLF) conditional grant from Financial Year 2015/2016 based on the County Allocation of Revenue Act, 2015. The Kenya Roads Board (KRB), therefore, allocated 15 per cent of RMLF as conditional grant to the county governments for six years from Financial Year 2015/2016 to Financial Year 2020/21. Effective Financial Year 2021/22, the maintenance of county roads was incorporated into the equitable revenue share.

The 9<sup>th</sup> National and County Governments Coordinating Summit held in February 2023 in Naivasha resolved that the RMLF allocation to the counties would be given consideration in the Financial Year 2024/2025 through a restructured process. To effect the resolution of the Summit, the Intergovernmental Relations Technical Committee convened a meeting on 8<sup>th</sup> August 2023 at the Kenya School of Government (KSG), where the road sector was expected to restructure the Kenya Roads Board Act or the Road Maintenance Levy Fund Act to include allocations to the county governments and review the road classification to align it with the restructured Act. However, the discussion of the meeting was not concluded and, therefore, the Intergovernmental Relations Technical Committee was advised to convene a stakeholders' meeting involving the Council of Governors, CRA and the Ministry of Roads, Transport and Infrastructure, and its affiliate agencies to discuss the above matter further.

Hon. Deputy Speaker, on the projected funding ceilings for KeRRA for the Financial Year 2024/2025 and Financial Year 2025/2026, which is the crux of the matter, the Cabinet Secretary said that Section 19 of the Kenya Roads Board Act, 1999 required the Board to

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communicate to the road agencies, at least, a year in advance on the funding likely to be available for allocation in the coming year. Every road agency is then required to submit to the Board an annual roads programme. The Board is further required, in accordance with Section 35(2)(a) of the Act, to submit a collated annual roads maintenance programme of the road agencies to Parliament for approval.

In order to ensure compliance with the tight Budget requirements under the Kenya Roads Board Act, the Board issued projected funding ceilings to KeRRA in July 2023, as shown in the table below:

Table 1: KRBF allocation to KeRRA FY 2024/25 (Option 1)

	PROJECTED ESTIMATES (Kshs)	
ALLOCATION DESCRIPTION	FY 2024/25	FY 2025/26
15% Constituency Roads Allocation	11,265,896,674.09	11,756,078,845.42
	PROJECTED ESTIMATES (Kshs)	
ALLOCATION DESCRIPTION	FY 2024/25	FY 2025/26
6.8% Critical links Roads Allocation	5,107,206,492.26	5,329,422,409.93
<b>Total KeRRA Allocation</b>	<b>16,373,103,166.35</b>	<b>17,085,501,255.35</b>
<i>Allocated as follows:</i>		
(a) Admin & operations (5.5% of RMLF)		
15% Constituency Roads	2,810,289,082.57	2,931,556,513.76
6.8% Critical links Roads	1,273,997,717.43	1,328,972,286.24
<b>Total Admin &amp; operations</b>	<b>4,084,286,800.00</b>	<b>4,260,528,800.00</b>
(b) Roadworks		
15% Constituency Roads	8,455,607,591.52	8,824,522,331.66
6.8% Critical links Roads	3,833,208,774.82	4,000,450,123.69
<b>KeRRA Total Road Works</b>	<b>12,288,816,366.35</b>	<b>12,824,972,455.35</b>
(c) Roadworks Allocation per Constituency		
15% Constituency Roads	29,157,267.56	30,429,387.35
6.8% Critical links Roads	13,217,961.29	13,794,655.60
<b>Total Allocation per Constituency</b>	<b>42,375,228.85</b>	<b>44,224,042.95</b>

Hon. Deputy Speaker, the total allocation per constituency for the Financial Year 2024/2025 was projected to be Ksh42,375,228.85. For the Financial Year 2025/26, it was projected to be Ksh44,224,042.95. The ceilings issued to KeRRA were based on the assumption that the county governments would receive 15 per cent of the RMLF effective Financial Year 2024/2025, in line with the resolution of the 9<sup>th</sup> Summit.

It was noted that in the six Financial Years 2015/2016 to 2020/2021, the counties received 15 per cent of the RMLF, in accordance with the CARA, 2015. The KeRRA and Kenya Urban Roads Authority (KURA) were allocated 21.8 per cent and 10.2 per cent, respectively, on pro-rata basis.

Hon. Deputy Speaker, noting that the road network administered under these two road agencies are within the counties, both KeRRA and KURA have included county roads in their annual road works programmes. The KRBF allocation to KeRRA for the Financial Year 2024/2025 option two... The Board shall be guided by the resolution of Parliament as to whether the county governments shall receive RMLF funding in Financial Year 2024/2025 for

maintenance of county roads. In the event that Parliament does otherwise, the ceilings to KeRRA shall be revised upwards as shown in Table 2 below.

Table 2: KRBF allocation to KeRRA FY 2024/25 (Option 2)

ALLOCATION DESCRIPTION	PROJECTED ESTIMATES (Ksh)	
	FY 2024/25	FY 2025/26
22% Constituency Roads Allocation	16,576,899,394.90	17,296,254,496.94
10% Critical links Roads Allocation	7,534,954,270.41	7,861,933,862.25
<b>Total KeRRA Allocation</b>	<b>24,111,853,665.31</b>	<b>25,158,188,359.18</b>
<b>(a) Admin &amp; operations (5.5% of RMLF)</b>		
22% Constituency Roads	2,810,289,082.57	2,931,556,513.
10% Critical links Roads	1,273,997,717.43	1,328,972,286.
<b>Total Admin &amp; operations</b>	<b>4,084,286,800.00</b>	<b>4,260,528,800.</b>
<b>(b) Roadworks</b>		
22% Constituency Roads	13,766,610,312.33	14,364,697,983.
10% Critical links Roads	6,260,956,552.98	6,532,961,576.
<b>KeRRA Total Road Works</b>	<b>20,027,566,865.31</b>	<b>20,897,659,559.</b>
<b>(c) Roadworks Allocation per Constituency</b>		
22% Constituency Roads	47,471,070.04	49,533,441..
10% Critical links Roads	21,589,505.36	22,527,453.
<b>Total Allocation per Constituency</b>	<b>69,060,575.40</b>	<b>72,060,895.</b>
<i>Allocated as follows:</i>		

Hon. Deputy Speaker, again, I do not need to go through the table but the total allocation per constituency for the Financial Year 2024/2025 shall be Ksh69,060,575.4. For the Financial Year 2025/2026, it shall be Ksh72,060,895.03. If the ceilings are issued based on Table 2 and the county governments become beneficiaries of RMLF, then KeRRA will have pending bills since works would have been procured.

In conclusion, the lower ceiling issued to KeRRA was made under caution to safeguard the Authority from early procurement of works and the resulting pending bills that may arise if the county governments are funded. The Ministry of Roads, Transport and Public Works, and the Kenya Roads Board shall be guided accordingly, and appropriately by Parliament on this matter.

Hon. Deputy Speaker, the import of this Statement, from my engagement with the Cabinet Secretary, Hon. Kipchumba Murkomen, is that the memo that was sent to the regional managers was cautionary. This is because there were ongoing discussions among the Summit, the Council of Governors, CRA and the Ministry to incorporate the county governments into the RMLF. That means less money coming to your constituencies under KeRRA. That is as per the table that is in Schedule 1 of this letter from the Cabinet Secretary. This is what was communicated to the regional managers. However, the law is the law. I have told the Cabinet Secretary that the law as it stands is that KeRRA gets 22 per cent; that is the 21.8, and 10.2 per cent. That is the law as it stands.

(Applause)

Until and unless Parliament amends that law, the schedule must remain as per Schedule 2 in this letter — the Ksh69 million and Ksh76 million for the Financial Year 2025/2026.

*(Hon. Members spoke off the record)*

Hon. Deputy Speaker, the matter will, therefore, be coming before this House. It will be up to the Members of this House to decide whether they want to share the RMLF with the counties that are already getting it as part of their shareable revenue. Members are also constituents of the counties and they know the county governments are doing very well in maintenance of county roads.

*(Loud consultations)*

Your constituents know. Therefore, you shall make an informed decision when this matter comes to the House. The Cabinet Secretary says that they are still in active engagements. I have cautioned him that he must not act until and unless the law is changed. This is because the law is clear. I think they are also cognisant of that fact. They are only saying that they had issued that amount so that as you plan... It is a principle in accounting. I was looking for CPA John Mbadi. I do not know if CPA Julius Ruto is here. He is also not here. Those who are accountants like myself will tell you that there is an accounting principle known as the Principle of Prudence - that, you must be prudent as you do your budget planning. They were simply trying to apply prudence by looking at the best-case scenario or the worst-case scenario so that should the law change, you stick with what you planned for in the next financial year.

*(Loud consultations)*

I said, “should the law change.” As to whether the law will change or not, it is not my calling or that of the Cabinet Secretary to determine. It is up to those who make laws and those who appropriate budgets. We all know the makers of the law and the appropriators of resources. Therefore, this matter is squarely in your hands, Hon. Members.

Hon. Deputy Speaker, I submit.

**Hon. Deputy Speaker:** Hon. Members, allow me to recognise students seated in the Public Gallery from the following schools: They are from King Hill Academy Primary School from Kabarnet Constituency, Baringo County; Elangata Enkima Primary School from Kajiado South Constituency, Kajiado County; Mansukh S. Patel Primary School from Rongai Constituency, Nakuru County; Alkhair Royal Primary School from Mvita Constituency, Mombasa County; and, Chebulbul Primary School from Keiyo South Constituency, Elgeyo Marakwet County.

Members, allow me to move back to Orders 5 and 6. Let us...

*(Loud consultations)*

Do you want to speak about this issue? Okay. Let me give a chance to Hon. TJ Kajwang' then I will give Hon. Martin Owino....

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Deputy Speaker, you know that there is a lot of interest in this matter because it concerns constituencies. That is the reason we are here. If it were not for our constituents, we would not be here.

The Leader of the Majority Party has ably read....

**Hon. Deputy Speaker:** Hon. TJ, make it brief so that we can have more Members participating since many are interested.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Deputy Speaker, I will be very brief. The Leader of the Majority Party has read a statement which is very clear, but he has talked about the principle in accounts called prudence. I do not know what that means because I did not go to accounting school. However, you and me know the principle called 'without prejudice'. If you read that letter done by the agency and supervised by the Cabinet Secretary, who is a lawyer, the letter does not have any reservation. It does not say that 'we are writing it on cautionary basis.' It does not say that it is without prejudice. It does not say that 'we are talking about abundant caution'.

When the Leader of the Majority Party says some of the things that he has said, of course, he is being a good advocate for this agency. I, with a lot of respect, ask that this Statement be committed to the Departmental Committee on Transport and Infrastructure to grill it more. We want to know who prepared this letter, who thought about it and which meeting it is. This is because it is our duty to remove...

Hon. Deputy Speaker.

*(The Hon. Deputy Speaker consulted the Clerk-at-the Table)*

Hon. Deputy Speaker, it is part of our mandate under Articles 94, 95 and 96 of the Constitution to remove a State officer who violates the law knowingly. This person changing the law with a letter not without prejudice basis, we want to know who he is so that we can deal with him appropriately in this House, even before we go into those issues of counties or whatever. Who is this changing the law?

**Hon. Deputy Speaker:** Give the other Members a chance.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Thank you very much, Hon. Temporary Speaker.

**Hon. Deputy Speaker:** You want me to give Hon. Martin Owino a chance first, or you want to just respond quickly? Members, we have a Petition that is starting at 5.00 p.m. We want to, at least, get to business on the Sugar Bill, hence the urgency. I know the Sugar Bill is also a hot potato. So, we have to choose between KeRRA and the Sugar Bill.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, you know that I am an accountant and an economist. I have never pretended to be a lawyer. I do not know whether this letter was without prejudice or with caution but, at least, I can read that there is the word 'caution'. On the last page, he says "the lower ceiling issued to KeRRA was made under caution to safeguard the Authority from early procurement of works and the resulting pending bills that may arise, if the county governments are funded."

Hon. Deputy Speaker, the Chairperson of the Departmental Committee on Transport and Infrastructure is not here but he had sent me a message before I came to the House. He indicated that the new Kenya Roads Board Act requires Parliament, through the Departmental Committee on Transport and Infrastructure, to approve all RMLF programmes proposed by the three agencies. Any allocation to counties will complicate the exercise. I want to confirm what the Member for Ruaraka is saying. The Chairperson of the Departmental Committee on Transport and Infrastructure is well seized of this matter. He is also a Member of Parliament. The 15 Members who sit on that Committee are seized of this matter as well.

This letter is now the property of the House and they should be able to pick it up from here. All that the Speaker had directed was for me to ask for a quick statement from the Ministry, which has now come. That is all I have delivered. I beg that since the Cabinet Secretary is available, the Committee should summon him. If you are not satisfied, you can summon the Cabinet Secretary to appear here on a Wednesday afternoon. If he does not comply with what the law says, as Members of Parliament who oversee the Executive, you will know what to do with my good friend, Hon. Kipchumba Murkomen. He has exercised abundant

caution in saying that he will be guided by what Parliament resolves. Therefore, we can leave the matter to the Committee to deal with.

**Hon. Deputy Speaker:** Hon Members, I want to seek your indulgence. Since this matter will go to the Committee and still come back to the House, you will have an opportunity to interrogate it further. Since the Committee has said that the Cabinet Secretary shall appear to answer those questions, let us move to today's main business.

Just before that, I will quickly go back to Orders 5 and 6 to allow the Chairperson of the Special Funds Accounts Committee, who was not here earlier, to quickly lay a Paper on the Table and immediately move the Notice of Motion, in that sequence. Thereafter, we will proceed to the next Order, the Sugar Bill, which I know Members are interested in.

## PAPERS

**Hon. Fatuma Mohammed** (Migori County, Independent): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. Second Report of the Special Funds Accounts Committee on its consideration of the report of the Auditor-General on the financial statements of the Parliamentary Mortgage Scheme Fund, Parliamentary Car Loan Scheme Fund and Parliamentary Catering Fund for the Financial Years 2020/2021 and 2021/2022.
2. Third Report of the Special Funds Accounts Committee on its consideration of the report of the Auditor-General on the financial statements of the Local Authorities Provident Fund for the Financial Years 2019/2020 to 2021/2022.

## NOTICES OF MOTIONS

### ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF VARIOUS PARLIAMENTARY FUNDS

**Hon. Fatuma Mohammed** (Migori County, Independent): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the report of the Auditor-General on the financial statements of the Parliamentary Mortgage Scheme Fund, Parliamentary Car Loan Scheme Fund and Parliamentary Catering Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 24<sup>th</sup> August 2023.

### ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF THE LOCAL AUTHORITIES PROVIDENT FUND

**Hon. Fatuma Mohammed** (Migori County, Independent): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the report of the Auditor-General on the financial statement of the Local Authorities Provident Fund for the Financial Years 2019/2020 to 2021/2022, laid on the Table of the House on Thursday, 24<sup>th</sup> August 2023.

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

**BILL***Second Reading*THE SUGAR BILL  
(National Assembly Bill No.34 of 2022)*(Moved by Hon. Emmanuel Wangwe on 16.8.2023)**(Resumption of debate interrupted on 23.8.2023)*

**Hon. Deputy Speaker:** Hon Members, we had a balance of time. Was there any Member on the Floor?

*(The Deputy Speaker consulted the Clerk-at-the-Table)*

Hon. Mwangi Kiunjuri had a balance of four minutes. If he is not here, we will start with Members of the Committee. There are many Members interested in the Bill.

Hon. David Kiplagat.

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Deputy Speaker. I rise to support the Sugar Bill.

As the Departmental Committee on Agriculture, we have done justice to the Bill. To bring Members up to speed, we were able to engage all the stakeholders in the sugar industry. We engaged millers, businessmen and farmers.

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]**[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

We made sure that we travelled to all parts of Kenya that are engaged in sugar farming, from Ramisi in Mombasa, Mumias, Busia, Chemelil and Trans Mara. The rallying call was that there is need for a radical surgery in the sugar industry. The sugar industry is ailing. Currently, the situation is cancerous. All public companies like Mumias, Chemelil, Muhoroni and Miwani have collapsed. In fact, the situation was sad when we were in Miwani. The only available asset at that factory is the land, whose issue is emotive. The farmers were saying that if the factory is not able to operate, then that land should be subdivided and shared out among the locals.

One of the biggest issues affecting the sugar industry is productivity. Currently, all the factories are closed to allow sugarcane to mature.

*(Hon. Jared Okello stood in his place)*

Hon. Temporary Speaker, allow me to prosecute this Bill by ordering Hon. Okello, who is a Member of my Committee, to resume his seat. I am contributing but he is busy disturbing me.

If you go to countries from which we currently import sugar, like Brazil, the maturity period of their sugarcane is 12 months. In Kenya, the maturity period is from 18 to 24 months. There is need to increase productivity by getting a seed variety that can mature within 12 months. The Government also needs to look after the factories it owns. The lesson we got from the

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factories is that the Government is not a very good businessman. There is need to have strategic partners who can run those factories to productivity.

In order for us to be able to revive the sugar industry, there is need to introduce the Sugar Development Levy. That is where the rubber meets the road. Members from the sugar belt might be asking, “Why 4 per cent?” It is as a result of the protocols we have entered into with the Common Market for Eastern and Southern Africa (COMESA), where all imported and locally-milled sugar is given the same percentage. That is why the Committee proposed 4 per cent, which will go towards assisting the sugar industry. About 15 per cent will be allocated for maintenance of the factories.

Hon. Temporary Speaker, on research and training, which will ensure that we have a variety that can mature within 12 months, we are allocating 15 per cent to research and training institutes.

When it comes to the most important issue, which is cane development, we have allocated 40 per cent to make sure that, at least, our farmers can have a source of credit so that they can develop the industry.

The Sugar Board is very important because it will be regulating the sugar industry. We have allocated it 15 per cent. We also have issues of road maintenance and infrastructure development in general, which we have allocated 10 per cent but we said the counties will not touch that money. It will be managed by KeRRA and leaders from the sugar belts will decide which roads will be made. We also need to build democracy and advocacy within the sugar industry. We have said 5 per cent will go to farmers advocacy groups so that they can have money to be able to propagate their issues.

Hon. Temporary Speaker, the Sugar Bill will bring radical change in western, Nyanza and Coast regions as well as in some parts of Rift Valley region. I urge Members to debate this Bill so that at the end of the day we do justice to it. I call upon all the Members of this House to support it so that we expedite its passage and have it sent to the Senate for concurrence to ensure that we have sanity in the sugar industry.

With those remarks, I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. Hon. Members, the Sugar Bill has attracted a lot of interest. My requests screen is full. I want to ask you to be magnanimous enough to limit your speeches if you can, so that more Members can speak. Remember, at exactly 5.30 p.m. we should adjourn because we have an Adjournment Motion.

Let me give this chance to the Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you, Hon. Temporary Speaker. I want to be very brief. I had a chance to go through this Bill in detail. Let me start by saying that I was in this House with a few of my colleagues, like Hon David Ochieng’, Hon. K’Oyoo and Hon. Wangwe, the initiator of this Bill, when the Agriculture and Food Authority (AFA) was created.

The AFA Act was enacted during the 11<sup>th</sup> Parliament. I was privileged to have belonged to the Departmental Committee on Agriculture and Livestock, which was initially chaired by my good friend, the current Deputy Governor of Kakamega County, Hon. Ayub Savula. Later on, we sacked him. He became the first Member to be removed as chairperson of a committee of that Parliament. After a few months, we replaced him with Hon. Noor Hassan of Mandera.

Hon. Temporary Speaker, with the benefit of hindsight, I can say that it was a mistake to have lumped together very many key agriculture sub-sectors, sugar included, under the AFA Act. In so doing, we lost focus and this critical sector lost the attention it deserves. This is because the AFA Act killed the Kenya Sugar Board, as it was then known, and introduced a mere Sugar Directorate under AFA. Since the enactment of that Act to-date, we have only seen the sugar sector going under. There is nothing to write home about the era of the Sugar Directorate under the AFA framework.

Therefore, I must thank Hon. Emmanuel Wangwe, the Member for Navakholo and Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture (PIC-SSA&A). If this Bill is enacted into the Kenya Sugar Act, it will be re-introducing the Kenya Sugar Board with all its previous powers under a re-defined mandate and a more focused approach to the issues of sugar development. Therefore, I must thank Hon. Wangwe for playing a part as a legislator and being part of history in terms of reviving the ailing sugar sector, which is a source of livelihood to millions of Kenyans - especially in the Western Kenya region, and particularly in my constituency of Ugunja, where for a long time we have grown sugarcane that is processed by Mumias Sugar Company.

Hon. Temporary Speaker, I do not want to go into details of how the sugar sector found itself where it is currently. We must admit that there are people responsible for the decline and we must watch out for them as we enact this Bill into law. Sugar has become a cash cow for the who-is-who in the leadership of this country. This sector has been milked dry by people in authority right from the Executive, Members of this House and the management teams of various sugar mills, especially public-owned ones.

In this country, there are people who have become billionaires as a result of milking dry the sugar sector. We know them. Some sugar factories in Western Kenya are on their knees as a result of pilferage and theft by persons who are known. Some of them are in the United Democratic Alliance (UDA). They used to be in the Orange Democratic Movement (ODM). They would go round showing off their ill-gotten wealth, trying to intimidate people. We must call them to account for their actions some day.

Hon. Temporary Speaker, spare me from the interventions by Hon. Baya Yaa and Hon. Ochieng'. Hon. Wamboka wants to give information.

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

**Hon. Temporary Speaker** (Hon Omboko Milemba): Deputy Leader of the Majority Party, what is out of order?

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. Hon. Wandayi was doing very well. He was saying what Kenyans want to hear. However, when he said that the people who killed the sugar industry were in ODM and are now in UDA, he went out of what a respectable leader like him should do. He should stick to the facts. We, in UDA, have not inherited corrupt people from ODM. The corrupt remained there.

*(Hon. Wanami Wamboka spoke off the record)*

**Hon. Opiyo Wandayi** (Ugunja, ODM): ... (Off-record)

**Hon. Temporary Speaker** (Hon Omboko Milemba): Order! Let Hon. Wandayi proceed, Hon. Wamboka. He has no capacity to give you the Floor.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, I have allowed him but you have declined. Just give him a minute to inform me.

**Hon. Temporary Speaker** (Hon Omboko Milemba): Proceed Hon. Wandayi, many Members want to speak to this Bill.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Just hold on. Hon. Wamboka, you will speak after me. I was saying some of the people who have milked the sugar sector dry were in ODM but they have since found a natural home in UDA. Hon. Baya, you also know them.

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

Who is speaking? Once we enact this Bill into law, we will not allow old practices to continue. We must put sugar barons on notice. The sugar sector employs hundreds of thousands of Kenyans. Millions of Kenyans derive their livelihoods from the sugar sector. To show the

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extent of corruption and blatant pilferage, I will use the case of Miwani Sugar Company in the Nyando sugar belt. It is in Muhoroni Constituency, which is ably represented here by Hon. James Onyango K'oyoo aka Jamoko. Miwani Sugar Company is in a sorry state of affairs. Although on paper Miwani Sugar Factory is perceived to be publicly owned, it exchanged hands a long time ago. It is no longer owned by the public. Its majority shareholding was stolen by people whose names are known by the Registrar of Companies.

**An. Hon. Member:** Name them!

**Hon. Opiyo Wandayi** (Ugunja, ODM): They shall be named. The nucleus estates, including the land where Miwani Sugar Factory stands of 9,000 hectares that previously belonged to Miwani Sugar Factory is now in the hands of a private entity. What is it called?

**An. Hon. Member:** Crossley Holdings.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Crossley Holdings Limited is owned by people who have interest in Kibos Sugar Factory. They are currently the purported owners of the over 9,000 hectares of land that belongs to Miwani Sugar Factory. Miwani Sugar Factory was owned by the public. It is located on land that was donated by our Luo ancestors. The Luo people of Miwani donated that land for the purpose of establishing Miwani Sugar Factory. How can the Luo people be deprived of their land only for the land to be given to a *Muhindi*? You applauded me. Today I will name them.

**Hon. Members:** Name them!

**Hon. Opiyo Wandayi** (Ugunja, ODM): How do you take over 9,000 hectares of land that belongs to the public?

*(Loud consultations)*

I am told that they were being assisted but by who? I do not know about that. The fact of the matter is that unless and until the issue of Miwani Sugar Company land is addressed, there will be no reforms in the sugar sector because Miwani represents the ugly side of the sugar sector.

*(Applause)*

Hon. Temporary Speaker, you know this because where you come from is very close to that area. I wish you could add me ten more minutes so that I can mention more names. Hon. K'Oyoo will pick it up from where I will leave it. If I do not speak for the poor Luo land owners in Miwani, who will speak for them? I am not ashamed of doing so. You can call me a tribalist if you so wish but I must speak for the helpless Luo farmers and Luo land owners in Miwani. Why are people being deprived of their land and heritage?

Another issue that has caused the current state of affairs at Miwani Sugar Factory is the fact that these players are just a cartel. The same people who undertake sugar milling engage in sugar importation.

*(Hon. Wamboka spoke the record)*

Hon. Temporary Speaker, I am being told that one of them is the Rai Family. How can one be a sugar miller and a sugar importer at the same time? What will stop them from sabotaging the sugar sub-sector so that they can be given a chance to import cheap sugar? In most cases, sugar importation licences are given to the same characters even in this new regime. You can check the records at the Ministry of Agriculture. Those who have been given licences to import sugar are the sugar barons who claim to be millers and importers of sugar. Unless we deal with them, there will be no reforms in the sugar sector.

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Yesterday, I took a lot of my time at the Ethics and Anti-Corruption Commission (EACC) Headquarters at Integrity Centre, trying to follow up on the case of my friend, Hon. Wycliffe Oparanya. However, I was blocked from entering their offices. I wanted to see the EACC in the same manner it had gone for Oparanya - at higher speed - for the fellows who have stolen money from the sugar sub-sector and brought it to its knees. They killed the sugar industry in general.

As we enact this Bill into law, we must be cautious. I am happy that we are no longer going to have a directorate of the Agriculture and Food Authority managing the sugar industry. How did the architects of the Agriculture and Food Authority Act expect this Authority to effectively manage the sugar industry without a mandate, statutory powers and capacity? The Kenya Sugar Board is being re-created. I hope it will have the mandate and independence to play its rightful role in the management and development of the sugar sector.

With those remarks, I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Malulu Injendi.

**Hon. Malulu Injendi** (Malava, ANC): Thank you, Hon. Temporary Speaker. I want to, first of all, thank Hon. Wangwe for reviving this Bill, which lapsed with the 12<sup>th</sup> Parliament. I hope this time round, after our deliberations, the Senate will fast-track it so that it is assented to an Act of Parliament.

I appreciate this Bill for three important proposals contained therein: Firstly, re-creation of the Kenya Sugar Board; secondly, introduction of the Sugar Levy Fund; and thirdly, establishment of Sugar Research Foundation. When I was elected to Parliament in 2013 on a platform of development in my Malava Constituency, most road and bridge works there were funded by the Sugar Levy Fund that was committed by sugar factories. However, since the disbandment of the Kenya Sugar Board, that arrangement died. Consequently, I became a victim of blame game because I was not doing what was being done before the disbandment of the Kenya Sugar Board. Therefore, I was said to be lousy.

I appreciate the proposal to re-create the Kenya Sugar Board mostly because Members of Parliament from the Western Kenya region, including myself and Hon. Wangwe, among others, have always been accused of not effectively representing farmers on most of the issues that affect them. Re-creation of the Kenya Sugar Board will give sugarcane farmers a platform on which to present their issues of interest through the directors who will constitute the Board.

Hon. Temporary Speaker, as you are aware, our sugarcane takes about two years to mature. At one time I visited Sudan, where I found that their sugarcane takes about nine months to mature for harvest. The establishment of the proposed Sugar Research Foundation will facilitate persons to carry out research so that we start planting sugarcane varieties that will take eight or nine months to mature. This will shorten the cane production time and help improve the income of farmers as opposed to farmers waiting for two years for their crop to mature. I thank Members for their positive contributions. I ask Parliament to be considerate of sugarcane farmers. Currently, they are suffering. Factories in this country's sugarcane belt have been closed because we have not had clear policies on sugarcane growing.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Martin Owino, you are next on the list.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker. Sugar issues are very emotive. I am a product of sugarcane farming back when sugar was sugar. As the Leader of the Minority Party mentioned, the enactment of the Crop Act was a disaster for the sugar industry, which nosedived. Many children dropped out of school because their parents could not afford school fees. The impact of that situation may not be realised today. That is why there are many young people wandering around without anything to do.

Enacting this Bill will repeal the Crop Act of 2013. It will usher in the Sugar Board, which will have representation from farmers. They will be part of the decision-makers on

pricing according to sucrose content. That will raise the cost of sugar. Another thing that has been alluded to by Members is the creation of the Kenya Sugar Research Institute. The COMESA region is very competitive. If we do not conduct market research and come up with useful products, we will lag behind.

Hon. Temporary Speaker, I thank the Committee, especially the originator of the Bill, Hon. Wangwe. The Sugar Development Levy which has been apportioned from 15 per cent for income or price stabilisation, 20 per cent for the Board and 45 per cent for infrastructure development to support farmers in research is timely. Farmers do not get profits from what they produce. The levy will help in providing credit advances to farmers so that they do good farming.

In Clause 34, I request that we look into the powers that we want to give the Cabinet Secretary to determine and gazette what levy to impose on local production of sugar. We will give the Cabinet Secretary a lot of power. Why not just indicate that 10 per cent of sugar produced is specified for importation? That figure should be revised to 15 per cent. Let us draft a specific provision in the law and not give leeway to the Cabinet Secretary to make that decision. That is where corruption starts. I will propose amendments during the Committee of the whole House.

Hon. Temporary Speaker, problems always arise in any setting, whether it is family or community. There will be disputes among sugarcane farmers, out-growers and millers. Pricing and contract farming have always been disputed. The Bill provides for a tribunal to preside over such issues. That is progress.

I would like other Members to be brief so that more Members can contribute to the Bill. If this Bill is enacted, there will be improvement in farms. Even in Ndhiwa, whose main source of income is sugarcane farming, life will improve. Farmers will access cheaper and affordable farm inputs. Farming operations are very difficult. Weighing machines and roads will be taken care of by the Board and that is a good thing. Lastly, price stabilisation will be a jackpot for all farmers.

As I support the Bill, I encourage Members to be brief so that we finish the Second Reading and go to the Committee of the whole House.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. David Ochieng'. Please be as brief as you can so that many Members can speak on the Bill.

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Temporary Speaker, I am already brief. I am quite short.

Sugar is not just a product that is put on our tables. It is a political product. It has always been all over the world. There are only two kinds of barons in the world. There are sugar barons, who are the most powerful, and drug barons. Sugar is not just sugar. I thank Hon. Wangwe for taking his time to work on the Bill.

Hon. Temporary Speaker, I have an issue with the Bill in totality, and not just in terms of some clauses. We have neglected sugar production for too long such that people who do not even produce sugar have a say in its production. I did not hear the voices of farmers and the people who depend on sugar in the Bill because we have made sugar management an elite exercise.

I will propose amendments at the right time. To correctly deal with sugar, we must allow farmers to own sugar factories. That is the only way to go about this business. If we do not, Indians and some *wazungu* will own the sugar factories and we will hope that we get a result, which will not happen. Let us convert the Mumias Sugar Company into a shareholding company to be owned by farmers to deal in sugarcane. The Sony Sugar Company, the Miwani Sugar Company and the Kwale International Sugar Company should be owned by farmers who produce sugarcane, so that nobody comes between them and their money. Otherwise, we can

split hairs and create a Sugar Board and various other bodies but if we do not make the farmer the centre of sugar production, it will never work.

Hon. Temporary Speaker, farmers' cooperative societies, and not individuals, should import sugar. Certain individuals are issued with licences and allowed to import sugar duty-free. The sugar industry is cartel-ridden. If we do not allow farmers to import sugar, we will lose money. How much money do we make every year when we allow duty-free and quarter-free importation of sugar? Why do we do so? There are no returns.

As Hon. Wandayi said, sugar production in Nyanza was done on Government land. Cabinet Secretaries are now giving out land to whoever they like and to the highest bidder. In Siaya, a *mzungu* set up Dominion Farms in Yala Swamp, which can produce more than one million jobs in Nyanza. What do we do? Politicians are the most corrupt members of our society. They have collapsed the sugar industry. Let nobody lie to you that cartels are found elsewhere. They are in this House. Politicians who import sugar use that money for their campaigns. Let nobody lie to you that the corrupt are in UDA or ODM. Most politicians are dirty and they use dirty money from sugar. Money from sugar has no political party or tribal sides. If I were a voter from western Kenya, I would not vote for a Member of Parliament who lies during every election year that he will sort out the mess in the sugar industry, and yet he does nothing but takes money from sugar factories. We must be honest if we want to help sugar farmers. We should institute serious and honest measures to ensure that the farmer is at the centre of the sugar industry.

Hon. Temporary Speaker, I do not understand why people in the Government think that Government should have a role in importation of sugar. The Government has no role in the importation of furniture or cars apart from levying fees. Why should the Government poke its nose in the importation of sugar? In Europe and the United States of America (USA) today, beetroot farming is the most subsidised sector of the sugar industry. Sugarcane farming is always subsidised. I do not fear saying that our country gives tea farmers Ksh4 billion, coffee farmers Ksh5 billion but Mumias Sugar Company gets a paltry Ksh500 million. You then say that you have helped them. You have done nothing. Sugarcane farmers have always gotten the shortest end of the stick for a long time.

Hon. Temporary Speaker, we have subsidised miraa, which just grows naturally in the trees but we cannot give sugarcane farmers their due share of subsidy. I sit in the Budget and Appropriations Committee. Going forward, we will demand that enough money is allocated to sugarcane farming to ensure that the sugar is produced efficiently. The sugar industry must not give us profit. However, it must sustain farmers at the grassroots level. It sustains labourers and technicians at the factory level. At the human resource level, it sustains very many livelihoods. That is why all of us must have a stake in ensuring that sugarcane farming thrives in Western Kenya.

You cannot have a population of more than 20 million people with no sugar industry. It does not work. As we consider this Bill, I request Hon. Wangwe not to stop at this. There are too many laws on sugar. What will help us, as the people from Western Kenya, is to ensure that enough money is allocated in the Budget to deal with this matter once and for all.

Hon. Temporary Speaker, we must put in the law some punitive measures against delaying payment for farmers. There are farmers who committed suicide because they were not paid. Weighing and transportation of sugarcane are issues that lie at the heart of sugarcane farming. Therefore, I request that if we mean well, let us streamline research, technology and ownership of sugarcane farms. Let us give these to farmers. As politicians, let us keep our hands off the sugar industry. Let us look for money elsewhere. It is the same thing like in maize farming.

With those remarks, I support, hoping that we will propose amendments at the right time.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. K'Oyoo.

**Hon. James K'oyoo** (Muhoroni, ODM): Thank you very much, Hon. Temporary Speaker, for the consideration. I take this opportunity to thank Hon. Wangwe and laud him for his consistency. Why do I say so? Sugar has a lot of complications and vested interests - both contracted and protracted.

I was lucky to be a Member of this House during the 12<sup>th</sup> Parliament. The Bill we are canvassing here today was ably canvassed in the 12<sup>th</sup> Parliament, discharged fruitfully from this House and taken to the Senate. Sugar is an agricultural product and agriculture is a devolved function. Unfortunately, and contrary to what my fellow Members think - that the Bill was disabled because of time shortage - it was because of protracted interests. Those who had vested interests in the two industries were against it. They used their good connections in the Senate to stall it and ensured that it was eventually killed. That is why we are where we are today. I thank Hon. Wangwe for reviving this Bill. I implore on all Members who mean well for this country that this Bill means so well for the *hoi polloi*, who are the sugarcane farmers in our rural areas.

Hon. Temporary Speaker, I represent people whose interests are sugarcane farming, sugar milling, and others who work in the sugar industry. They are too many. When the sugar industry was booming, the livelihood was good and people were very happy. Unfortunately, disorder was created temporarily by the ruling mandarins, so that they could have excuses to make quick money from sugar imports. As at the time of canvassing this issue in Parliament, a disorder had been created in the sugar industry. The body that governs the sugar industry called The Agriculture and Food Authority (AFA) unilaterally came up with a directive without requisite room for people to discuss it - that all the sugar factories were going to be closed, which was good enough to enable sugarcane to mature for the betterment of the industry now and in the future. Unfortunately, when the public factories were closed, one private miller was allowed to continue with the milling exercise, which he is doing to-date. This will create a lot of chaos in the sugar industry, more so in the Nyando sugar belt. I want to use this podium to ask AFA to make sure that they rein in those who are disregarding this directive. They should also make sure that consideration is given to all participants in the sugar industry in the future. I believe we will pass this Bill, just like we did last time. Once the Bill is passed, we will make sure that it brings a lot of improvements because we will restore the Kenya Sugar Board. When the Board was active, whenever the factories had challenges, they would go there and appeal for funding, which they would get easily because the Board had money from the Sugar Development Fund (SDF). The SDF money was deducted from the proceeds of sugarcane deliveries by farmers. This was discontinued when the Kenya Sugar Board was disbanded. With its reinvention, this will be sustained.

I thank the former Cabinet Secretary for Agriculture, who ably talked here yesterday. The former Cabinet Secretary came up with a task force that was led by the former Kakamega Governor, Hon. Wycliffe Oparanya, and Kisumu Governor, Prof. Anyang' Nyong'o. We ably canvassed the woes bedeviling the sugar industry then and came up with suggestions. We wanted the sugar industry to be privatised. However, because of vested interests, the situation remains the same today. I understand that the sugar factories want to be tax exempted, so that all the taxes can be written off and then they are lined up for sale. That cannot succeed because of vested interests. The ruling mandarins who have money have already lined up themselves for grabbing. They have already created companies offshore. The same Asians being used by the ruling mandarins here have already floated companies which they have kept outside. They want to come back as if they are new people to buy the same factories at throwaway prices using their high political connections.

Hon. Temporary Speaker, we want this to be done. We want the common man to be involved. We want the question of land to be addressed properly. If you want to take Chemelil

Sugar Company, you must tell us because we donated land a long time ago for the purpose of the sugar milling industry. If you are no longer going to build a sugar industry or you want it to change hands, the public who donated the land must be told the position of their land. They must either be paid or given shares equal to the value of their land.

I want to revisit the elephant in the room. My friend and Leader of the Minority Party ably touched a live wire here, which is the Miwani Sugar Company. It was the first company that was started in this country. It was followed by Ramisi Sugar Factory in Mombasa. Some time during the Nyayo regime, the owners of Miwani Sugar Factory fled the country purportedly because they feared being killed. We hear that some powerful people who had vested interest in the sugar industry then blackmailed them by purporting that they were involved in the financing of the coup attempt in 1982. So, they were supposed to be arraigned in court. The powerful cartel in the Government then pumped fear in those people, and they eventually fled the country. Later on, the company, miraculously, changed hands and one Ketan Somaia purportedly bought the farm and became the new owner.

The Government appointed one receiver manager after another to run public sugar mills in the country. The last receiver manager of Miwani Sugar Mills is now the proprietor of Kibos Sugar Company. In miraculous circumstances, while he was here, some companies purportedly made some supplies to Miwani Sugar Company but they were not paid. When this matter came up, PLO Lumumba was still at the Ethics and Anti-Corruption Commission (EACC). He launched serious investigations. These people could not be traced either in India or Kenya. They were hiding. Prof. Lumumba ordered their arrests, and some arrests were made. People were charged. Investigations were done. They found that everything about this case was fictitious. People went up to the Court of Appeal, which was the highest court of the land then. The Court of Appeal ruled that the land belonged to the public. The Kenya Sugar Board was made the debenture holder, on behalf of the public. How then did a lower court, which was supposed to arbitrate on land issues, overrule the Court of Appeal judgement that was made by Justice Mwera in Kenya? You want us to believe that, that is the only valid judgement on that matter, and that we should forgo the judgement that was made by the Court of Appeal, which was the highest court of the land then. The Supreme Court had not been created then. The judgement by the tribunal was not challenged.

Hon. Temporary Speaker, they want us to believe that a case which was adjourned by a lower court judge who was, until the other day, a drunkard here in town, was final. We know the people who are using them. We want to warn them that my ancestors, the people of Sindo, Kabar and Kamagaga donated that land. My friend, Hon. Wandayi, if you have a friend you want to donate that land to, you have your ancestral land in Ugenya. Go ahead and donate it. Do not try this land. We are going to beat you. We are going to defeat you. We are going to do everything to make sure that the ownership of that land is not transferred to anybody, and that is the case. We will not allow it. We will not be cowed. To the very best interest of those people, every time we approach an election, we hear of allegations of that land changing hands from here to there or wanting to create this and that. We are aware of all this. We are seeing through all those things. We know who are behind all these things. We have since sensitised our people.

Recently, a very able receiver manager who has been running the place came. They tried to use a cabal of corrupt Asians who were trying to take over Miwani. War came and their people were thrown out. Later on, a court of law was used to prosecute the receiver manager for having beaten his employees and, because these people are high handed, they arrested this man in a terrible way. He was driven overnight to Nairobi to be charged so as to demonstrate how powerful they were...

*(Technical hitch)*

**The Temporary Speaker** (Hon. Omboko Milemba): Let us now hear a voice from outside the sugar belt - Hon John Waweru.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, some of us logged in at 1:30 p.m. so that we could get chance to contribute to the Sugar Bill 2022.

It would be wrong for me to start contributing to this debate without, first, thanking Hon. Emmanuel Wangwe. If he has ever done some job in this Parliament, this is the job he has come here to do. Thank you, Hon. Wangwe, for ably representing your people and doing the work they have sent you to do here. You have seen how emotive the debate has been this afternoon, and it is for good reasons.

Hon. Temporary Speaker, the dominance of sugar, as a commodity, in this country is very recent. Looking at the history of sugar, granulated sugar could have been used in India as early as the 6<sup>th</sup> Century BC. It was only in the 19<sup>th</sup> century when Europeans were able to bring refined sugar to the market. Thereafter, sugar undertakings have been a bitter story of exploitation, racism, obesity, environmental degradation, displacement of humanity and many other ills. Kenya is not spared. That is why we find ourselves suffering what I would call the “sugar curse.” Out of the 12.5 million Africans who were kidnapped and sold during the Transatlantic Slave Trade, between one-half and two-thirds of them were enslaved in sugar plantations. Sugar itself, as a commodity, has a very sweet and bitter story. We are now caught up in that story as a country.

This Bill seeks to provide for the development, regulation and promotion of the sugar industry and provide for the establishment, powers and functions of the Kenya Sugar Board, and for connected purposes. In Clause 23, the Bill seeks to establish the Kenya Sugar Research Institute. If not for any other reason, I support this Bill because Kenya needs to catch up with the rest of the world and even overtake the world in terms of knowledge on the development of sugar. Our sugar industry is too archaic and inefficient that our sugar is not competitive even at the local market, leave alone the regional or international market. The proposed sugar research institute, once established, should be able to tell us why we do not have fast-maturing sugarcane varieties in Kenya, so that sugarcane can be harvested and processed faster.

Hon. Temporary Speaker, some Members representing farmers in this country’s sugar belt tell us that they were brought up in 10-acre sugarcane farms but those farms have since been subdivided to the size of handkerchief parcels of land yet we still talk about developing sugar farming. The provisions in this Bill that seek to protect land meant for sugar development must be guarded. Once established, the proposed research institute must tell us how we can grow sugar productively on smaller pieces of land.

In the interest of time I will not prosecute this matter any further but rather proceed to Part IV of the Bill, and specifically Clause 29, which says that the Board may appoint qualified persons to be called “crop inspectors” for the purposes of this Act. During the Committee of the whole House, I will seek to amend this provision so that instead of reading “may” it will read “shall” because the sugar inspector becomes a very critical individual in the development of sugarcane farming. We should not leave it to the whims of the Board to decide whether to appoint crop inspectors or not to appoint.

Hon. Temporary Speaker, under Clause 35, there shall be establishment of a fund to be known as the Sugar Development Fund. I would ask Hon. Wangwe to have a conversation with some of us who have seen funds domiciled under Boards. As you may know, in the Kenya Information and Communications Act (KICA), there is a fund provided for known as the Universal Service Fund. How Boards interact with such funds is a topic that needs to be studied before we take the route that we are taking.

Hon. Wangwe, I will be consulting with you so that we have a conversation on how to domicile this fund in the Board without the fund’s administrator having to compete for power - or conflicting, during its operations - with the Board.

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

**The Temporary Speaker** (Hon. Omboko Milemba): Departmental Committee Chairman, what is out of order?

**Hon. John Kiarie** (Dagoretti South, UDA): In conclusion I have got to...

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Kiarie. Let us hear what the Departmental Committee Chair has to say.

You are on a point of order, Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Yes, Hon. Temporary Speaker. Hon. Kiarie has said that the Board is likely to manage the fund. I would like to create comfort for all the Members of this House that the Sugar Board will not manage any funds. There shall be the Commodities Fund, where the funds will be domiciled. The Board will only be making proposals and the money will go to the different users.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): You may proceed, Hon. Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I really appreciate the information. However, a key issue came up yesterday during debate, when it was suggested that, as a House, we need to uphold our Standing Orders. When a Member seeks to intervene during debate, he must say whether the intervention is on a point of order or point of information. If it is on a point of order, the Member must be required to cite the Standing Order that has been breached. If it is a point of information, I should have a leeway to allow the Member to inform me or decline his information. If it is a point of argument, the Member can wait until he gets an opportunity to contribute to the debate so that he can prosecute his argument.

**The Temporary Speaker** (Hon. Omboko Milemba): Absolutely!

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I was concluding when I was interrupted.

As we look into reforming the entire sugar industry, it shall not be lost to us that there are perennial offenders who have got us into the problems we are in today. There are historical governance improprieties. We know individuals who pilfered and shut down entire sugar factories but they still walk scot-free. In fact, they run for high public offices. As we discuss this Sugar Bill, we need to re-visit the governance improprieties of the past so that the culprits can be prosecuted in accordance with the law.

Sugar has its ups and downs. As consumers, especially those of us in the cities, have seen the effects of excessive use of sugar. As we establish the proposed sugar research institute, may it have a segment within it to inform members of the public on the effects of over-processed sugar, including the health problems that come with it. Hon. (Dr) Nyikal is in the House. He can tell us that the morphology of human beings today in Kenya has totally changed because of what we consume.

As we seek for the good and benefits for farmers, those of us who live in cities, consuming a lot of sugar, might need to be informed about the ills of over-consumption of refined sugar. We might even want to re-visit the whole idea of depending on granulated sugar rather than over-processed bleached white sugar that has very negative effects on people's health.

Hon. Speaker, finally, I call upon the people in the sugar belt to start thinking creatively so that if sugar does not become a viable cash crop, they do something else with their land so that they profit from it.

With those remarks, I support the Bill.

**Hon. Wanami Wamboka** (Bumula, DAP-K): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Temporary Speaker, I rise under Standing Order 95. Having listened to Members, and as a product of sugarcane farming, having gone through what Hon. Wangwe told the House while moving debate on this Bill, we must move quickly and jail the likes of Rai and Kidero. I am told that even a former governor from Hon. Wandayi's home county, who had been built a house by one of the sugar barons, belongs to prison. For the sake of institutions like Nzoia Sugar Company and Mumias Sugar Company, I call upon Hon. Wangwe...

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

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Member. The Member for Bumula is also on a point of order.

Proceed, Hon. Wamboka.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Temporary Speaker, I call upon Hon. Wangwe to reply so that the likes of Rai and Hon. Wandayi's former governor can be prosecuted and jailed.

**The Temporary Speaker** (Hon. Omboko Milemba): You have already communicated on that one. You need to prosecute your point of order correctly by moving "That, the Mover be called upon to reply."

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Temporary Speaker, I call upon Hon. Wangwe to reply.

**The Temporary Speaker** (Hon. Omboko Milemba): No! It is call upon the Mover.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Temporary Speaker, I ask that the Mover be now called upon to reply.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, a Member has risen in his place...

*(Hon. Ruku GK spoke off the record)*

Order, Hon. Ruku. This is a House of rules. Do not presume a seat that can also turn very fiery.

*(Laughter)*

That aside, a Member has risen in his place and called upon the Mover to reply. I, therefore, put the Question that the Mover be called upon to reply.

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

Member for Navakholo, Hon. Emmanuel Wangwe, proceed.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you very much, Hon. Temporary Speaker. With your indulgence, I would like to donate one minute to the Chairperson of the Departmental Committee on Finance and National Planning; one minute to the Member of Lurambi, and one minute to the Member of Funyula, in that order.

Thank you, Hon. Temporary Speaker.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Wangwe, you have five minutes.

Proceed, Chair of Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker and Hon. Wangwe for your indulgence in giving me a minute.

I specifically requested to speak on this matter because last week the substantive Speaker of this House ruled, through a Communication from the Chair, that the Departmental Committee on Finance and National Planning, jointly with the Departmental Committee on Agriculture and Livestock, shall look for measures to be put in place to help the sugar sector. Sugar companies owe Kenya Revenue Authority (KRA) Ksh65.78 billion in interests and penalties. The sugar companies also owe the Government of Kenya Ksh50.14 billion. As we think about helping the sugar sector, if the issues of the interests and penalties owed to KRA, and the money that has been advanced to these companies by the Government of Kenya, cumulatively totaling to Ksh65 billion, are not addressed, the sector will not work.

As I wind up to give a chance to other Members to comment on this matter, I note that research is very important. We cannot continue to grow the same sugarcane varieties that were grown by our ancestors during the colonial times and expect different results. Therefore, research must be undertaken to develop better sugarcane varieties.

With those remarks, I beg to support and thank Hon. Wangwe for being consistent in spearheading the needs of his people.

**The Temporary Speaker** (Hon. Omboko Milemba): Member for Lurambi, you have one minute.

**Hon. Titus Khamala** (Lurambi, ODM): Thank you, Hon. Temporary Speaker. I do not know what I can do with one minute but I will try my best.

I support the Mover, Hon. Wangwe, because the passage of this Bill will help our farmers in the sugar growing zones. I stand here not just as a Member of Parliament but as an experienced farmer. I know the plight that has fallen upon farmers in the sugar growing areas.

I support the mechanism that will stop poaching of sugarcane. Sugarcane poaching by private millers leads to lack of raw materials for public sugar factories. Some premises we regard as sugarcane millers are actually facilities where imported sugar is stored and re-packaged for the local market. That is what ails the local sugar sector.

Hon. Wangwe needs to be applauded because every part of this country has a cash crop. The cash crop in the Western Kenya region, where I come from, is sugarcane. There can be no alternative.

The re-introduction of the Kenya Sugar Board is going to address the issues of sugarcane farmers because without it there is a problem. Desperation is toxic. Becoming so desperate and letting anybody to help us is like saying that even the devil can help us...

**The Temporary Speaker** (Hon. Omboko Milemba): It is now time for the Mover to wind up this debate.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Hon. Temporary Speaker, I had requested that you allow Hon. Oundo one minute.

**The Temporary Speaker** (Hon. Omboko Milemba): No. Timelines do not allow, please. Next time. You may proceed.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you very much.

I really thank my colleagues most sincerely. Many of my colleagues took their time because they wanted to contribute. They could not make it due to time constraints. I seek your indulgence that you allow some very strong Members like the Member for Mumias East, who was not able to contribute because of time, to do so during the Committee of the whole House. He had a lot of input into this Bill. You may allow him and many other colleagues during that time. *Mhe.* Bensouda and others were also very ready. Otherwise, I most sincerely thank my

colleagues and invite any with any amendments. I will accommodate his or her amendments as long as they are within the provisions of the Standing Orders of the House.

Thank you very much, Hon. Temporary Speaker. I beg to reply.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you.

It was in our interest the Speaker directed that this Bill moves and you realise it is very important. That is why it is also attracting a lot of good attention in the House. To the Members who have not spoken on it, please, we shall fix this law during Third Reading. Be there to fix it.

Having said that, yesterday, a Member rose from her place on Standing Order 33. The Speaker ruled that we allow Hon. Emaase to move her Motion of Adjournment at 5.30 p.m. Remember every Member shall have a maximum of 5 minutes to speak during this Motion. The Mover shall have a maximum of 10 minutes and, there is no Secunder.

Is Hon. Emaase in the House?

*(Hon. Mary Njoroge Wamaua stood in the aisle)*

Order, the Member standing between the Chair and the Member who wants to speak. Hon. Emaase, you may proceed to move your Motion.

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

#### **INSECURITY IN TESO SOUTH CONSTITUENCY**

**Hon. Mary Emaase** (Teso South, UDA): Hon. Temporary Speaker, I beg to move a Motion on a matter of national importance regarding insecurity and killing of bodaboda riders and business people in Teso South Constituency.

Insecurity and the targeted killing of bodaboda riders has been on the rise in Teso South Constituency. Frightful residents have been witnessing dastard attacks and cold-blooded murder of bodaboda riders and business people in some cases. According to reports, the gang has been targeting motorcycle riders, particularly of the Bajaj Boxer model. The gangs attack with crude weapons, killing people and dumping their bodies beside roads, in thickets, sugar plantations, maize plantations, and sometimes across the border in Uganda. After killing them, the gangs rob motorcycles and survivors of the savage attacks are left nursing threatening injuries.

All incidents involve riders who purchase motorcycles from credit vendors who offer flexible payment plans. Incidentally, they are killed immediately they clear the loans or when they are almost about to finish loan repayments. This pattern pins a probably well-coordinated collusion between some creditors and some criminal gangs to track targeted motorbikes, kill the owners and repossess them for resale to other clients who might likely suffer the same fate as the initial owners. It is no wonder that whenever an owner of a motorcycle is killed, his motorcycle tracker is also immediately dismembered, making the motorcycle untraceable.

Hon. Temporary Speaker, the spate of killings of bodaboda riders is making this business a death trap, not just in Teso South Constituency, but also in other parts of the country. About eight people have been killed and robbed of motorcycles and 50 others injured in the last one month. The following include those who have fallen prey to this scheme: Mr. Emmanuel Ekisa of ID No.33324538, from Ekipor village; Mr. Samuel Ong'ala of ID No.2664324, from Asiriam Village; Mr. Stephen Sande of ID No.39721012, from Angorom village; Mr. John Bakwa, from Angorom Ward; and Mr. Benard Ochieng, from Siaya, who was a bodaboda rider in Busia Town. Others are Mr. David Ochieng from Siaya, and Mr. Kyle

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Olubayi from Agolot Village. Mr. Olubayi went missing with his motorcycle. He has not been traced until today. Mr. Peter Maina, a businessman, was shot while in his shop at Ojamii Trading Centre.

This trend is worrying. We cannot, as leaders, sit and watch as young, vibrant and hardworking Kenyans are killed for no reason. Chapter Four of the Constitution on the Bill of Rights is very clear in Article 26(1) to (3) that everyone has a right to life and that no person should be deprived of life intentionally. We know that the bodaboda transport is a very popular means, not only in the rural areas, but also in urban centres. This business has evolved over time. They play a very critical role in the transport sector, which is very significant in the development of this country. The bodaboda sector is a major player in this space because it creates employment. Most of these young people who have been killed were innocent. They were also the bread winners in their families. They were the ones who were taking care of school fees for their siblings and putting food on the table.

If you look at the state of this country today, statistics on unemployment were at 5.5 per cent by 2022 and universities continue to release graduates every year. Technical and Vocational Education Training (TVETs) and other middle level colleges do the same. There is serious unemployment. These young people are trying to create employment for themselves and others, but going by what is happening, this insecurity is not only affecting business, but also affecting livelihoods across the country.

Hon. Temporary Speaker, as I approach conclusion, I want to say that there is need to address this. Probably this is the right time the Ministry of Roads, Transport and Public Works and the Ministry of Interior and National Administration came together and developed a proper policy framework to manage, govern, regulate and administer operations of the bodaboda sector. Despite its growth and evolution over time, this sector is still operating as an informal sector within the Ministry of Roads, Transport and Public Works. There is very minimum legislation to regulate operations of bodaboda operators. Bodaboda riders must operate in a secure environment where their lives and those of their customers are protected so that we can build the economy together. This situation it is very sad.

As I conclude, I send my condolences to all the families who have lost their loved ones through this unwarranted and horrifying scene that we have witnessed in Busia County, Teso South being an area that has really felt this and suffered. We have lost a majority of the victims. I call upon security agencies to do something about it, think outside the box, and develop certain strategies that may help to address this menace.

It is time the sector is organised in such a way that riders have designated areas from which they leave the 'stage'. They should have this so that those around when they leave the 'stage' know the rider and the client. When he is found dead and his body collected the next morning, it is known who he was ferrying and to which destination. At this time when we have technology like mobile phone apps, it is possible to record everything and send to the office so that it is known who was being carried at the time and to which destination.

Thank you, Hon. Temporary Speaker. I now call upon...

**The Temporary Speaker** (Hon. Omboko Milemba): No, we do not need a Secunder. Just beg to move.

**Hon. Mary Emaase** (Teso South, UDA): I beg to move, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. To have the first bite on this one is Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, thank you for giving me the opportunity. I was going to complain bitterly because my card has always been on top all the time, and obviously by an act of God or deliberate mechanisation, I was always being skipped.

Let me laud my fellow Member of Parliament from Busia County for bringing this timely Motion to debate matters of national interest. The spate of killings in Busia County as a whole is not confined to Teso South alone. It cuts across the entire Busia County and is an alarming situation that we, the leaders, have attempted to address, but not with much success. Busia Town is known to be home and the originator of bodaboda. Before then, we used to have bicycles, which were called 'mi cycles'. If you had never taken a ride in a bicycle, you had not 'arrived'. If you never owned a bicycle, you were not considered a man enough, and no girl would ever accept to talk to you if you did not give her a ride on a bicycle. I am sure Hon. Emaase got swept away on her feet with a ride on a bicycle.

The bodaboda industry is a sector that requires a lot of attention. I remember the last regime of the Jubilee Government made an attempt to bring sanity to the bodaboda sector to regulate it for purposes of security and orderly conduct of the business. However, the process was politicised by the hustler-dynasty narrative that essentially left them the way they are now. They are very vulnerable. A motorcycle with a passenger whom we have no record where the passenger is coming from... Many times, they are left on their own devices. They are many and they cannot be policed altogether. I totally agree with Hon. Mary Emaase that there must be some kind of technology to trace them. For example, if you book an Uber or Bolt, they have an option to share location or share the trip. They must embrace that particular aspect.

Just to put the matter into perspective, the issue of Busia is not even a transportation issue. It is a complicated matter to do with smuggling. The bodaboda riders are the ones who are being used to smuggle. Many a times when a deal goes bad, who is the first victim? The carrier of the merchandise or the illegal smuggled product. This is done at the protection of the police in Busia Town; protection of the Ngao officers, starting with the county commissioner and county commander. We cannot come here as Members of Parliament and try to sweep the matters under the carpet instead of telling the truth as it is. We must address that menace. Citizen Television, and I think even the NTV, aired the story very well. Of course, the beneficiaries are given their points and part of the loot from smuggling and the security organs at the Busia border point close their eyes and the same applies to contraband goods from Uganda, including bhang, which is transported through the border using the bodaboda riders. This is a matter that needs to be addressed.

I sympathise and feel sorry for the businessman who was killed whose killers were traced all the way to Turkana using a motorcycle. They drove all the way from Busia to Turkana. It is a security issue and we must address this matter directly to the security team at the county level. Many a times these bodaboda motorcycles are stolen and in the process of stealing the motorcycles, whenever the riders try to defend themselves, they get injured or even killed. We are still nursing about ten bodaboda riders in Funyula Constituency who resisted stealing of their motor cycles by these thugs. Most of the time, these motorcycles end up in Uganda and that is why the other day my people carried out mob justice and killed somebody in Sifugwe in Budalangi who used to steal the motorcycles, take them to Sifugwe and transport them to Uganda.

Hon. Mary Emaase sits in the Government. She must be in the forefront in talking to those guys who stopped us from doing peaceful *maandamano*. Instead of joining us with our *sufurias* on our heads, let them...

**The Temporary Speaker** (Hon. Omboko Milemba): I do not think Hon. Mary Emaase is a security officer.

Next to speak on this is Hon. Marwa Kitamaya. Is he in the House? That means that this list may not be correctly in place, and therefore, let me ask the Member to proceed.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Thank you, Hon. Temporary Speaker. I was feeling a bit uncomfortable because I came here very early, but nevertheless, thank you very much.

First, I would like to thank my sister who is also my neighbour and quite a very able Member of Parliament from Teso South for highlighting issues that affect our bodaboda. The bodaboda industry is very key because it accounts for very huge financial transactions in this country. These are people who are always used when people feel that they want to achieve their own interests, but immediately after that, they are left to rot. These are the same people who help us during campaign times, mobilisation of our rallies and if we want to disseminate information to the people, these are the people who help us. Bodaboda also play a very key role especially down in the villages where they are also security by themselves. We have seen that they have tried to help when people steal. Thieves have been lynched by bodaboda riders. Of course, I believe in the rule of law, but at times, people who live by fire must also be extinct by fire. What is happening lately in this industry is very sad. These young men and sometimes women are losing their lives terribly.

On this, I want to urge our security operators to not just focus on chang'aa and busaa in the villages or small things that do not make sense. We want you to come and instil security at the villages and in our towns. The security agencies are now focusing on things that do not matter. I wish the Leader of the Majority Party - who at times speaks carelessly like yesterday saying most of our Members were not here - was here. I wish he was also here so that he takes this to the Government of William Ruto.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Member, do not address a person who is not in the House and cannot defend himself. Proceed.

**Hon. Wanami Wamboka** (Bumula, DAP-K): But he was also addressing Members who were not in the House yesterday. They must tell this Government to prioritise security matters, protect the young people who are losing their lives every day, and stop hitting people who are demonstrating for their rights. They must direct those guns, bullets and cannons to the real culprits who are people robbing innocent Kenyans of their lives. I want the Cabinet Secretary for Interior and National Administration to refocus his energies, sit down with his people and ask themselves if they are doing justice to this country. The might with which they land on people who are demonstrating constitutionally is amazing. That is the might we want them to land on the thieves and killers. Hon. Emaase, indeed, you have brought a very good Motion and it should not end here. We should demand answers and action by the Government. Our young men and women are dying badly. Shame on the security system of this country and the Government that cannot help its people.

Thank you very much, Hon. Temporary Speaker, I support. Hon. Emaase indeed, *ameweza*.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. David Kiplagat, Member for Soy. He is not in the House. Hon. Peter Kihungi, Member for Kangema. Let us have Hon. Makali.

**Hon. John Makali** (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also weigh in on this Motion by the Member for Teso South, Hon. Mary Emaase. The bodaboda sector is critical in this country. I can say for a fact that were it not for participation by members of this sector, I would not be in this House.

I support this Motion by Hon. Mary Emaase who stopped short of telling us to rise in honour of the bodaboda men and women who have died from these vicious attacks. It is the responsibility of any Government to provide security to people and their properties. In the last six months in my constituency, I can count a total of 10 burials which I have attended of bodaboda operators who have been killed in very savage manner.

Out of those deaths, no single person has been arrested and arraigned in court on charges of murder, theft or robbery. That begs the question: Where are the security and investigative agencies? They are concentrating on arresting bodaboda operators found operating beyond time, but are not giving a serious approach to protecting them. They have not chosen to be

bodaboda operators. This is a source of employment. They assist many people traverse areas where ordinary vehicles cannot reach. We must accept the fact that criminal gangs have invaded this sector.

Government agencies should move in and do what they are constitutionally empowered to do; offer protection to these operators and every other citizen of this country. What can we do as a House? We have the National Transport and Safety Authority (NTSA). Latching on this Motion by Hon. Emaase, we need to develop a policy, legislative framework, and laws to govern this sector so that we do not have criminal gangs invading it. The innocent operators are losing their lives because of criminal gangs who have invaded the sector.

We will be liaising with Hon. Emaase to conduct serious public participation so as to come up with a legislative framework to guide the operations of this sector. We not only want to regulate it through licencing, but also by involving them. We should create a legislative framework so that operators can feel part and parcel of this country by earning genuine living and their lives and properties are secure.

We also need to consider insurance. Most bodaboda operators who have passed on have left their families destitute. They have left widows and orphans who are not going to school. We need to create a mandatory insurance framework so that if that eventuality happens, we will have a pool from which the families can be compensated resulting from the misfortunes they never asked for.

Hon. Temporary Speaker, I support this Motion by Hon. Emaase. I urge the security agencies to pull their socks up and not just harass the operators, but involve them in security matters so as to protect lives and properties.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Geoffrey Ruku or are you not ready to speak to this?

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Temporary Speaker, for this opportunity. Bodaboda is a major sector in the Republic of Kenya. There are young men and a few women in this sector doing a good job of ensuring that they put food on their tables, take care of their families and their kids go to school. We have high level of insecurity in this sector and more so in the constituency represented by the Member. Insecurity anywhere is insecurity everywhere. This is something to be taken with a lot of seriousness to ensure this industry not only thrive, but also supports livelihoods of families in the country.

We know the President is very keen in ensuring that this sector is well entrenched and the cost of running business is reduced. That is why e-mobility is a key element championed by the Kenya Kwanza Government. The investigative agencies of this country must ensure that the young people in this sector are taken care of. My constituency, the mighty Mbeere North, has quite a number of young men in this industry who are doing a tremendous job of supporting their families. When you hear a young man's bodaboda is stolen and he is killed, this Parliament should invite the Inspector-General of Police to come and explain what he is doing to ensure there are no heinous crimes in that sector.

I know this sector is extremely invaded by unscrupulous businessmen who own shylocks. When a bodaboda owner is unable to pay off or is late by a week, he pays a very high interest to the shylocks. The kind of treatment they face is extremely bad and inhuman. This House should come up with regulations or directives that businessmen in this sector should not charge the young men interest rates above those of the Central Bank of Kenya (CBK).

The other day we saw a photograph circulating on social media of a young man being tied to the back of his bodaboda by a shylock for defaulting on a loan. We not only have insecurity, but also shylocks have invaded villages enticing unsuspecting young men, who want to work hard and support their families, with very expensive loans, and so, are unable to repay from the money they get on a day-to-day basis.

Hon. Temporary Speaker, I support this Adjournment Motion, and I thank Hon. Mary Emaase for coming up with this very timely discussion of national importance. Let us call the Inspector-General of Police and the Cabinet Secretary in charge of regulating the small-scale businesses to ensure there is no shylocking as far as the bodaboda sector is concerned.

Hon. Temporary Speaker, I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Bisau Kakai

**Hon. Bisau Kakai** (Kiminini, DAP-K): Thank you, Hon. Temporary Speaker, for giving me this opportunity. Today, all of us in this House including you, Hon. Temporary Speaker, are here courtesy of this industry. During our campaigns, when we were selling our agenda, the greatest group that helped us spread this agenda was the bodaboda riders. When it came to the election time, the movement of voters and everything else was through them.

Today, our economy is driven by the involvement of the bodaboda riders. Basically, what is happening is that we have abandoned our employers, but as they always say, when you cross the bridge, do not burn it because you will need it. There is what we call a return journey. We cannot afford to turn a blind eye while we see the bodaboda industry being brought down.

I want to thank *Mheshimiwa* Emaase for bringing this important Motion, but it is not unique to Busia County. In my Kiminini Constituency, Trans Nzoia County, bodaboda riders are going through the same story and it is very painful standing here as the Chairperson of Peace and Security Committee in the Great Lakes Region, elected by 12 parliaments. Only last week we were in the Congo briefing His Excellency President Tshisekedi on the issue of peace. So, it is very painful that while out there spreading peace, our own backyards, employers, bodaboda riders, do not even have peace.

Again, in line with the current Government where we talk about bottom-up, we expect that priority is given to this particular sector. What we expect is not only investment in the human component, but that we have a fully-fledged Ministry of information communications technology and the Ministry in charge of internal security. We want to see modern technology whereby these crime-prone areas are captured.

Hon. Temporary Speaker, we have seen situations where we are even sending policemen to peacekeeping missions. Are we saying that we are liking non-Kenyans more than Kenyans? We want to see more investment in our people to protect lives.

Most importantly, Hon. Temporary Speaker, we want to see the regulations because apart from the security situation, there are issues of acquisition where the interest rates are very high. You will find that part of the insecurity is where most of the bodaboda riders are even running away because their bikes have to be taken away because of non-payment. We would like this issue of insecurity causing poor economic livelihoods looked into.

Most importantly is the issue of insurance. Hardly a day passes without getting an issue where a bodaboda rider has been hospitalised or has died and we have to come in for the young family. I can see *Mheshimiwa* J.K. is also nodding on the other side because I am sure the situation is the same all over the country. We need to have some regulations, not just on acquisition, but also on the issue of insurance cover so that we can take care of these people. They always say that *usimtukane mkunga na uzazi ungalipo*. The bodaboda riders are our employers. We will need them and we must support them. We must stand up for them, especially based on the Government that came up talking about bottom-up. We must stand up for them. Again, as it has been proposed, we need the relevant ministries to come here and tell us exactly what they are doing because this is a national issue.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Adan Haji, Mandera West.

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. This is a very timely Motion. The bodaboda industry is the engine of our economy. One important factor that will help to improve the economy is streamlining the bodaboda industry. They should help themselves and also help to grow the economy.

Theft is a problem everywhere. Last night in my Mandera West Constituency, a bodaboda was stolen and the owner was seriously injured. The thief crossed over to a neighbouring country and the bodaboda is now gone. On the other hand, bodaboda riders also need to be very careful not to use unorthodox ways of earning money, which can cause insecurity.

Bodaboda riders cause terrible traffic accidents. As you drive in Nairobi, bodaboda riders overtake you from both sides. Where roads are narrow, you do not know where to turn to. In every county in this country, there is a bodaboda ward in each hospital which deals with victims of bodaboda accidents. That also needs to be dealt with.

As my colleagues have said, we must put in place effective legislative measures so that bodaboda riders benefit. The bodaboda industry is beneficial to our economy. We should limit its negative side effects. Sometimes when bodaboda riders or owners are unable to repay their loans, they organise for their bodaboda to be stolen. I have seen it in my constituency. They take their bodaboda to neighbouring countries and claim they were stolen. Most bodaboda are uninsured. We should also include comprehensive motorcycle insurance in the legal framework for bodaboda riders.

This Motion by my dear colleague needs to move forward so that we come up with a serious legislative framework to make sure that bodaboda owners and riders are safe. We should also make sure that we harvest maximum benefits from the economies of scale which bodaboda enjoy. There are hundreds or thousands of bodaboda in most small towns. That means that there is a huge economy of scale which this country can benefit from. A legislative framework should be put in place. I have observed that our security forces harass bodaboda riders and loot the little that they collect. Bodaboda riders eventually become very frustrated. That practice can only be stopped by putting in place effective legislative measures.

With those few remarks, I support the Motion.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Andrew Okuome.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. Let me add my voice to this Motion which was brought by the Member for Teso South. I support what she has done. She is wonderful.

I look at the bodaboda riders as Kenyans who deserve to live all the time God gave them in this planet. It is sad because some of them lose their lives in the course of their duty which is not their fault. Somebody with bad intention enjoys seeing them dead.

The means of transport provided by the bodaboda riders is very important. It is the most used mode of transport in Kenya, as far as local travel is concerned. Most people in any area use bodaboda riders more than other means of transport. A loss of life there is a loss of many things.

I want to look at the bodaboda riders in terms of their contribution to the Gross Domestic Product (GDP) which is the economy of this nation. Their contribution is significant and, therefore, we cannot take them lightly. Because of this, they need protection so that their effort can generate more income for Kenya to develop. I appeal to the Government to take bodaboda riders seriously.

Bodaboda riders can also be used to tame criminality. They can help in identifying criminals who use them to escape crime scenes. We should not use them for transport alone. They can be useful in many other ways. In my area where the police officers could not arrest a criminal, the bodaboda riders arrested him, after we appealed to them. I do not take them for granted.

The other very important thing is that bodaboda riders have contributed much to the success of politicians in election. When we are campaigning, we need them. We use them to transport our people and show political strength. They are significant to politicians. That is

why, we, as politicians, must give bodaboda riders the possible maximum support. Suppose we do not have bodaboda riders today, a number of candidates who are here and outside will find it very difficult to campaign in 2027.

I want to look at bodaboda riders in a very wide perspective. We need to protect them. We should ensure that their lives are protected. Let me appeal to the Inspector-General (IG) of Police and other security apparatus to ensure that bodaboda riders are not taken for granted. They should not be allowed to risk their lives by being killed at will in the manner the Member for Teso South explained.

I know my time is up, but I urge all of us to join hands and ensure that the security net is widened enough to cover the bodaboda people.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. John Waluke, you may proceed.

*[The Temporary Speaker (Hon. Omboko Milemba)  
left the Chair]*

*[The Temporary Speaker (Hon. (Dr)  
Rachael Nyamai) took the Chair]*

**Hon John Koyi** (Sirisia, JP): Thank you very much, Hon. Temporary Speaker, for giving me this chance to also contribute to this because our sons are being killed. From the onset, I support this Motion and thank Hon. Mary Emaase for bringing it here.

These killings have been there for a very long time. Some time back, this was the order of the day in Bungoma. The security apparatus seriously looked into this and traced the killers. When the bodaboda riders were killed, their motorcycles were found in Mombasa. The motorcycle engines were used on the boats. Now this has moved to Turkana. The Government must take action to protect these young bodaboda riders who struggle to take care of their families due to lack of employment in our country.

The bodaboda industry contributes greatly to our Gross Domestic Product. This industry contributes close to Ksh10 billion annually to the economy and, therefore, they must be protected. The role of the police is to take care of the Kenyan people and their property. The police have failed in this and hence people have been killed as Hon. Emaase has indicated. Bodaboda riders are being killed almost every day yet we have police in Busia County. We cannot say that the security apparatus are not there.

*(Hon. John Waluke's microphone went off)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I doubt whether he has consumed all his minutes.

**Hon John Koyi** (Sirisia, JP): No. I have only spoken for one minute. I have five minutes.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Well, you have not used one minute.

**Hon John Koyi** (Sirisia, JP): Hon. Temporary Speaker, add me more minutes because this affects us - people of western - where Hon. Emaase comes from.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Waluke, you still have three minutes.

**Hon John Koyi** (Sirisia, JP): Oh! Very well.

*(Laughter)*

Hon. Temporary Speaker, one time there was rampant theft of cattle in my constituency. Every night, people complained about this. The main culprit was the then district commissioner in conjunction with the chiefs. One time, they stole coffee from a coffee factory. When investigations were done, the DC was the suspect. After this, with the help of some people from Bungoma, they killed people like hens. The security apparatus in Busia must be checked. We are asking the Cabinet Secretary for Interior and National Administration to transfer these officers and take action to protect our sons from the killers. We need to call a spade a spade. Members of Parliament must seriously castigate this because it affects all of us in the country.

Hon. Temporary Speaker, we need to protect these young people who are trying to survive and create jobs for themselves. Some of them even have graduated with degrees, but because they are not employed, that is the only job they have created for themselves to make sure they earn a living to put food on the table for their families.

I use them during elections time. They are very important. They help in delivery of water. They assist you to manoeuvre where vehicle cannot pass. The bodaboda are very important to us as a nation and with what they are doing and contributing to the GDP, we need to support them.

I support this Motion. Let the House be supportive. The security apparatus must be serious on what we are talking about; the lives of the people.

**The Temporary Speaker** (Hon. Rachael Nyamai): Thank you, Hon. Waluke. Hon. James Nyikal, Member for Seme.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. Let me start by thanking Hon. Emaase for bringing this. The situation of bodaboda riders is the same across the country. The bodaboda industry is very important particularly in rural economy. It is not just that they create employment for themselves, but support businesses in the rural areas. They mobilise farm produce, equipment, shop materials and anything that is happening in the rural areas.

*(Hon. John Kiarie spoke off the record)*

**The Temporary Speaker** (Hon. Rachael Nyamai): Order, Hon. K.J. You are doing a very good job, but I would like you to give Hon. (Dr) Nyikal time to think so that he can make his contribution.

**Hon. (Dr) James Nyikal** (Seme, ODM): Bodabodas are the wheels of our rural economy, and so, their safety must be guaranteed. We must support them in all ways. They are not only neglected in terms of security, but also in terms of health insurance even in the transport industry itself. Whereas the police might think that by being lenient on bodaboda people they are supporting them, in fact, they are a great danger to their health. These people suffer great health problems through the industry. As Members said, there are wards in every hospital for bodaboda riders and many of them do not have health insurance. We have not organised them in cooperatives so that they can get cheaper loans. That is what we really need to do for them.

In terms of organised crime, we cannot tolerate organised crime in any sector least of all in the bodaboda sector. Insecurity in the bodaboda industry in our rural setting is insecurity in the whole area. What if they decide to take the law into their own hands and organise themselves? This is something which they can do and sometimes they are even accused of that. So, we must make sure that the bodaboda industry is protected.

The fact that many of them have been killed, not only in Busia, but in other places and no investigation have been done... Nobody is taken to court and if they are, nothing happens.

What that means is that there is failure to investigate properly and sometimes I suspect there may be collusion. How can what Hon. Emaase described happen in an area where there is a complete security system starting from the county commissioners, deputy county commissioners, chiefs, assistant chiefs, clan elders, district criminal investigation officers and the National Intelligence Service? In such setting, how is it possible that such a thing can happen, but nobody can have their finger on it? It just reminds us of Shakahola. The security system must come up not only in Busia, but also across the country to protect the bodaboda riders and all the people who are in that industry.

More importantly, we must start at organising the bodaboda riders into cooperatives. If each bodaboda rider saves just Ksh50 a day, the amount of money they will raise will be a lot that they will not need to go for expensive loans. Shylocks would not get to them.

I support this Motion. Hon. Emaase needs to take this further and look for ways of supporting the entire bodaboda industry.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much Hon. (Dr) Nyikal. This opportunity now goes to Hon. John Waweru, Member for Dagoretti South.

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

The person that I have identified is called Hon. John Waweru K.J, Member for Dagoretti South and my college mate.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you very much, Hon. Temporary Speaker. I confirm that you were, indeed, one of the brightest stars in our class and you went on to proceed beyond the undergraduate to very high levels of education. You are one individual we are proud of in our Kenyatta University *alma mater*. I must affirm that yes, you were my classmate.

This issue that has been brought to the Floor of the House by Hon. Mary Emaase is a critical matter and cannot be taken lightly. What is happening in Busia is a microcosm of what is happening around the country. Since the inception of the bodaboda, we have seen tremendous growth in that sector. But even with that growth, we have seen very big hazards that have come out of the expansion. Key among them has been insecurity.

Shylocks are another hazard that have developed out of the growth of the bodaboda sector. The twin issues of insecurity and shylocks compounded together have led to accidents, maiming and now deaths that we see in Busia. This issue is complex. Even as we debate it here as a Motion, Hon. Mary Emaase must find out a way of escalating it into either a petition or a request for statement, where it will be attended to in a committee and escalated all the way up to the Inspector-General of Police and the Cabinet Secretary for Interior and National Administration. The loss of one life is one life too many. Here we are not just talking about one life, but we are talking about life upon life being taken because a bodaboda rider has either fallen prey to a shylock or a criminal or both.

As we look at the bodaboda space, their usefulness in this economy cannot be overstated. They offer transport; they offer logistical solutions and they even organise community policing. If we attend well to the matter that Hon. Mary Emaase has brought here, we might even derive a silver lining out of the tragedies that we are seeing. How would we do that? It is by addressing the issue as a policy issue that needs to be looked into nationally. Today, we are trying to manage the bodaboda sector in urban cities maybe as a ward, a sacco, or a constituency. Even in the city, how we organise bodaboda riders in Dagoretti South is very dissimilar from how Hon. Wakili Mwenje is organising in Embakasi West. That means that there is no coordinated approach to the bodaboda issue. We have millions upon millions of

young people in this industry. We can no longer ignore it or leave it to the whims of their own operations imagining they will organise themselves. If laws will not do it, then policies must.

Finally, I mourn with Hon. Mary Emaase. I congratulate her for bringing this matter and stopping the business of the House for us to debate this very critical issue. Most importantly, Hon. Mary Emaase, you must escalate this beyond a zero-hour debate or a Motion so that it is attended to in the right place, either by a committee or escalated higher to the IG and the Ministry of Interior and National Administration to have a wholistic approach on how we police the bodaboda sector.

Thank you very much.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much, Hon. K.J. Hon. Betty Maina, Member of Parliament for Murang'a County. Please, pass the microphone to Hon. Betty Maina.

**Hon. Betty Maina** (Murang'a County, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion by Hon. Mary.

The bodaboda sector is in all our constituencies, counties and the county. I appreciate the good job they did for us. I appreciate the young men who have decided to take up the responsibility of employing themselves other than engaging or indulging in criminal activities. However, this sector faces very many challenges. Beyond being criminalised or having many other criminal activities happening within the sector, it needs a national umbrella to regulate it. We witness criminal activities happening many times. For instance, there are incidents where drivers hit motorcyclists, and the drivers are subjected to mob justice by the whole sector, yet there is no discipline instilled in the motorcyclists.

That notwithstanding, there are very many good young men within the sector. They have decided to employ themselves, create opportunities, help us in movement, and making our work easier and efficient. They are also very reliable. I request that we protect these young men. It is about time we begun protecting lives in this nation. We have begun a trend of discussing people losing lives as if we can regain or recover life at some point. The Inspector-General of Police needs to protect these young men. It is a constitutional provision that lives must be protected.

It is very bad when we talk about bodaboda people being killed because, maybe, a certain shylock had lent them money. Then the creditors harm or kill them when they are just about to finish paying their debts. Maybe it is their creditors harming them. Are these creditors licensed and authorised? Are the people we call shylocks authorised to lend the people money? If we have a law that governs this nation and some of these activities are criminal, are we taking the right actions to protect our people? Most shylocks have made people broke. Most shylocks have been undertaking these illegal businesses and nobody is taking action against them. I rise to support the Motion and say that the law should be applied against the shylocks because they are not authorised to lend money.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Very well, Member for Murang'a County. Hon. Mark Mwenje, Member for Embakasi West.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Temporary Speaker. I want to congratulate Hon. Mary Emaase for bringing this Motion. At the same time, I want to mourn with the unfortunate loss of her constituents.

The bodaboda industry in this country took hold during the late President Kibaki's regime. Today, it is a multi-billion industry. It employs our young people. It drives the economy in the informal sector. Nowadays, there is nothing that you can deal with, be it *mama mboga* or *jua kali* sector that does not rely on bodaboda. It is, therefore, an important industry even for us as Members of Parliament. Every now and then, when need arise to communicate with our constituents in different wards or pass information, we use them. This Motion, therefore, is a timely Motion and it is important we look at it.

Many of the bodaboda riders take loans which are paid on a daily basis. Some pay Ksh500, Ksh300 or Ksh700 depending on the deposit that was placed, whether it was Ksh10,000, Ksh15,000 or Ksh30,000. Like every other industry, at times, the economy is not doing well and people will default. These defaults are not unique. They happen to people who have loans of over Ksh100 million, Ksh200 million and above including somebody who is defaulting for a payment of Ksh500, Ksh1,000 or Ksh2,000.

It is during that time that these people take advantage. They prey on the young people. The moment a bodaboda rider defaults for a period of five days, the sharks would descend upon that young man regardless of the fact that he has paid the loan for a long period. Probably, he has even paid Ksh100,000 or Ksh150,000. For some of these loans, it is usually a price of Ksh200,000 when you have taken this loan. The person who is acquiring the bodaboda therefore, ends up paying quite more, and way above, the price. However, the moment they start defaulting, nobody cares about the fact that they have paid Ksh150,000. It is the default of that Ksh5,000 for a period of 10 days that makes them vulnerable and all of a sudden people will start targeting them.

It is important to note that there is a cartel, and Hon. Mary Emaase has pointed it out very well. There are people who go out and map out the bodaboda riders who are unable to pay, and they become victims. I have seen it in my constituency, here in Nairobi, and I am sure that is the case countrywide. It is time we put in place a legislative framework that will govern this specific industry ranging from the loans, saccos and how they operate.

I want to note what Hon. K.J has said. He just picked everything that I had written here, that we do not have a proper framework of operation for bodaboda. You can be sure that there are bodaboda stolen from Dagoretti South and Embakasi West which end up in Uganda or far-flung areas. This is a problem that is replicating everywhere. It is important that we protect the bodaboda operators, that we look at our boundaries as a country, and ensure that no bodaboda from Kenya should cross into Uganda or any other country without the knowledge of the Government and the relevant agencies at the border points so that we can ensure that we protect our bodaboda operators.

I congratulate Hon. Emaase and tell her that it is time. This is a start, and we will support her moving forward.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Member for Embakasi. Hon. John Gitonga, Member for Manyatta.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Temporary Speaker. I also rise to say *pole* to the constituents of Hon. Mary Emaase on this issue. It is not an isolated issue in the constituency where Hon. Emaase serves; it is an issue touching on all the other constituencies around Kenya where the bodaboda sector is vibrant.

When I hear us spending an afternoon speaking about the bodaboda, I feel very happy that I came to this House. It is for these reasons that I also asked the people of Manyatta Constituency to use them. When we were running around campaigning, one of the most reverberating words were bodaboda, *mama mboga*, and those other hustlers. Therefore, this House must really stand tall on the campaign mantra of what almost both sides of the divide used to ask for votes from the people.

Mark you, I have been a bodaboda rider. In my third year of university, I rode a bodaboda at Baba Dogo and used the money to pay my hostel and upkeep at the university. These are the people who really require our support as a House. I am happy that we are talking about their security, but we have to call it like it is. The biggest challenge is our police officers. If there are people who face the wrath of the police in this country, it is the bodaboda people. This is because the moment a bodaboda is lost, and you find cartels that are driving the stealing of bodaboda, a police officer must be in the middle of all that problem.

Hon. Temporary Speaker, I am calling upon the Government and, us as legislators, to really try to put this sector that is thriving in this county in order. I want to see us trying to protect the bodaboda sector from what I am calling shylocks, and people who are stealing from them. I have a young man in the ward I come from, Nginda Ward, who borrowed Ksh15,000 and bought a bodaboda. He paid for that bodaboda up to an amount exceeding 85 per cent of what he is supposed to pay. Then to the shock of many, the bodaboda was stolen and one company called - and I will not fear to mention the company - Watu Credit, took the insurance money that the bodaboda had and never gave even a single coin to that bodaboda person. Up to date, that man has never recovered from the loss of his bodaboda that was giving him his livelihood.

Through the unfortunate events in Hon. Mary Emaase's Constituency, we are discussing this issue. But I would really plead with this House not to stop at this juncture of this Motion. Let us push this further. Let us get some regulations, as quickly as possible, that are going to protect our people. I am happy with the call by the President to go for electric bikes because that will make sure the bodaboda sector makes more money. This is our last mile transportation means, which gets to every village, every single ditch and corner of this country. I pray that all of us follow this because we have all these people in our areas. It is important to ensure that they are part of the Government and this country.

I also propose a formation of *nyumba kumi* for bodaboda so that they can take charge of security issues instead of having the police who are right in the middle of the many cartels that are taking charge.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Manyatta. Hon. Jared Okello.

**Hon. Jared Okello** (Nyando, ODM): I thank you for the opportunity, Hon. Temporary Speaker. On the same breath, I join my colleagues in congratulating my sister, Hon. Emaase Mary, for coming up with this most important and timely Motion. This kind of crime is not peculiar to Teso South or, by extension, Busia County. This is an organised crime that has percolated the entire country. Wherever you go, you hear cases of crime touching on bodaboda riders. It is so organised that the trend seems to be the same. Whatever happens in Embakasi West is also happening in Nyando Constituency and Busia County and other parts of the country.

Bodaboda riders have become the target of some indoctrinated grouping whose main objective is to kill them and steal their motorcycles. It is interesting that their motorcycles, which to a common degree are on loan, are fitted with tracing gadgets. But each time the bikes are stolen, the operators realise that the tracing gadget is left somewhere. That tells you how organised this crime is. During our very peaceful demonstrations, we commonly hear the police, who flex their muscles and posture for no reason, telling us how their work is to protect property and lives of the citizenry. When it comes to bodaboda riders, such statements fizzle in the air and our people get killed without recourse. We ask ourselves: Where are the police during such periods?

Two weeks ago, there was a feature in the news where a DCI officer was gunned down by thugs in some estate within Eastlands. Two days ago, the police managed to trace the suspect and gunned him down. That tells you how sophisticated our police officers are to a degree that they can arrest anyone, whether you commit a crime at night or day time. They have the capacity and wherewithal to do so, but there is laxity when the victim is not one of their own. Just because a fellow police officer was killed, they had to return fire for fire, but when a bodaboda rider is killed, the police all of a sudden go dumb, not to be heard again.

The police tell us that their work is to protect lives and property during our peaceful demonstrations. We are challenging them to act in the same fashion when bodaboda riders are subjected to inhumane treatment. We understand that the importance of the bodaboda sector in

this country cannot be exhaustively underscored. Thousands of would-be unemployed youths have something to rely on. They provide a livelihood to several families across the country. They can feed their families, educate their children, build their homes and do everything using the little pennies from bodaboda. We therefore advocate for the police to also concentrate on the lives of bodaboda riders. They matter a lot to us just like the police matter.

With that, I thank Hon. Emaase once again. Thank you, Hon. Temporary Speaker for the opportunity.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much. Hon. Omboko Milemba, today you decided to sit in a place where you do not normally sit.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you very much, Hon. Temporary Speaker. I decided to sit here and queue so that Members can understand that even we in the Speaker's Panel do queue. Thank you for this chance you have given me.

I thank Hon. Mary for moving this Motion of Adjournment. It deals with a matter that relates to every Kenyan in the whole country. It is a national matter. At one time, the main source of money in villages were teachers, whom I represent. Along the way, that place was taken over by bodaboda operators. Currently, they are the ones leading the economy in rural areas. The sector has its own challenges. In the Motion, Hon. Mary identifies certain specific challenges which I would wish to address. They include attacking bodaboda riders and borrowing money or getting loans from a certain group of lenders, which one Member has mentioned. Hon. Mary goes on to indicate that there is a particular motorcycle by the name 'Bajaj Boxer', which seems to be attractive. When you have it, you have a dangerous tool which can make you be a hunted rider.

We must investigate the matters in this case. We must investigate particularly lenders who give out Bajaj motorcycles. We then have to investigate the security agencies in Busia, including the DCC, police and OCPD. They must be part and parcel of this syndicate operating in Busia. The syndicate must be cracked. To crack it, you must make serious interventions, including transfer of security officers in that area and investigation of the lenders, especially the one that was mentioned. We are not sure whether it is licensed to lend money to bodaboda riders. The rates of lending are very high, the terms are very strict, the payments are very harsh and the conditions of lending are also very insecure for bodaboda operators. The loan is tailored in such a manner that you must fail to pay. When you are seen to be almost completing paying, you are dealt with. That is the syndicate Hon. Mary is talking about. It has to be cut off. I hope security agencies are listening to this debate. We should go for the lenders. They are the ones planning with others to get these people killed, so that they can get back the motorcycles and re-sell them. It reminds me of the *Merchants of Venice*. This is the kind of scenario we are dealing with. So, let us investigate the brokers - actually shylocks - in this matter. We should then mitigate and bring some sanity in the bodaboda sector.

We need to create a system that will give bodaboda riders safe and cheap loans. When we talk about the co-operative system, where is the Cabinet Secretary in charge of co-operatives? I hope he is listening to me. This is an organised group of people who should be given loans. I thank bodaboda riders in my own county, Vihiga, led by their chairman called Junior and the local chairman called Alex Oguya. They created a co-operative. Hon. Emaase, you can borrow from this. They were assisted by the governor and ourselves. The co-operative can lend the riders motorcycles instead of the riders getting motorcycles from other agencies that kill them.

Finally, the bodaboda leadership and structure should be respected.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Omboko Milemba, a great teachers' representative in the House.

The next opportunity goes to Hon. Phylis Bartoo, Member for Moiben.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to add my voice to this Motion brought by Hon. Emaase on the issue of targeted killings of bodaboda. Bodaboda is a big constituency in Kenya and it plays an important role. It is unfortunate that such atrocities are meted on these very important members of the society. The habit of the so-called shylocks who purport to loan bodaboda money yet follow them to take away their motor bikes is a bad practice. Motor bikes are their source of livelihood. They run a 24-hour economy in most spaces that they occupy. They do that to fend for their families. They pay school fees and put food on the table for their families. They support the Kenyan economy. It is unfortunate when they are killed the way it has happened in Teso.

This problem is not only on that part of Kenya. It is a problem in the entire country. I propose that this industry be supported. Bodaboda should be in sacco so that they can access a genuine source of capital to buy motor bikes. They should also be provided with a clean working environment. For example, most bodaboda in my constituency operate in open spaces. They do not have shelter and in case it rains, they are rained on. They do not have social amenities like washrooms. So, in line with regulating and trying to improve their livelihoods, such issues should be addressed. We should also look at their medical insurance. When they are involved in accidents, some of them do not have a provision for medical cover. They end up being frustrated. In some hospitals in Kenya, there are specific wards where injured bodaboda men and women are kept and left at the mercy of their families to go and fund raise to pay for their medication. Therefore, the Government should ensure that the bodaboda industry is insured so that bodaboda riders benefit like teachers and any other civil servant in Kenya because they play a very important role.

I hope this debate will not end here. It should escalate to a higher level like a Bill so that this industry is regularised in a structured way. The bodaboda sector is a big industry. It is a constituency. I am sure some of the Members in this House were beneficiaries of bodaboda for their elective seats. We had situations where some Members used the bodaboda riders to secure seats in Parliament. I urge Hon. Emaase to take this Motion to the next level so that something bigger comes out of it.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Prof. Bartoo. Hon. John Mutunga, Member for Tigania West.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker, for the opportunity. I was getting worried because it appears like we are just about to adjourn. Let me say a few things.

I want to underscore the importance of the sector. The bodaboda industry is important. Bodaboda riders are the real hustlers in this country. They earn a living in a very tedious way. It is not a comfortable job because they work throughout the day and sometimes at night. They work overtime and they have to carry strangers. They have made transport in this country much easier. We must ensure that they operate without danger.

They are protected by Article 26(1) of the Constitution just like any other Kenyan. They have a right to life. No one should be scared of engaging or investing in any business. From Hon. Emaase's Motion, it is clear that the insecurity started with bicycles, and then moved to motorcycles. They will soon move on to cars, buses and matatus. In the long run, no one will be safe in this country. The matter has to be contained now.

I laud the Kenyan intelligence system, which is extremely good. I am sure they know everyone who is involved in crime. They need to pick up criminals and prosecute them. Penalties should be applied in the severest sense to ensure that offenders do not go back to criminal activities of taking lives, destroying a thriving industry, and intimidating people who are trying to earn a decent living through hard work.

We have enough police personnel. Sometimes back, the former Head of State confirmed that we have reached the United Nations (UN) standards in terms of police allocation. We have a ratio of one policeman to 450 civilians. That being the case, we should deploy the police force adequately and in a manner that contains some incidents. Instead of most police officers being on roads dealing with traffic yet there are no serious crimes on the highways, some of them could patrol certain areas to find out what is happening and flush out those criminals.

Penalties for anyone apprehended in this sector should be more severe. I join my colleagues in suggesting that we should legislate to protect businesses that are vulnerable to some of these occurrences such as bodaboda and kiosks. Kenyans need to feel that they can engage in any business without any fear of being killed by anyone.

The issue of shylocks, which has been mentioned by many Members of this House, is related to the disappearance of motorcycles. That is the area that we should focus on when it comes to investigations to ensure that shylocks are not going after people who they have issued loans to. Their motorcycles usually disappear soon after.

I support the efforts by my sister, Hon. Mary Emaase, in this particular respect. I laud what my colleagues have said that we should introduce legislation to protect all vulnerable businesses. We can come up with a list of vulnerable businesses and develop mechanisms for protecting them through legislation. That is one of the reasons we are in this House – to protect everyone in Kenya. When we identify a vulnerability in any sector, we need to rein it in and do what is required of us.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. (Dr) Mutunga and all Members who have contributed. Congratulations to Hon. Mary Emaase.

### ADJOURNMENT

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 7.05 p.m., this House stands adjourned until Tuesday, 26<sup>th</sup> September 2023 at 2.30 p.m.

The House rose at 7.05 p.m.

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